

**JOURNAL**  
**OF THE**  
**House of Representatives**  
**OF THE**  
**State Of Alabama**

**REGULAR SESSION OF 1959**

**HELD IN THE CITY OF MONTGOMERY**



**VOL. II**

**WITH AN INDEX PREPARED BY THE**  
**CLERK OF THE HOUSE**

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# JOURNAL

## OF THE

# House of Representatives

## OF THE

# State Of Alabama

### REGULAR SESSION OF 1959

NINETEENTH DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, September 15, 1959

The House met pursuant to adjournment.

#### PRAYER

The session was opened with prayer by Dr. Joel D. McDavid, Pastor,  
First Methodist Church, Montgomery, Alabama.

#### ROLL CALL

On a call of the roll of the House the following members answered  
to their names:

|                            |            |                                |                                |
|----------------------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel     | Jenkins                        | Pierce                         |
| Adams <sup>(Houston)</sup> | Dickson    | Johnson <sup>(Hardaway)</sup>  | Powell                         |
| Albea                      | Dodd       | Johnson <sup>(J. T. Tom)</sup> | Pruitt                         |
| Ashworth                   | Edwards    | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Avery                      | Faulk      | Jones <sup>(Covington)</sup>   | Rast                           |
| Bailey                     | Ferguson   | Jones <sup>(Monroe)</sup>      | Ray                            |
| Barnett                    | Franklin   | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Gilchrist  | Locke                          | Roberts                        |
| Bevill                     | Gilmer     | Long <sup>(Lauderdale)</sup>   | Rogers                         |
| Bishop                     | Glass      | Long <sup>(Perry)</sup>        | Rozelle                        |
| Boyd                       | Goodwyn    | McClendon <sup>(Chamb)</sup>   | Salter                         |
| Brannan                    | Gordon     | McCorquodale                   | Self                           |
| Branyon                    | Grant      | McLendon <sup>(Bullock)</sup>  | Sessions                       |
| Brewer                     | Gross      | Martin                         | Shumate                        |
| Britton                    | Grouby     | Meade                          | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Guthrie    | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Hain       | Morrow                         | Solomon                        |
| Cabiness                   | Hanby      | Murphy                         | Speaks                         |
| Callahan                   | Hankins    | Nettles                        | Sullivan                       |
| Camp                       | Hardy      | Nichols                        | Taylor                         |
| Casey                      | Harris     | Oakley                         | Thomas                         |
| Cates                      | Harvey     | Oden                           | Torbert                        |
| Chambers                   | Hawkins    | Owens                          | Trimmier                       |
| Cook                       | Hocklander | Perry                          | Turner                         |
| Copeland                   | Ingram     | Phillips                       | Turnham                        |
| Cornett                    |            |                                |                                |

A quorum was present.

#### LEAVE OF ABSENCE

On motion of Mr. Ashworth leave of absence was granted to Mr. Hearn.

#### UNANIMOUS CONSENT GRANTED

Mr. Goodwyn requested unanimous consent to take up the following Message from the Senate, and such unanimous consent was granted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House.

H. 208. To amend the act of April 13, 1955 entitled "An Act to fix the salary of the director of the Legislative Reference Service" (Act No. 69, H. 80, 1955 Acts 179).

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Lee the House concurred in and adopted the Senate amendment to the bill, H. 208, said Senate amendment being as follows:

#### AMENDMENT TO HOUSE BILL 208

~~Amend Section 1 of H. B. 208 by striking out the words "thirteen thousand five hundred"~~ where said words appear therein and inserting in lieu thereof the words "twelve thousand".

Yeas 89; Nays 0.

#### Yeas:

|                 |           |                     |                    |
|-----------------|-----------|---------------------|--------------------|
| Mr. Speaker     | Cornett   | Hawkins             | Owens              |
| Adams (Houston) | Daniel    | Hocklander          | Perry              |
| Albea           | Dickson   | Ingram              | Phillips           |
| Ashworth        | Dodd      | Jenkins             | Pierce             |
| Avery           | Edwards   | Johnson (Hardaway)  | Powell             |
| Bailey          | Faulk     | Johnson (J. T. Tom) | Ramey              |
| Barnett         | Franklin  | Johnston (Leonard)  | Rast               |
| Bassett         | Gilchrist | Jones (Covington)   | Ray                |
| Bevill          | Gilmer    | Jones (Monroe)      | Reynolds (Madison) |
| Bishop          | Glass     | Lee                 | Roberts            |
| Boyd            | Goodwyn   | Locke               | Rogers             |
| Brannan         | Gordon    | Long (Perry)        | Rozelle            |
| Branyon         | Grant     | McClendon (Chamb)   | Salter             |
| Brewer          | Gross     | McLendon (Bullock)  | Self               |
| Broadfoot       | Grouby    | Martin              | Shumate            |
| Brooks          | Guthrie   | Meade               | Smith (Russell)    |
| Cabiness        | Hain      | Merrill             | Sullivan           |
| Callahan        | Hanby     | Morrow              | Thomas             |
| Camp            | Hankins   | Nettles             | Torbert            |
| Casey           | Hardy     | Nichols             | Trimmier           |
| Cates           | Harris    | Oakley              | Turner             |
| Chambers        | Harvey    | Oden                | Turnham            |
| Cook            |           |                     |                    |

—89

And said bill, H. 208, as amended by the Senate amendment, was again read at length and passed.

Yeas 86; Nays 1.

**Yeas:**

|                            |            |                                |                                |
|----------------------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cornett    | Ingram                         | Perry                          |
| Adams <sup>(Houston)</sup> | Daniel     | Jenkins                        | Phillips                       |
| Albea                      | Dickson    | Johnson <sup>(Hardaway)</sup>  | Pierce                         |
| Ashworth                   | Dodd       | Johnson <sup>(J. T. Tom)</sup> | Powell                         |
| Avery                      | Edwards    | Johnston <sup>(Leonard)</sup>  | Rast                           |
| Bailey                     | Faulk      | Jones <sup>(Covington)</sup>   | Ray                            |
| Barnett                    | Gilmer     | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Glass      | Lee                            | Roberts                        |
| Bevill                     | Goodwyn    | Locke                          | Rogers                         |
| Bishop                     | Gordon     | Long <sup>(Perry)</sup>        | Rozelle                        |
| Boyd                       | Grant      | McClendon <sup>(Chamb)</sup>   | Salter                         |
| Brannan                    | Gross      | McLendon <sup>(Bullock)</sup>  | Self                           |
| Branyon                    | Grouby     | Martin                         | Sessions                       |
| Brewer                     | Guthrie    | Meade                          | Shumate                        |
| Broadfoot                  | Hain       | Merrill                        | Smith <sup>(Russell)</sup>     |
| Brooks                     | Hanby      | Morrow                         | Sullivan                       |
| Cabiness                   | Hankins    | Nettles                        | Taylor                         |
| Callahan                   | Hardy      | Nichols                        | Thomas                         |
| Casey                      | Harris     | Oakley                         | Trimmier                       |
| Cates                      | Harvey     | Oden                           | Turner                         |
| Chambers                   | Hawkins    | Owens                          | Turnham                        |
| Copeland                   | Hocklander |                                |                                |

—86

**Nay:** Mr. Camp.

—1

**SPECIAL ORDER**

The House then proceeded to the consideration of the Special Order, which was the bill:

H. 102 (with substitute). Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of five hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

The question was upon the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being set out in the Journal on the eighteenth legislative day.

And the substitute was adopted.

Yeas 86; Nays 3.

**Yeas:**

|                            |          |           |                                |
|----------------------------|----------|-----------|--------------------------------|
| Mr. Speaker                | Brooks   | Faulk     | Hardy                          |
| Adams <sup>(Houston)</sup> | Cabiness | Franklin  | Harris                         |
| Albea                      | Callahan | Gilchrist | Harvey                         |
| Ashworth                   | Camp     | Gilmer    | Hawkins                        |
| Avery                      | Casey    | Glass     | Ingram                         |
| Bailey                     | Cates    | Goodwyn   | Jenkins                        |
| Barnett                    | Chambers | Gordon    | Johnson <sup>(Hardaway)</sup>  |
| Bassett                    | Cook     | Grant     | Johnson <sup>(J. T. Tom)</sup> |
| Bishop                     | Copeland | Gross     | Jones <sup>(Covington)</sup>   |
| Boyd                       | Cornett  | Grouby    | Jones <sup>(Monroe)</sup>      |
| Brannan                    | Daniel   | Guthrie   | Lee                            |
| Branyon                    | Dickson  | Hain      | Locke                          |
| Brewer                     | Dodd     | Hanby     | Long <sup>(Perry)</sup>        |
| Broadfoot                  | Edwards  | Hankins   | McClendon <sup>(Chamb)</sup>   |

|          |         |                            |          |
|----------|---------|----------------------------|----------|
| Merrill  | Pierce  | Rozelle                    | Sullivan |
| Morrow   | Powell  | Salter                     | Taylor   |
| Nichols  | Pruitt  | Self                       | Thomas   |
| Oakley   | Ramey   | Sessions                   | Torbert  |
| Oden     | Rast    | Smith <sup>(Russell)</sup> | Trimmier |
| Owens    | Ray     | Solomon                    | Turner   |
| Perry    | Roberts | Speaks                     | Turnham  |
| Phillips | Rogers  |                            |          |

—86

**Nays:** Messrs. McLendon (Bullock), Martin and Nettles.

—3

Mr. Gilchrist offered the following amendment to the bill, H. 102, as amended:

Amend H. B. 102, as amended, as follows:

In Section 3, subsection (a), strike out the word "principal";—

Also, in Section 8, subsection (b), strike out "probably" and insert "probable";

Also, in Section 9, subsection (a), strike out "no licensee whose business is free from violations of this Act" and insert "no licensee whose business is free from wilfull violations of this Act";

Also, strike out subsection (a) of Section 13 and insert the following:

(a) Other Business in Same Office. No licensee shall conduct the business of making loans under this Act within any office, suit, room, or place of business in which any other business is solicited or engaged in or in association or conjunction with any other business until three days' written notice of an intention so to do has been given the supervisor. Upon receipt of written notification, the supervisor may investigate the facts and, if he finds that the character of the licensee and the nature of the other business warrant belief that such conduct of business would conceal any violation or evasion of this Act, or of regulations lawfully made hereunder, he shall enter an order directing the licensee to discontinue said other business. The order shall be entered in the manner specified in and subject to the provisions of Section 5(c) of this Act.

And the amendment was adopted.

Yeas 84; Nays 4.

#### Yeas:

|                            |           |                               |                               |
|----------------------------|-----------|-------------------------------|-------------------------------|
| Mr. Speaker                | Callahan  | Glass                         | Johnson (J. T. Tom)           |
| Adams <sup>(Houston)</sup> | Camp      | Goodwyn                       | Johnston <sup>(Leonard)</sup> |
| Albea                      | Casey     | Gordon                        | Jones <sup>(Covington)</sup>  |
| Ashworth                   | Cates     | Grant                         | Jones <sup>(Monroe)</sup>     |
| Avery                      | Chambers  | Gross                         | Lee                           |
| Bailey                     | Cook      | Grouby                        | Locke                         |
| Bassett                    | Copeland  | Hain                          | Long <sup>(Perry)</sup>       |
| Bevill                     | Cornett   | Hanby                         | McClendon <sup>(Chamb)</sup>  |
| Bishop                     | Daniel    | Hankins                       | Meade                         |
| Boyd                       | Dickson   | Hardy                         | Merrill                       |
| Brannan                    | Dodd      | Harris                        | Morrow                        |
| Branyon                    | Faulk     | Harvey                        | Murphy                        |
| Brewer                     | Ferguson  | Hocklander                    | Oakley                        |
| Broadfoot                  | Franklin  | Ingram                        | Owens                         |
| Brooks                     | Gilchrist | Jenkins                       | Perry                         |
| Cabiness                   | Gilmer    | Johnson <sup>(Hardaway)</sup> | Phillips                      |

|        |         |                            |          |
|--------|---------|----------------------------|----------|
| Pierce | Roberts | Sessions                   | Torbert  |
| Powell | Rogers  | Smith <sup>(Russell)</sup> | Thomas   |
| Pruitt | Rozelle | Solomon                    | Trimmier |
| Rast   | Salter  | Speaks                     | Turner   |
| Ray    | Self    | Sullivan                   | Turnham  |

—84

**Nays:** Messrs. Guthrie, McLendon (Bullock), Nettles and Shumate. —4

## NOTICE IN WRITING

Mr. Lee offered the following Notice In Writing:

Mr. Speaker:

Notice is hereby given in compliance with Rule 5 that on the next legislative day a motion will be made that Rule 3 of the House be amended to read as follows:

“Rule 3. The order of business in the House shall be as follows:

“(1) Report of the Committee on Rules; provided, that no special order reported by the Rules Committee shall be considered or acted on by the House until after the other standing committees have reported and the call of the counties for the introduction of bills has been completed.

“(2) Reports of other standing committees of bills or resolutions, which shall be forthwith read by their titles a second time. In the call of committees the Speaker shall call them in their order. If the Speaker does not finish the call of committees before the House passes to other business, he shall resume on the next call where he left off.

“(3) The call of counties in alphabetical order for the introduction of bills, resolutions, memorials, and petitions. If the call has not been completed by the hour of 12 M., the Speaker shall resume on the next day.

“(4) Whenever any message is received notifying the House of the passage of Senate bills, the Clerk shall, immediately after the message is read, proceed to read the bills by title, unless the reading at length be called for by some member, in which event the bills shall be read at length and referred forthwith to a committee. The House shall then proceed with the business upon which it was engaged when the message was received.

“(5) The unfinished business in which the House was engaged at its last adjournment.

“When the hour of 12 M. arrives, or before that hour if the call of counties has been completed, business shall proceed in the following order:

“(6) Executive messages shall have priority over other business, and as soon as they are received they shall be read by the Clerk and a proper disposition made of them; and the House shall thereupon proceed with the business engaged in when interrupted by the message.

“(7) Bills and resolutions on the calendar shall be taken up at 1 P. M. on each day, unless reached earlier; and no bill or resolution on the calendar shall be taken up out of its order.

“(8) Miscellaneous business.”

## NOTICE IN WRITING BY MR. LEE

Received, read and ordered filed.

## NOTICE IN WRITING

Mr. Nettles filed the following Notice in Writing:

Notice is given herewith, that in my opinion the circumventing of House Rules 2 and 6 will make the legality of any bill highly questionable. I herewith present in writing my protest of said circumvention for the purpose of giving notice to the members of this house and the Speaker, in the event that the constitutionality of any now pending bills are tested in the courts of Alabama.

#### CONSIDERATION OF H. 102 RESUMED

H. 102. Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of five hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

As amended, was again taken up.

Mr. Reynolds (Chambers) offered the following substitute for the bill, H. 102, as amended:

#### A BILL TO BE ENTITLED AN ACT

Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of one thousand dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for ~~loans; providing~~ for the administration and enforcement of the Act; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Legislative Intent. The Legislature finds as facts and determines that:

1. There exists among citizens of this state a widespread demand for small loans. The scope and intensity of this demand have been increased progressively by many social and economic forces.

2. The expense of making and collecting small loans, which are usually made on comparatively unsubstantial security to wage-earners, salaried employees and other persons of relatively low income is necessarily high in relation to the amounts lent.

3. Such loans cannot be made profitably under the limitations imposed by existing laws relating to interest and usury. These limitations have tended to exclude lawful enterprises from the small loan field. Since the demand for small loans cannot be legislated out of existence, many small borrowers have been left to the mercy of those willing to bear the approbrium and risk the penalties of usury for a large profit.

4. Interest charges are often disguised by the use of subterfuges to evade the usury law. These subterfuges are so complicated and technical that the usual borrower of small sums is defenseless even if he is aware of the usurious nature of the transaction and of his legal rights.

5. As a result, borrowers of small sums are being exploited, to the injury of the borrower, his dependents, and the general public. Charges are generally exorbitant in relation to those necessary to the conduct of a legitimate small loan business; trickery and fraud are common; and oppressive collection practices are prevalent.

6. These evils characterize and distinguish loans of one thousand dollars (\$1000) or less. Legislation to control this class of loans is necessary to protect the public welfare.

7. It is the intent of the legislature in enacting this law to bring under public supervision those engaged in the business of making such loans, to eliminate practices that facilitate abuse of borrowers, to establish a system of regulation for the purpose of insuring honest and efficient small loan service and of stimulating competitive reductions in charges, to allow lenders who meet the conditions of this Act a rate of charge sufficiently high to permit a business profit, and to provide the administrative machinery necessary for effective enforcement.

Section 2. Definitions. The following words and terms when used in this Act shall have the following meanings unless the context clearly requires a different meaning. The meaning ascribed to the singular form shall apply also to the plural.

"Person" shall include individuals, co-partnerships, associations, trusts, corporations, and any other legal entities.

"License" shall mean a license, issued under the authority of this Act, to make loans in accordance with the provisions of this Act at a single place of business.

"Licensee" shall mean a person to whom one or more licenses have been issued.

"Supervisor" shall mean the Supervisor of the Bureau of Loans of the State Banking Department.

"Bureau" shall mean the Bureau of Loans of the State Banking Department.

"Cash Advance" means the amount of cash or its equivalent the borrower actually receives or is paid at his direction or on his behalf.

Section 3. Scope (a) No person shall engage in the business of lending in amounts of one thousand dollars (\$1000) or less and contract for, exact, or receive, directly or indirectly, on or in connection with any such loan, any charges whether for interest, insurance, compensation, consideration, or expense, which in the aggregate are greater than the interest that the lender would be permitted by law to charge for a loan of money if he were not a licensee under this Act, except as provided in and authorized by this Act and without first having obtained a license from the supervisor. For the purpose of this section a loan shall be deemed to be in the amount of one thousand dollars (\$1000) or less if the net amount or value advanced to or on behalf of the borrower, after deducting all payments for interest, expenses, and charges of any nature taken substantially contemporaneously with the making of the loan, does not exceed one thousand dollars (\$1000).

(b) Exemptions. This Act shall not apply to any person doing business under the authority of, and as permitted by, any law of this State or of the United States relating to Banks, Savings Banks, Trust Companies, Savings or Building and Loan Associations, Credit Unions as defined by law nor to any lawful, bona fide pawnbroking business nor shall this act apply to any person making loans to their tenants engaged in agriculture, nor to loans by agricultural suppliers to persons whose principal business is farming, nor shall it apply to the business of financing the purchase of motor vehicles, refrigerators or other personal property nor, shall this apply to loans insured or guaranteed by the United States or any of its Agencies.

(c) Evasions. The provisions of subsection (a) of this section shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever.

(d) Penalty. Whoever violates or participates in the violation of any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500) nor less than one hundred dollars (\$100), or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court. Any contract of loan in the making or collection of which any act shall have been done which violates this section shall be void and the lender shall have no right to collect, receive, or retain any principal, interest, or charges whatsoever.

Section 4. Application and Fee. Application for a license shall be in writing, under oath, and in the form prescribed by the supervisor. The application shall give the approximate location where the business is to be conducted and shall contain such further relevant information as the supervisor may require, including the names and addresses of the partners, officers, directors, or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by section 5 of this Act. At the time of making such application, the applicant shall pay to the supervisor the sum of one hundred dollars (\$100) as a fee for investigating the application. All licensees under this Act shall pay an annual license of two hundred dollars (\$200) which shall be due on October 1 of each year and shall be for one year ending September 30 following, and shall be delinquent on the first day of November of each year. And there shall be a penalty of ten percent (10%) added to such license upon delinquency and collected by the bureau. If any applicant licensed under this Act for the first time shall commence business after the first day of April in any year, the amount of the license shall be one-half of the amount of a full year's license. The amount of the license (and penalties if any) shall be paid to the supervisor of the bureau of loans, who shall remit the same to the treasurer of the State of Alabama as provided by law. The license herein provided for shall be in addition to all other licenses now or hereafter provided for by law, and shall be in addition to the tax provided for by Chapter 18, Title 51, Code of Alabama (1940) as amended; and the amount of the license levied by this section shall not be credited upon or deducted from, in whole or in part, the tax levied by said Chapter 18, as amended, as to the current state tax year or as to any prior or subsequent state tax year. No refunds for the current or any prior or subsequent state tax year or any portion of the tax levied by said Chapter 18, as amended, shall be made on the ground that the license levied by this section was not credited upon or deducted from the tax levied by said Chapter 18, as amended; and no suit or action shall lie to enforce any claim for such refund.

Section 5. (a) Investigation of Application. Upon the filing of such application and the payment of such fees, the supervisor shall investigate the facts concerning the application and the requirements provided for in subsection (b) of this section. The supervisor shall grant or deny such application for a license within ninety days from the filing thereof with the required information and fees unless the period is extended by written agreement between the applicant and the supervisor.

(b) Issuance of License. If the supervisor shall find that the liquid assets, financial responsibility, experience, character, the general fitness of the applicant are such as to warrant the belief that the business will be operated lawfully, honestly, fairly, and efficiently, within the purposes of this Act, and that allowing such applicant to engage in the business would promote the convenience and advantage of the community in which the business of the applicant is to be conducted, he shall thereupon enter an order granting such application, and file his



findings with the bureau, and forthwith issue and deliver a license to the applicant.

(c) Denial of License. If the supervisor shall not so find, he shall notify the applicant in writing who may request a hearing on the application. The request for a hearing must be within thirty (30) days of the rejection with the hearing to be held within thirty (30) days of the date of the request. After such hearing, or, if no hearing is demanded, the supervisor may deny such application by written order, accompanied by his findings of fact, and shall deliver a copy of such order and findings to the applicant. The investigation fee shall be retained by the supervisor while the license fee shall be returned to the applicant.

Section 6. (a) Posting of License. Each license shall state the address at which the business is to be conducted and shall state fully the name of the licensee, and if the licensee is a co-partnership or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Each license shall be kept conspicuously posted in the licensed place of business and shall not be transferable or assignable.

(b) Continuing License. Each license shall remain in full force and effect until surrendered, revoked, or suspended as hereinafter provided.

Section 7. (a) Place of Business. Not more than one place of business shall be maintained under the same license, but the supervisor may issue additional licenses to the same licensee upon his compliance with all the provisions of this Act governing the issuance of the first or original license.

(b) Removal. No change in the place of business of a licensee to a location outside of the original municipality shall be permitted under the same license. When a licensee wishes to change his place of business within the same municipality, he shall give written notice thereof to the supervisor who shall investigate the facts, and if he shall find the proposed location is reasonably accessible to borrowers under existing loan contracts, he shall enter an order permitting the change and shall amend the license accordingly. If the supervisor shall not so find he shall enter an order denying the licensee such permission in the manner specified in and subject to the provisions of Section 5 (c) of this Act.

(c) Residence of Borrower. Nothing in this Act shall be construed to restrict the loans of any licensee to residents of the community in which the licensed place of business is situated.

Section 8. (a) Revocation of License. The supervisor shall, upon ten days' written notice to the licensee stating the contemplated action and in general the grounds therefor, and upon reasonable opportunity to be heard, revoke any license issued hereunder if he finds that:

1. The licensee has failed to pay the annual license fee; or that
2. The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provisions of this Act or any regulation or order lawfully made pursuant to and within the authority of this Act; or that
3. Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for such license, clearly would have justified the supervisor in refusing originally to issue such license, except the license shall not be revoked because of convenience and advantage; or that
4. The licensee is found guilty by the supervisor of using unreasonable collection tactics,

(b) **Suspension of License.** If the supervisor finds that probable cause for revocation of any license exists and that enforcement of the Act requires immediate suspension of such license pending investigation, he may, upon three days' written notice and a hearing, enter an order suspending such license for a period not exceeding thirty days.

(c) **Records and Notice.** Whenever the supervisor shall revoke or suspend a license issued pursuant to this act, he shall enter an order to that effect and forthwith notify the licensee of the revocation or suspension. Within five days after the entry of such an order he shall file with the bureau his findings and a summary of the evidence supporting them, and he shall forthwith deliver a copy thereof to the licensee.

(d) **Surrender of License.** Any licensee may surrender any license by delivering it to the supervisor with written notice of its surrender, but such surrender shall not affect his civil or criminal liability for acts committed prior thereto.

(e) **Pre-Existing Contracts.** No revocation, suspension, or surrender of any license shall impair or affect the obligation of any pre-existing contract between the licensee and any borrower.

(f) **Reinstatement of License.** The supervisor may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which clearly would have justified the supervisor in refusing originally to issue such license under this Act.

(g) **Complaints of Violation Investigated.** The supervisor shall, upon sworn complaint of any borrower, investigate or cause to be investigated ~~any alleged violation of this Act.~~

**Section 9. (a) Annual Examinations of Licensees.** At least once each year and at such other time as may be deemed necessary by the supervisor of the bureau of loans an examination shall be made of the place of business of each licensee and of the loans, transactions, books, papers and records of such licensee so far as they pertain to the business licensed under this Act. As cost of examination the licensee shall pay to the bureau of loans under such rules and regulations as may be reasonably prescribed by the supervisor thereof with the approval of the superintendent of banks an examining fee of fifty dollars (\$50) per day or any part thereof for each examiner and in addition thereto ten dollars (\$10) per day per examiner as per diem; provided, however, that no licensee whose business is free from willful violations of this Act shall be required to pay more than a total sum of two hundred dollars (\$200) in any twelve (12) month period as examiners fees; provided, further, that all fees collected by the bureau of loans under the terms of this section shall be paid into a special fund to be set up by the State Treasury; the special fund shall be used to pay the salaries of the officials and employees and the expenses of the bureau of loans, and all moneys deposited therein are hereby appropriated for that purpose; provided, however, nothing herein shall be construed to mean that all salaries of the officials and employees and expenses of operating the bureau of loans shall come from the special fund.

(b) **Investigations.** For the purpose of discovering violations of this Act or of securing information lawfully required hereunder, the supervisor or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers, and records used therein, of (1) any licensee, (2) any other person engaged in the business described in Section 3 (a) of this Act or participating in such business as principal, agent, broker, or otherwise, and (3) any person who the supervisor had reasonable cause to believe is violating

or is about to violate any provision of this Act, whether or not such person shall claim to be within the authority or beyond the scope of this Act. For purposes of this section, any person who shall advertise for, solicit, or hold himself out as willing to make loan transactions in the amount or of the value of one thousand dollars (\$1000) or less shall be presumed to be engaged in the business described in Section 3 (a) of this Act.

(c) Access To Records: Witnesses. For the purposes of this section, the supervisor or his duly authorized representatives shall have and be given free access to the offices and places of business, files, safes, and vaults of all such persons, and shall have authority to require the attendance of any person and to examine him under oath relative to such loans or such business or to the subject matter of any examination, investigation, or hearing.

(d) Cease and Desist Orders: Injunctions; Receivers. Whenever the supervisor has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this Act, he may in addition to all actions provided for in this Act, and in addition to all other remedies that he may have at law or in equity, and without prejudice thereto enter an order requiring such person to desist or to refrain from such violation; and an action may be brought on the relation of the Attorney General or the supervisor to enjoin such person from engaging in or continuing such violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding such preliminary or final injunction as may be deemed proper. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which such action is brought shall have power and jurisdiction to impound, and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records pertaining thereto or so much thereof as the court may deem reasonably necessary to prevent violations of this Act through or by means of the use of said property and business. Such receiver, when appointed and qualified, shall have such powers and duties as to custody, collection, administration, winding up, and liquidation of such property and business as shall from time to time be conferred upon him by the court.

Section 10. (a) Books and Records. Each licensee shall keep and use in his business such books, accounts, and records as will enable the supervisor to determine whether such licensee is complying with the provisions of this Act and with the orders and regulations lawfully made by the supervisor hereunder. Each licensee shall preserve such books, accounts, and records for at least two years after making the final entry on any loan recorded therein.

(b) Annual Reports. (1) Each licensee shall annually, on or before the first day of May, file a report with the supervisor as to each licensed place of business under this Act, covering the preceding calendar year. This report shall include the following information, all reported in accordance with sound and generally accepted accounting practice;

(a) Balance sheets at the beginning and end of the period.

(b) A statement of income and expense for the period.

(c) A reconciliation of surplus or net earnings with the balance sheets.

(d) A schedule of assets used and useful in the business.

(e) An analysis of charges, sizes of loans and types of security on loans and an analysis of delinquent accounts.

(f) An analysis of suits, repossessions and sales of chattels.

(g) The type of business organization and if the licensee is a corporation, the principal officers and the resident agent, the partners, if the licensee is a partnership or, the owner, if a sole proprietorship.

(2) If the licensee conducts other business or is affiliated with other licensees under this Act, or, if any other situation exists under which allocations are necessary, the licensee shall make such allocation according to appropriate and reasonable methods.

(3) If the licensee is affiliated with other licensees under this Act, a composite report may be filed on behalf of all affiliated licensees within the State of Alabama, but such composite report shall not be required by the supervisor.

(4) Such report shall be made under oath and shall be in the form prescribed by the supervisor who shall make and publish annually an analysis and recapitulation of such reports.

Section 11. (a) Rules, Regulations and Orders. The supervisor shall have authority to make reasonable rules, regulations and orders for the administration and enforcement of this Act, in addition hereto and not inconsistent herewith. Such regulation or order shall be referenced to the Section or Sections of the Act which set forth the legislative standard which it interprets or to which it applies. Every regulation shall be promulgated by an order, and any ruling, demand, requirement, or similar administrative act may be promulgated by an order. Every order shall be in writing, shall state its effective date and the date of its promulgation, and shall be entered in an indexed permanent book which shall be a public record. A copy of every order promulgating **a regulation and of every other order containing a requirement of general application** shall be mailed to each licensee at least ten days before the effective date thereof. The failure of a Licensee to receive a copy of the regulations shall not exempt him from the duty of compliance with the valid regulations lawfully issued.

(b) Certified Copies of Official Documents. On application of any person and payment of the costs thereof, the supervisor shall furnish, under his seal and signed by him or his deputy, a certified copy of any license, regulation, or order. In any court or proceeding such copy shall be prima facie evidence of the fact of the issuance of such license, regulation or order.

Section 12. (a) Advertising. No licensee or other person subject to this Act shall advertise, display, distribute, or broadcast or cause or permit to be advertised, displayed, distributed, or broadcast, in any manner whatsoever, any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for loans in the amount or of the value of one thousand dollars (\$1000) or less. The supervisor may require that charges or rates of charge, if stated by a licensee, be stated fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers. The supervisor may permit or require licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by him to prevent an erroneous impression as to the scope or degree of protections provided by this Act.

(b) Schedule of Charges. Each licensee shall prominently display in each licensed place of business a full and accurate schedule of the rates of charge upon all classes of loans currently to be made by him.

Section 13. (a) Other Business in Same Office. No licensee shall conduct the business of making loans under this Act within any office,

suite, room, or place of business in which any other business is solicited or engaged in or in association or conjunction with any other business until three days' written notice of an intention so to do has been given the supervisor. Upon receipt of written notification, the supervisor may investigate the facts and, if he finds that the character of the licensee and the nature of the other business warrant belief that such conduct of business would conceal any violation or evasion of this Act or of regulations lawfully made hereunder, he shall enter an order directing the licensee to discontinue said other business. The order shall be entered in the manner specified in and subject to the provisions of Section 5 (c) of this Act.

(b) Business Confined to Licensed Office. No licensee shall conduct the business of making loans provided for by this Act under any name, or at any place of business within this state, other than that stated in the license. Nothing herein shall prevent the making of loans by mail nor prohibit accommodations to individual borrowers when necessitated by sickness or other emergency situations.

(c) Liens on Real Estate. No licensee shall take a lien upon real estate as security for any loan made under this Act, except such lien as is created by law through the rendition or recording of a judgment.

Section 14 (1) MAXIMUM RATE OR CHARGE. Every licensee hereunder may contract for and receive, on any cash advanced (amount of the cash, or its equivalent, that the borrower actually receives or is paid out at his direction or on his behalf) not exceeding one thousand dollars (\$1,000.) in amount, charges not in excess of twenty-six dollars (\$26) per year per one hundred dollars (\$100) on that part of the cash advanced not exceeding three hundred dollars (\$300); sixteen dollars (\$16) per year per one hundred dollars (\$100) on that part of the cash advanced exceeding three hundred dollars (\$300) but not exceeding five hundred dollars (\$500), and twelve dollars (\$12) per year per one hundred dollars (\$100) on that part of the cash advanced exceeding five hundred dollars (\$500) but not exceeding one thousand dollars (\$1,000) when the cash advanced is made for a period of one year, and proportionately at these rates for a greater or lesser amount within said limits or for a greater or lesser period of time, notwithstanding any agreement to repay the loan obligation in installments. Said charges and the cash advanced shall be aggregated at the date of the loan for the entire period of the loan and this aggregated amount shall be repayable in installments in the manner provided in subsection 7 of this section. For the purpose of computing charges for a fraction of a month, a day shall be considered one-thirtieth of a month.

(2) CHARGES ON LOANS OF NINETY DOLLARS (\$90) OR LESS. On a cash advance of ninety dollars (\$90) or less a licensee may charge, in lieu of charges specified in subsection (1) of this section, not in excess of one dollar (\$1) for each five dollars (\$5) of cash advanced to the borrower, up to the amount of ninety dollars (\$90); and a period of at least seven (7) days must be allowed for the repayment of each five dollars (\$5) of the cash advanced, such charges cannot be assessed by any subterfuge or device on any loan over ninety dollars (\$90) or on any balance of ninety dollars (\$90) or less when the original cash advanced was greater than ninety dollars (\$90).

(3) In addition to the charges allowed in Sub-section 1 and 2 of Section 14 there shall be an additional service charge of \$1 allowed on all loans of \$15.00 or less and a service charge of \$2.25 for any loans more than \$15.00.

(4) REFUND. When any loan contract is paid in full by cash, a new loan, renewal or otherwise, one month or more before the final installment date, the licensee shall refund or credit the borrower with

that portion of the total charges which shall be due the borrower as determined by schedules prepared under the rule of 78th or sum of the digits principle as follows: The amount of the refund or credit shall be as great a proportion of the total charges originally contracted for as the sum of the periodic time balances of the contract schedules to follow the date of prepayment bears to the sum of all the periodic time balances of the contract, both sums to be determined according to the payment schedule originally contracted for. No refund shall be required for any partial prepayment and no refund of less than one dollar (\$1) need be made.

(5) **DEFAULT OR EXTENSION CHARGES.** If the contract so provides, the additional charge for any installment past due five (5) or more days, whether by reason of default or extension agreement, may be five per cent (5%) of the installment past due and said amount may be charged once and no more.

(6) **RECORDING FEES.** The licensee may collect from the borrower the actual fees paid a public official, or agency of the State, for filing, recording or releasing any instrument securing the loan.

(7) **NO FURTHER CHARGES, NO SPLITTING CONTRACTS, CERTAIN CONTRACTS VOID.** No further or other charges shall be directly or indirectly contracted for or received by any licensee except those specifically authorized by this Act. No licensee shall divide into separate parts any contract made for the purpose of or with the effect of obtaining charges in excess of those authorized by this Act. All balances due to a licensee from any person, as a borrower, or as an endorser, guarantor or surety for any borrower or otherwise, or due from any husband or wife, jointly or severally, shall be considered a part of any loan being made by a licensee to such person for the purpose of computing charges. If any amount in excess of the charges permitted by this act is charged, contracted for, or received, except as the result of an accidental and bona fide error of computation, the contract of loan shall be void and the licensee shall have no right to collect or receive any cash advanced, charges or recompense whatsoever. Any borrower may recover the full amount of principal and charges paid by him on any contract made in violation of this section, together with a reasonable attorney fee, by action at law or in equity brought within twelve months from the date of the last payment of principal or charges on such contract.

(9) **INSTALMENT PAYMENT, CONTRACT PERIOD.** No licensee shall enter into any contract of loan under this Act in which the borrower agrees to make any scheduled repayment of the cash advance more than twenty-five (25) calendar months from the date of making such contract of loan. Every loan contract shall require payment of the cash advance and charges in instalments which shall be payable at approximately equal periodic intervals except that payment dates may be omitted to accommodate borrowers with seasonal incomes. No instalment contracted for shall be substantially larger than any preceding instalment. When a loan contract provides for monthly instalments, the first instalment may be payable at any time within forty-five (45) days of the date of the loan and the charges for the number of days in excess of thirty (30) from the date of making may be added to the scheduled amount of said instalment.

**Section 15. (a) Requirements for Making and Payment of Loans.** Every licensee shall:

1. At the time a loan is made deliver to the borrower or if there be two or more borrowers, to one of them, a copy of the loan contract, or a written statement in the English language showing in clear and distinct terms:

- (i) The name and address of the lender and one of the primary obligors on the loan;
- (ii) The date of the loan contract;
- (iii) Schedule of instalments or description thereof;
- (iv) The Cash Advance;
- (v) The face amount of the note evidencing the loan;
- (vi) The amount collected or paid for insurance, if any;
- (vii) The amount collected or paid for filing or other fees allowed by this Act;
- (viii) The collateral or security for the loan.

2. Give to the person making any such payment on account of any loan a receipt at the time such payment is made which receipt need only show the total amount of such cash payment. No receipt shall be required in the case of payments made by the borrower's check or money order, and the use of a coupon book system shall be deemed in compliance with this Section.

3. Permit the payment to be made in advance in any amount on any contract of loan at any time during the licensee's regular business hours.

4. Upon repayment of the loan in full, mark plainly every obligation and security signed by any obligor with the word "Paid" or "Cancelled," and release any mortgage, restore any pledge, and cancel and return any note and any assignment given to the licensee.

(b) Confessions of Judgment; Incomplete Instruments. No licensee shall (1) take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for the borrower in a judicial proceeding; nor (2) take any note, promise to pay that does not disclose the total amount to be repaid, a schedule of payments or a description thereof, and the agreed rate or aggregate amount of charge, nor any instrument in which blanks are left to be filled in after execution.

Section 16. Additional Security for Loans. (a) A licensee may accept as additional security for a loan, insurance written on personal property (except household goods) given as security for the loan, or, on the life of one of the principal obligors under the loan contract, or both. Such insurance must be reasonably related to the hazard or risk of the loan and must not, in the case of life insurance, exceed the term of the loan or the approximate amount of the indebtedness at any time during the life thereof. Property insurance must be written in amount reasonably related to the amount of the loan or, the value of the property and for the customary term approximating the term of the loan contract.

(b) The premiums or identifiable charge collected by a licensee or its officers, agents or employees shall not exceed the premiums or identifiable charge for such insurance as filed with and approved by the Insurance Commissioner of the State of Alabama by the Company writing such insurance, or, the customary premiums or identifiable charge for the type coverage involved.

(c) Every insurance policy or certificate written in connection with the loan transaction shall provide for cancellation of the coverage and a refund of the unearned premium or identifiable charge upon the discharge of the loan obligation for which such insurance is security, without prejudice to any claim. Such refund shall be made under a formula filed by the insurer with the Department of Insurance except no refund of less than One Dollar (\$1.00) need be made.

(d) In accepting such insurance as security for the loan, the licensee, or an employee, may deduct the premiums or identifiable

charge for such insurance from the proceeds of the loan and transmit them to the insurance company.

(e) Any gain or advantage in the form of commission or otherwise, to the licensee or to any employee, affiliate or associate of the licensee from such insurance or its sale shall not be considered an additional or further charge in connection with the loan, notwithstanding the provisions of Section 14.

(f) All such insurance shall be written by a company authorized to conduct business in this state and the licensee shall not require the purchase of such insurance from any agent or broker designated by the licensee, nor shall the licensee decline existing coverages which equal or exceed the standards of this Section.

Section 17. Loans Made Elsewhere. No loan made outside this state in the amount or of the value of one thousand dollars (\$1,000) or less for which a greater rate of interest, consideration, or charges than is permitted by Section 14 of this Act has been charged, contracted for, or received shall be enforced in this State and every person in anywise participating therein in this State shall be subject to the provisions of this Act.

Section 18. Review. In addition to any other remedy he may have, any licensee and any person considering himself aggrieved by any act or order of the supervisor hereunder may, within thirty days from the entry of the order complained of, or within sixty days of the act complained of if there is no order, petition the circuit court of Montgomery County to review such act or order; provided such petition shall be docketed, heard and tried in the same manner as any other extraordinary writs issued by the Court and a copy of the petition and order setting the same for hearing shall be served on the supervisor, giving him such notice of the time and place of the hearing as may be directed by the Court.

Section 19. Suits on Debts. In any suit filed on any debt or evidence of any indebtedness governed hereby in any court, the judge thereof shall not render any judgment by default, nil dicit or otherwise until he has heard the testimony of the licensee or of a representative of such licensee, and the judge must on his own motion interrogate such licensee or such other witness to determine whether there has been any violation of the provisions of this Act and whether any charges have been contracted for, made or received in excess of the amount allowed under this Act. If it be made to appear that the provisions of this Act have been violated or that charges in excess of those allowed have been contracted for, made or received, then the suit shall be dismissed at the cost of the plaintiff. If any such suit the plaintiff must allege that he is a licensee under this Act, and if such plaintiff is subject to this Act and fails to allege in his complaint that he is a licensee hereunder, or if it is shown to the court that he is subject to this Act and is not a licensee then the court ex mero motu shall dismiss the suit at the cost of the plaintiff. No garnishment shall issue in such suit or in connection therewith until after judgment has been rendered.

Section 20. Pre-Existing Contracts. This Act or any part thereof may be modified, amended, or repealed so as to effect a cancellation or alteration of any license or right of a licensee hereunder, provided that such cancellation or alteration shall not impair or affect the obligation of any pre-existing lawful contract between any licensee and any borrower.

Section 21. Status of Pre-Existing Licensees. Any person having a license under Act No. 159, H. 233, approved June 23, 1945, (General Acts of Alabama, 1945, page 200), as amended, in force when this Act



becomes effective, shall be deemed to have a license under this Act for a period expiring six months after the effective date hereof, if not sooner revoked. Any such license so continued in effect under the provisions of this Act shall be subject to revocation during such six months' period as provided in Section 8 of this Act; except that such license may not be revoked nor shall an application for a new license be denied upon the ground that the convenience and advantage of such community will not be promoted by the operation therein of such business.

Section 22. Records. (a) The supervisor shall cause to be kept on file in the bureau of loans, open to public inspection during business hours, an alphabetical listing of all licensees doing business in Alabama; and such list shall reveal the true ownership of the licensee companies. If the company is a corporation, the list shall indicate the name of the corporation, the address of the home office, and the names and addresses of its officers and directors.

(b) Except as provided in subsection (a) of this section, all applications, reports, and other papers and documents submitted by licensees to the supervisor or to the bureau shall be open to public inspection only upon approval of the supervisor; but the supervisor shall not deny any person access to such records when the disclosure thereof to such person is in the public interest.

Section 23. (a) Repealer. The provisions of Act No. 159, H. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), as amended, in conflict herewith are hereby repealed. And all other laws or parts of laws which conflict with this Act are also repealed. But such repeal shall not be considered an abolition of the bureau of loans, whose existence is hereby continued as a state agency, for the purpose of administering and enforcing this Act.

(b) Status of Pre-Existing Obligations. Nothing herein contained shall be so construed as to impair or affect the obligation of any contract of loan between any licensee under Act No. 159, H. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), as amended, and any borrower which was entered into prior to the effective date of this Act.

Section 24. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of the Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 25. Citation of Act. This Act shall be known and may be cited as the "Alabama Small Loan Act."

Section 26. Effective Date. This Act shall become effective 60 days after its passage and approval by the Governor, or 60 days after its otherwise becoming a law.

On motion of Mr. Gilchrist the substitute offered by Mr. Reynolds (Chambers) was laid upon the table.

Yeas 65; Nays 33.

#### Yeas:

|                            |          |           |         |
|----------------------------|----------|-----------|---------|
| Mr. Speaker                | Bevill   | Cornett   | Glass   |
| Adams <sup>(Houston)</sup> | Boyd     | Dickson   | Gordon  |
| Albea                      | Brannan  | Dodd      | Gross   |
| Ashworth                   | Branyon  | Edwards   | Grouby  |
| Avery                      | Brewer   | Faulk     | Hain    |
| Bailey                     | Casey    | Ferguson  | Hanby   |
| Barnett                    | Cates    | Franklin  | Hankins |
| Bassett                    | Copeland | Gilchrist | Harris  |

|                     |              |          |                   |
|---------------------|--------------|----------|-------------------|
| Harvey              | Long (Perry) | Powell   | Smith (Russell)   |
| Hocklander          | Meade        | Pruitt   | Smith (St. Clair) |
| Ingram              | Nichols      | Rast     | Speaks            |
| Johnson (Hardaway)  | Oakley       | Roberts  | Sullivan          |
| Johnson (J. T. Tom) | Owens        | Rogers   | Torbert           |
| Johnston (Leonard)  | Perry        | Rozelle  | Trimmier          |
| Jones (Covington)   | Phillips     | Salter   | Turner            |
| Jones (Monroe)      | Pierce       | Sessions | Turnham           |
| Locke               |              |          |                   |

—65

**Nays:**

|           |                   |                    |                     |
|-----------|-------------------|--------------------|---------------------|
| Messrs.:  | Gilmer            | McCorquodale       | Ramey               |
| Britton   | Goodwyn           | McLendon (Bullock) | Ray                 |
| Broadfoot | Grant             | Martin             | Reynolds (Chambers) |
| Cabiness  | Guthrie           | Merrill            | Self                |
| Callahan  | Hardy             | Morrow             | Shumate             |
| Camp      | Hawkins           | Murphy             | Solomon             |
| Chambers  | Jenkins           | Nettles            | Taylor              |
| Cook      | Lee               | Oden               | Thomas              |
| Daniel    | McClendon (Chamb) |                    |                     |

—33

**POINT OF PERSONAL PRIVILEGE**

Mr. Morrow requested as a matter of personal privilege that the Journal show that he voted "nay" through mistake on the motion of Mr. Gilchrist to lay on the table the substitute offered by Mr. Reynolds (Chambers) to the bill, H. 102, as amended, and requested that the Journal show that he desired to vote "yea".

Mr. Grant offered the following amendment to the bill, H. 102, as amended:

**TO AMEND SECTION 14 OF SUBSTITUTE HOUSE BILL NO. 102 SO THAT THE SAME WILL READ IN WORDS AND FIGURES AS FOLLOWS:**

Section 14 (a) **MAXIMUM RATE OF CHARGE.** Every licensee hereunder may contract for and receive, on any cash advanced (amount of the cash, or its equivalent, that the borrower actually receives or is paid out at his direction or on his behalf) not exceeding one thousand dollars (\$1,000) in amount, charges not in excess of twenty dollars (\$20) per year per one hundred dollars (\$100) on that part of the cash advanced not exceeding three hundred dollars (\$300); sixteen dollars (\$16) per year per one hundred dollars (\$100) on that part of the cash advanced exceeding three hundred dollars (\$300) but not exceeding five hundred dollars (\$500), and twelve dollars (\$12) per year per one hundred dollars (\$100) on that part of the cash advanced exceeding five hundred dollars (\$500) but not exceeding one thousand dollars (\$1,000) when the cash advanced is made for a period of one year, and proportionately at these rates for a greater or lesser amount within said limits or for a greater or lesser period of time, notwithstanding any agreement to repay the loan obligation in installments. Said charges and the cash advanced shall be aggregated at the date of the loan for the entire period of the loan and this aggregated amount shall be repayable in installments in the manner provided in subsection 7 of this section. For the purpose of computing charges for a fraction of a month, a day shall be considered one-thirtieth of a month.

(b) **CHARGES ON LOANS OF NINETY DOLLARS (\$90) OR LESS.** On a cash advance of ninety dollars (\$90) or less a licensee may charge, in lieu of charges specified in subsection (1) of this section, not in excess of one dollar (\$1) for each five dollars (\$5) of cash advanced to the borrower, up to the amount of ninety dollars (\$90); and a period of at least fifteen (15) days must be allowed for the repayment of each

five dollars (\$5) of the cash advanced, such charges cannot be assessed by any subterfuge or device on any loan over ninety dollars (\$90) or on any balance of ninety dollars (\$90) or less when the original cash advanced was greater than ninety dollars (\$90).

(c) **REFUND.** When any loan contract is paid in full by cash, a new loan, renewal or otherwise, one month or more before the final installment date, the licensee shall refund or credit the borrower with that portion of the total charges which shall be due the borrower as determined by schedules prepared under the rules of 78ths or sum of the digits principle as follows: The amount of the refund or credit shall be as great a proportion of the total charges originally contracted for as the sum of the periodic time balances of the contract scheduled to follow the date of prepayment bears to the sum of all the periodic time balances of the contract, both sums to be determined according to the payment schedule originally contracted for. No refund shall be required for any partial prepayment and no refund of less than one dollar (\$1) need be made.

(d) **DEFAULT OR EXTENSION CHARGES.** If the contract so provides, the additional charge for any installment past due five (5) or more days, whether by reason of default or extension agreement, may be five per cent (5%) of the installment past due and said amount may be charged once and no more.

(e) **RECORDING FEES.** The licensee may collect from the borrower the actual fees paid a public official, or agency of the State, for filing, recording or releasing any instrument securing the loan.

(f) **NO FURTHER CHARGES.** In addition to the charges herein provided for, no further or other amount whatsoever shall be directly or indirectly charged, contracted for, or received. If any amount in excess of the charges permitted by this Act is charged, contracted for, or received, except as the result of an accidental and bona fide error of computation, the contract of the loan shall be void, and licensee shall have no right to collect, receive, or retain any principal, charges, or recompense whatsoever; and the licensee and the several members, officers, directors, agents, and employees thereof who shall have participated in such violation, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500) and not less than one hundred dollars (\$100) or by imprisonment of not more than six months, or by both such fine and imprisonment, in the discretion of the court. Any borrower may recover the full amount of principal and interest paid by him on any contract made in violation of this section, together with a reasonable attorney fee, by action at law or in equity brought within twelve months from the date of the last payment of principal or interest on such contract.

(g) **INSTALMENT PAYMENT, CONTRACT PERIOD.** No licensee shall enter into any contract of loan under this Act in which the borrower agrees to make any scheduled repayment of the cash advance more than twenty-five (25) calendar months from the date of making such contract of loan. Every loan contract shall require payment of the cash advance and charges in instalments which shall be payable at approximately equal periodic intervals except that payment dates may be omitted to accommodate borrowers with seasonable incomes. No instalment contracted for shall be substantially larger than any preceding instalment. When a loan contract provides for monthly instalments, the first instalment may be payable at any time within forty-five (45) days of the date of the loan and the charges for the number of days in excess of thirty (30) from the date of making may be added to the scheduled amount of said instalment.

On motion of Mr. Oakley the amendment offered by Mr. Grant was laid upon the table.

Yeas 65; Nays 33.

**Yeas:**

|                            |            |                                |                              |
|----------------------------|------------|--------------------------------|------------------------------|
| Mr. Speaker                | Dickson    | Ingram                         | Pruitt                       |
| Adams <sup>(Houston)</sup> | Dodd       | Jenkins                        | Rast                         |
| Albea                      | Edwards    | Johnson <sup>(Hardaway)</sup>  | Roberts                      |
| Ashworth                   | Faulk      | Johnson <sup>(J. T. Tom)</sup> | Rogers                       |
| Avery                      | Ferguson   | Johnston <sup>(Leonard)</sup>  | Rozelle                      |
| Bailey                     | Franklin   | Jones <sup>(Covington)</sup>   | Salter                       |
| Barnett                    | Gilchrist  | Jones <sup>(Monroe)</sup>      | Self                         |
| Bassett                    | Glass      | Long <sup>(Perry)</sup>        | Sessions                     |
| Bevill                     | Gordon     | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>   |
| Boyd                       | Gross      | Meade                          | Smith <sup>(St. Clair)</sup> |
| Brannan                    | Grouby     | Nichols                        | Speaks                       |
| Branyon                    | Hanby      | Oakley                         | Sullivan                     |
| Brooks                     | Hankins    | Owens                          | Torbert                      |
| Casey                      | Harris     | Perry                          | Trimmier                     |
| Cates                      | Harvey     | Phillips                       | Turner                       |
| Copeland                   | Hocklander | Pierce                         | Turnham                      |
| Cornett                    |            |                                |                              |

—65

**Nays:**

|           |         |                               |                                |
|-----------|---------|-------------------------------|--------------------------------|
| Messrs.:  | Daniel  | Long <sup>(Lauderdale)</sup>  | Oden                           |
| Bishop    | Gilmer  | McCorquodale                  | Powell                         |
| Brewer    | Goodwyn | McLendon <sup>(Bullock)</sup> | Ramey                          |
| Britton   | Grant   | Martin                        | Reynolds <sup>(Chambers)</sup> |
| Broadfoot | Guthrie | Merrill                       | Shumate                        |
| Cabiness  | Hardy   | Morrow                        | Solomon                        |
| Camp      | Hawkins | Murphy                        | Taylor                         |
| Chambers  | Lee     | Nettles                       | Thomas                         |
| Cook      | Locke   |                               |                                |

—33

Mr. Adams (Houston) offered the following amendment to the bill, H. 102, as amended:

Amend H. B. 102, as amended, as follows:

In Section 14 (a), strike out "three percent a month" and insert "four percent a month"; also, strike out "two percent a month" and insert "three percent a month"; also, strike out "one percent a month" and insert "two percent a month".

The motion of Mr. Gilchrist to lay on the table the amendment offered by Mr. Adams (Houston) was lost.

Yeas 41; Nays 48.

**Yeas:**

|             |           |                                |                              |
|-------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker | Ferguson  | Johnson <sup>(Hardaway)</sup>  | Roberts                      |
| Albea       | Franklin  | Johnson <sup>(J. T. Tom)</sup> | Rogers                       |
| Ashworth    | Gilchrist | Jones <sup>(Covington)</sup>   | Self                         |
| Avery       | Gordon    | Jones <sup>(Monroe)</sup>      | Sessions                     |
| Bailey      | Gross     | Meade                          | Smith <sup>(Russell)</sup>   |
| Bassett     | Grouby    | Murphy                         | Smith <sup>(St. Clair)</sup> |
| Boyd        | Hanby     | Oakley                         | Speaks                       |
| Branyon     | Hankins   | Perry                          | Sullivan                     |
| Casey       | Harvey    | Phillips                       | Torbert                      |
| Copeland    | Ingram    | Pierce                         | Turner                       |
| Cornett     |           |                                |                              |

—41

**Nays:**

|                            |         |                               |                                |
|----------------------------|---------|-------------------------------|--------------------------------|
| Messrs.:                   | Cook    | Hawkins                       | Oden                           |
| Adams <sup>(Houston)</sup> | Daniel  | Jenkins                       | Powell                         |
| Barnett                    | Dickson | Johnston <sup>(Leonard)</sup> | Pruitt                         |
| Bevill                     | Dodd    | Lee                           | Ramey                          |
| Bishop                     | Edwards | Locke                         | Rast                           |
| Brannan                    | Gilmer  | Long <sup>(Perry)</sup>       | Reynolds <sup>(Chambers)</sup> |
| Brewer                     | Glass   | McClendon <sup>(Chamb)</sup>  | Rozelle                        |
| Britton                    | Goodwyn | McCorquodale                  | Shumate                        |
| Brooks                     | Grant   | McLendon <sup>(Bullock)</sup> | Solomon                        |
| Cabiness                   | Guthrie | Merrill                       | Taylor                         |
| Camp                       | Hardy   | Morrow                        | Thomas                         |
| Cates                      | Harris  | Nichols                       | Turnham                        |
| Chambers                   |         |                               |                                |

—48

And the motion of Mr. Roberts to indefinitely postpone the amendment offered by Mr. Adams (Houston) was lost.

Yeas 45; Nays 46.

**Yeas:**

|             |                               |                                |                              |
|-------------|-------------------------------|--------------------------------|------------------------------|
| Mr. Speaker | Dickson                       | Johnson <sup>(J. T. Tom)</sup> | Pierce                       |
| Albea       | Ferguson                      | Jones <sup>(Covington)</sup>   | Roberts                      |
| Ashworth    | Franklin                      | Jones <sup>(Monroe)</sup>      | Rogers                       |
| Avery       | Gilchrist                     | Lee                            | Self                         |
| Bailey      | Gordon                        | Long <sup>(Perry)</sup>        | Sessions                     |
| Barnett     | Gross                         | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>   |
| Bassett     | Grouby                        | Meade                          | Smith <sup>(St. Clair)</sup> |
| Boyd        | Hanby                         | Murphy                         | Speaks                       |
| Branyon     | Hankins                       | Oakley                         | Sullivan                     |
| Casey       | Harvey                        | Perry                          | Torbert                      |
| Copeland    | Johnson <sup>(Hardaway)</sup> | Phillips                       | Turner                       |
| Cornett     |                               |                                |                              |

—45

**Nays:**

|                            |          |                               |                                |
|----------------------------|----------|-------------------------------|--------------------------------|
| Messrs.:                   | Cates    | Hawkins                       | Pruitt                         |
| Adams <sup>(Houston)</sup> | Chambers | Jenkins                       | Ramey                          |
| Bevill                     | Cook     | Johnston <sup>(Leonard)</sup> | Rast                           |
| Bishop                     | Daniel   | Locke                         | Reynolds <sup>(Chambers)</sup> |
| Brannan                    | Dodd     | McCorquodale                  | Rozelle                        |
| Brewer                     | Edwards  | McLendon <sup>(Bullock)</sup> | Salter                         |
| Britton                    | Gilmer   | Martin                        | Shumate                        |
| Broadfoot                  | Glass    | Merrill                       | Solomon                        |
| Brooks                     | Goodwyn  | Morrow                        | Taylor                         |
| Cabiness                   | Grant    | Oden                          | Thomas                         |
| Callahan                   | Guthrie  | Owens                         | Turnham                        |
| Camp                       | Hardy    | Powell                        |                                |

—46

The question was then on the adoption of the amendment offered by Mr. Adams (Houston) to the bill, H. 102, as amended, and said amendment was lost.

Yeas 37; Nays 54.

**Yeas:**

|                            |          |                               |                               |
|----------------------------|----------|-------------------------------|-------------------------------|
| Messrs.:                   | Callahan | Goodwyn                       | Long <sup>(Lauderdale)</sup>  |
| Adams <sup>(Houston)</sup> | Camp     | Grant                         | McCorquodale                  |
| Bishop                     | Cates    | Hardy                         | McLendon <sup>(Bullock)</sup> |
| Brewer                     | Chambers | Jenkins                       | Martin                        |
| Britton                    | Cook     | Johnston <sup>(Leonard)</sup> | Merrill                       |
| Broadfoot                  | Daniel   | Lee                           | Morrow                        |
| Cabiness                   | Gilmer   | Locke                         | Nettles                       |

|        |                                |         |        |
|--------|--------------------------------|---------|--------|
| Oden   | Rast                           | Shumate | Taylor |
| Pruitt | Reynolds <sup>(Chambers)</sup> | Solomon | Thomas |
| Ramey  | Rozelle                        |         |        |

—37

**Nays:**

|             |           |                                |                              |
|-------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker | Cornett   | Ingram                         | Pierce                       |
| Albea       | Dickson   | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Ashworth    | Dodd      | Johnson <sup>(J. T. Tom)</sup> | Roberts                      |
| Avery       | Edwards   | Jones <sup>(Covington)</sup>   | Rogers                       |
| Bailey      | Ferguson  | Jones <sup>(Monroe)</sup>      | Self                         |
| Barnett     | Franklin  | Long <sup>(Perry)</sup>        | Sessions                     |
| Bassett     | Gilchrist | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>   |
| Bevill      | Gordon    | Meade                          | Smith <sup>(St. Clair)</sup> |
| Boyd        | Gross     | Murphy                         | Speaks                       |
| Brannan     | Grouby    | Nichols                        | Sullivan                     |
| Branyon     | Hanby     | Oakley                         | Torbert                      |
| Brooks      | Hankins   | Perry                          | Turner                       |
| Casey       | Harris    | Phillips                       | Turnham                      |
| Copeland    | Harvey    |                                |                              |

—54

Messrs. Torbert, Lee and Thomas offered the following amendment to the bill, H. 102, as amended:

Substitute H. B. 102 is amended by adding to Section 14, Subsection (a), the following:

"On a cash advance of fifty dollars (\$50) or less the licensee may contract for and receive interest in lieu of the interest herein above provided, as follows: on original loans where the cash advance is twenty-five dollars (\$25) or less, interest at the rate not exceeding ten percent (10%) per month on the unpaid principal balance; on original loans where the cash advance is more than twenty-five dollars (\$25) but not more than fifty dollars (\$50), interest at the rate not exceeding five percent (5%) per month on the unpaid principal balance."

**MOTION TO ADJOURN LOST**

The motion of Mr. Shumate that the House adjourn until Friday, September 18, 1959, at ten o'clock A. M. was lost.

Yeas 22; Nays 72.

**Yeas:**

|           |                                |                                |                              |
|-----------|--------------------------------|--------------------------------|------------------------------|
| Messrs.:  | Gordon                         | Long <sup>(Perry)</sup>        | Shumate                      |
| Barnett   | Grant                          | Martin                         | Smith <sup>(St. Clair)</sup> |
| Bevill    | Hocklander                     | Oden                           | Solomon                      |
| Broadfoot | Johnson <sup>(J. T. Tom)</sup> | Ramey                          | Taylor                       |
| Chambers  | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> | Trimmier                     |
| Daniel    | Long <sup>(Lauderdale)</sup>   | Rogers                         |                              |

—22

**Nays:**

|                            |           |         |                               |
|----------------------------|-----------|---------|-------------------------------|
| Mr. Speaker                | Camp      | Gilmer  | Johnson <sup>(Hardaway)</sup> |
| Adams <sup>(Houston)</sup> | Casey     | Glass   | Jones <sup>(Covington)</sup>  |
| Albea                      | Cates     | Goodwyn | Jones <sup>(Monroe)</sup>     |
| Ashworth                   | Cook      | Gross   | Lee                           |
| Bailey                     | Copeland  | Grouby  | Locke                         |
| Bassett                    | Cornett   | Hain    | McClendon <sup>(Chamb)</sup>  |
| Boyd                       | Dickson   | Hanby   | McCorquodale                  |
| Brannan                    | Dodd      | Hankins | McLendon <sup>(Bullock)</sup> |
| Branyon                    | Edwards   | Harris  | Meade                         |
| Brewer                     | Faulk     | Harvey  | Merrill                       |
| Britton                    | Ferguson  | Hawkins | Morrow                        |
| Brooks                     | Franklin  | Ingram  | Murphy                        |
| Callahan                   | Gilchrist | Jenkins | Nichols                       |

|          |         |                 |          |
|----------|---------|-----------------|----------|
| Oakley   | Powell  | Salter          | Sullivan |
| Owens    | Pruitt  | Self            | Thomas   |
| Perry    | Rast    | Sessions        | Torbert  |
| Phillips | Roberts | Smith (Russell) | Turner   |
| Pierce   | Rozelle | Speaks          | Turnham  |

—72

## CONSIDERATION OF H. 102 RESUMED

H. 102. Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of five hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

As amended, was again taken up.

And on motion of Mr. Copeland the amendment offered by Messrs. Torbert, Lee and Thomas was laid upon the table.

Yeas 54; Nays 39.

**Yeas:**

|             |           |                     |                   |
|-------------|-----------|---------------------|-------------------|
| Mr. Speaker | Dickson   | Hawkins             | Pruitt            |
| Albea       | Edwards   | Hocklander          | Rast              |
| Ashworth    | Faulk     | Ingram              | Roberts           |
| Avery       | Ferguson  | Johnson (Hardaway)  | Rogers            |
| Bailey      | Franklin  | Johnson (J. T. Tom) | Salter            |
| Bassett     | Gilchrist | Jones (Covington)   | Self              |
| Bevill      | Goodwyn   | Jones (Monroe)      | Sessions          |
| Boyd        | Gordon    | Locke               | Smith (Russell)   |
| Brannan     | Gross     | Oakley              | Smith (St. Clair) |
| Branyon     | Grouby    | Owens               | Speaks            |
| Brooks      | Hanby     | Perry               | Sullivan          |
| Casey       | Hankins   | Phillips            | Trimmier          |
| Cates       | Harris    | Pierce              | Turner            |
| Copeland    | Harvey    |                     |                   |

—54

**Nays:**

|           |                    |                    |                     |
|-----------|--------------------|--------------------|---------------------|
| Messrs.:  | Cornett            | Long (Perry)       | Powell              |
| Barnett   | Daniel             | McClendon (Chamb)  | Ramey               |
| Bishop    | Dodd               | McCorquodale       | Reynolds (Chambers) |
| Brewer    | Gilmer             | McLendon (Bullock) | Rozelle             |
| Britton   | Grant              | Meade              | Shumate             |
| Broadfoot | Hardy              | Merrill            | Solomon             |
| Callahan  | Jenkins            | Morrow             | Taylor              |
| Camp      | Johnston (Leonard) | Murphy             | Thomas              |
| Chambers  | Lee                | Nichols            | Torbert             |
| Cook      | Long (Lauderdale)  | Oden               | Turnham             |

—39

## MOTION TO ADJOURN LOST

The motion of Mr. Broadfoot that the House adjourn until Friday, September 18, 1959, at ten o'clock A. M. was lost.

Yeas 31; Nays 61.

**Yeas:**

|          |           |                    |                    |
|----------|-----------|--------------------|--------------------|
| Messrs.: | Broadfoot | Hardy              | Long (Lauderdale)  |
| Avery    | Camp      | Hocklander         | Long (Perry)       |
| Barnett  | Chambers  | Johnston (Leonard) | McLendon (Bullock) |
| Bishop   | Cook      | Lee                | Martin             |

|         |                     |                   |          |
|---------|---------------------|-------------------|----------|
| Murphy  | Powell              | Shumate           | Thomas   |
| Nettles | Ramey               | Smith (St. Clair) | Torbert  |
| Nichols | Reynolds (Chambers) | Solomon           | Trimmier |
| Oden    | Rogers              | Taylor            | Turnham  |

—31

**Nays:**

|                 |           |                    |                 |
|-----------------|-----------|--------------------|-----------------|
| Mr. Speaker     | Copeland  | Hanby              | Owens           |
| Adams (Houston) | Cornett   | Hankins            | Perry           |
| Albea           | Dickson   | Harris             | Phillips        |
| Ashworth        | Dodd      | Harvey             | Pierce          |
| Bailey          | Edwards   | Hawkins            | Pruitt          |
| Bassett         | Faulk     | Ingram             | Rast            |
| Bevill          | Ferguson  | Johnson (Hardaway) | Roberts         |
| Boyd            | Franklin  | Jones (Monroe)     | Rozelle         |
| Brannan         | Gilchrist | Jones (Covington)  | Salter          |
| Branyon         | Gilmer    | Locke              | Self            |
| Brewer          | Glass     | McClendon (Chamb)  | Sessions        |
| Britton         | Goodwyn   | Meade              | Smith (Russell) |
| Brooks          | Grant     | Merrill            | Speaks          |
| Callahan        | Gross     | Morrow             | Sullivan        |
| Casey           | Grouby    | Oakley             | Turner          |
| Cates           |           |                    |                 |

—61

**CONSIDERATION OF H. 102 RESUMED**

H. 102. Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of five hundred dollars or less, and for the suspension and revocation of such licenses; **prescribing maximum rates of interest and other charges** for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

As amended, was again taken up.

Mr. Gilchrist offered the following amendment to the bill, H. 102, as amended:

**AMENDMENT TO SECTION 14 A.**

Following the last word of Section 14 a the following wording shall be inserted:

On all original loans of \$50.00 or less, interest at the rate of 4% per month on the unpaid balance may be contracted for and received in lieu of that otherwise authorized.

And the amendment was adopted.

Yeas 79; Nays 11.

**Yeas:**

|                 |           |           |                     |
|-----------------|-----------|-----------|---------------------|
| Mr. Speaker     | Brewer    | Dickson   | Gross               |
| Adams (Houston) | Britton   | Dodd      | Grouby              |
| Ashworth        | Broadfoot | Edwards   | Hain                |
| Avery           | Brooks    | Faulk     | Hanby               |
| Bailey          | Casey     | Ferguson  | Hankins             |
| Bassett         | Cates     | Franklin  | Hardy               |
| Bevill          | Chambers  | Gilchrist | Harvey              |
| Bishop          | Cook      | Gilmer    | Hawkins             |
| Boyd            | Copeland  | Glass     | Jenkins             |
| Brannan         | Cornett   | Goodwyn   | Johnson (Hardaway)  |
| Branyon         | Daniel    | Grant     | Johnson (J. T. Tom) |



|                    |          |                     |                   |
|--------------------|----------|---------------------|-------------------|
| Johnston (Leonard) | Morrow   | Rast                | Smith (St. Clair) |
| Jones (Covington)  | Murphy   | Reynolds (Chambers) | Solomon           |
| Jones (Monroe)     | Nichols  | Roberts             | Sullivan          |
| Locke              | Owens    | Rogers              | Taylor            |
| Long (Perry)       | Perry    | Rozelle             | Thomas            |
| McClendon (Chamb)  | Phillips | Salter              | Torbert           |
| McLendon (Bullock) | Pierce   | Self                | Trimmier          |
| Meade              | Powell   | Sessions            | Turner            |
| Merrill            | Pruitt   | Shumate             |                   |

—79

**Nays:**

|          |          |         |                 |
|----------|----------|---------|-----------------|
| Messrs.: | Callahan | Nettles | Smith (Russell) |
| Albea    | Harris   | Oakley  | Speaks          |
| Barnett  | Ingram   | Oden    | Turnham         |

—11

Mr. Edwards offered the following amendment to the bill, H. 102, as amended:

To amend House Bill 102 as amended

To strike out the words Montgomery County in Section 18 and insert in lieu thereof the following words Quote "The County wherein the Licensee is doing business or in which the licensee resides"

On motion of Mr. Gilchrist the amendment offered by Mr. Edwards was laid upon the table.

Yeas 49; Nays 43.

**Yeas:**

|             |           |                     |                   |
|-------------|-----------|---------------------|-------------------|
| Mr. Speaker | Copeland  | Grouby              | Phillips          |
| Ashworth    | Cornett   | Hain                | Pierce            |
| Avery       | Dickson   | Hanby               | Powell            |
| Bailey      | Dodd      | Hankins             | Roberts           |
| Bassett     | Faulk     | Harris              | Rozelle           |
| Bevill      | Ferguson  | Ingram              | Self              |
| Bishop      | Franklin  | Johnson (Hardaway)  | Smith (Russell)   |
| Boyd        | Gilchrist | Johnson (J. T. Tom) | Smith (St. Clair) |
| Branyon     | Glass     | Jones (Covington)   | Sullivan          |
| Britton     | Goodwyn   | Jones (Monroe)      | Torbert           |
| Brooks      | Gordon    | Meade               | Turner            |
| Cabiness    | Gross     | Oakley              | Turnham           |
| Casey       |           |                     |                   |

—49

**Nays:**

|           |                    |                    |                     |
|-----------|--------------------|--------------------|---------------------|
| Messrs.:  | Edwards            | Long (Perry)       | Pruitt              |
| Albea     | Gilmer             | McClendon (Chamb)  | Ramey               |
| Barnett   | Grant              | McCorquodale       | Rast                |
| Brannan   | Hardy              | McLendon (Bullock) | Reynolds (Chambers) |
| Brewer    | Hawkins            | Martin             | Sessions            |
| Broadfoot | Hocklander         | Merrill            | Shumate             |
| Callahan  | Jenkins            | Morrow             | Solomon             |
| Camp      | Johnston (Leonard) | Murphy             | Speaks              |
| Cates     | Lee                | Nichols            | Taylor              |
| Chambers  | Locke              | Oden               | Thomas              |
| Daniel    | Long (Lauderdale)  | Perry              | Trimmier            |

—43

Mr. Broadfoot offered the following amendment to the bill, H. 102, as amended:

Amend State Administration Committee Substitute House Bill No. 102 as follows:

Amend Section 4 by adding to the end of the first sentence thereof the following words and punctuation: "provided however, that such application shall contain a statement made by applicant under oath that he is not at the time of making the application a member of the National Association for the Advancement of Colored People or of the Communist Party or of any front thereof and that he has not prior to making said application contributed funds to any such organization and that he has never been a member of any such organization."

And the amendment was adopted.

Yeas 90; Nays 2.

**Yeas:**

|                 |                |                     |                     |
|-----------------|----------------|---------------------|---------------------|
| Mr. Speaker     | Copeland       | Jenkins             | Pierce              |
| Adams (Houston) | Cornett        | Johnson (J. T. Tom) | Powell              |
| Albea           | Daniel         | Johnston (Leonard)  | Ramey               |
| Ashworth        | Dickson        | Jones (Covington)   | Rast                |
| Avery           | Dodd           | Jones (Monroe)      | Reynolds (Chambers) |
| Bailey          | Faulk          | Lee                 | Rogers              |
| Barnett         | Ferguson       | Locke               | Rozelle             |
| Bassett         | Franklin       | Long (Lauderdale)   | Salter              |
| Bevill          | Gilchrist      | Long (Perry)        | Self                |
| Bishop          | Gilmer         | McClendon (Chamb)   | Sessions            |
| Boyd            | Glass          | McCorquodale        | Shumate             |
| Brannan         | Goodwyn        | McLendon (Bullock)  | Smith (Russell)     |
| Branyon         | Gordon         | Martin              | Smith (St. Clair)   |
| Brewer          | Gross          | Meade               | Solomon             |
| Britton         | Grouby         | Merrill             | Speaks              |
| Broadfoot       | Hain           | Morrow              | Sullivan            |
| <b>Brooks</b>   | <b>Hankins</b> | <b>Nettles</b>      | <b>Taylor</b>       |
| Cabiness        | Hardy          | Nichols             | Thomas              |
| Callahan        | Harris         | Oakley              | Torbert             |
| Camp            | Harvey         | Oden                | Trimmier            |
| Casey           | Hawkins        | Perry               | Turner              |
| Cates           | Hocklander     | Phillips            | Turnham             |
| Chambers        | Ingram         |                     |                     |

—90

**Nays:** Messrs. Johnson (Hardaway) and Roberts.

—2

**POINT OF PERSONAL PRIVILEGE**

Mr. Roberts requested as a matter of personal privilege that the Journal show that he voted "nay" through mistake on the adoption of the amendment offered by Mr. Broadfoot to the bill, H. 102, as amended, and requested that the Journal show that he desired to vote "yea".

Mr. Taylor offered the following amendment to the bill, H. 102, as amended:

Amend State Administration Committee Substitute House Bill No. 102 as follows: Amend Section 5, Paragraph (b) by adding to the end thereof the following words; "provided however, that the supervisor shall not grant a license to any person as defined in Section 2 hereof under and pursuant to this act unless the supervisor shall find that such person shall have been a bona fide resident citizen of the State of Alabama for the five years next preceding the date of his application or shall have done business in the State of Alabama for said period of five years next preceding the date of application if such person is an entity not capable of citizenship. The supervisor shall not issue a license to a partnership or association under and pursuant to this act unless every member of said partnership or association has been a bona fide resident citizen of the State of Alabama for five years next preceding the date of application for such license."

On motion of Mr. Gilchrist the amendment offered by Mr. Taylor was laid upon the table.

Yeas 57; Nays 23.

**Yeas:**

|             |           |                     |                   |
|-------------|-----------|---------------------|-------------------|
| Mr. Speaker | Dickson   | Ingram              | Powell            |
| Ashworth    | Dodd      | Johnson (Hardaway)  | Pruitt            |
| Avery       | Faulk     | Johnson (J. T. Tom) | Rast              |
| Bailey      | Ferguson  | Jones (Covington)   | Roberts           |
| Barnett     | Franklin  | Jones (Monroe)      | Rozelle           |
| Bevill      | Gilchrist | Locke               | Salter            |
| Boyd        | Goodwyn   | Long (Perry)        | Self              |
| Branyon     | Gordon    | Meade               | Sessions          |
| Brewer      | Gross     | Nichols             | Smith (St. Clair) |
| Cabiness    | Grouby    | Oakley              | Solomon           |
| Casey       | Hain      | Owens               | Speaks            |
| Cates       | Hanby     | Perry               | Sullivan          |
| Copeland    | Harris    | Phillips            | Torbert           |
| Cornett     | Harvey    | Pierce              | Turner            |
| Daniel      |           |                     |                   |

—57

**Nays:**

|           |                   |                    |                     |
|-----------|-------------------|--------------------|---------------------|
| Messrs.:  | Callahan          | McLendon (Bullock) | Reynolds (Chambers) |
| Bassett   | Camp              | Martin             | Rogers              |
| Brannan   | Hardy             | Murphy             | Shumate             |
| Britton   | Hocklander        | Nettles            | Taylor              |
| Broadfoot | Long (Lauderdale) | Oden               | Trimmier            |
| Brooks    | McCorquodale      | Ramey              | Turnham             |

—23

Mr. Albea offered the following amendment to the bill, H. 102, as amended.

Amendment to H. B. 102, as substituted, as follows:

Substitute the following for subsection (a) of Section 7:

Section 7. (a) Place of Business. Not more than one place of business shall be maintained under the same license or by the same licensee. Nor shall a license be issued to any member, officer, director or agent of any licensee.

On motion of Mr. Gilchrist the amendment offered by Mr. Albea was laid upon the table.

Yeas 50; Nays 40.

**Yeas:**

|                 |           |                     |                   |
|-----------------|-----------|---------------------|-------------------|
| Mr. Speaker     | Copeland  | Hanby               | Pruitt            |
| Adams (Houston) | Cornett   | Harvey              | Rast              |
| Ashworth        | Dickson   | Johnson (J. T. Tom) | Roberts           |
| Bailey          | Dodd      | Jones (Covington)   | Rozelle           |
| Bassett         | Faulk     | Jones (Monroe)      | Self              |
| Bishop          | Franklin  | Locke               | Sessions          |
| Boyd            | Gilchrist | Merrill             | Smith (Russell)   |
| Brewer          | Glass     | Oakley              | Smith (St. Clair) |
| Broadfoot       | Goodwyn   | Oden                | Solomon           |
| Brooks          | Gordon    | Perry               | Sullivan          |
| Camp            | Grant     | Phillips            | Torbert           |
| Casey           | Gross     | Pierce              | Turner            |
| Chambers        | Grouby    |                     |                   |

—50

**Nays:**

|          |         |          |        |
|----------|---------|----------|--------|
| Messrs.: | Bevill  | Britton  | Cates  |
| Albea    | Brannan | Cabiness | Cook   |
| Barnett  | Branyon | Callahan | Daniel |

|                    |                    |                     |          |
|--------------------|--------------------|---------------------|----------|
| Ferguson           | Lee                | Murphy              | Salter   |
| Hain               | Long (Lauderdale)  | Nettles             | Shumate  |
| Harris             | Long (Perry)       | Owens               | Speaks   |
| Hocklander         | McClendon (Chamb)  | Powell              | Taylor   |
| Ingram             | McCorquodale       | Ramey               | Thomas   |
| Jenkins            | McLendon (Bullock) | Reynolds (Chambers) | Trimmier |
| Johnson (Hardaway) | Martin             | Rogers              | Turnham  |
| Johnston (Leonard) |                    |                     |          |

—40

Mr. Albea offered the following amendment to the bill, H. 102, as amended:

Amendment to H. B. 102, as amended as follows:

Substitute the following for Section 5.

Section 5. A license shall be issued to an applicant that qualifies under the provisions of Section 4, within 90 days Amend Section 4 by deleting the following phrase from the second sentence—"as will provide the basis for the investigations and findings contemplated by Section 5 of this Act.

On motion of Mr. Gilchrist the amendment offered by Mr. Albea was laid upon the table.

Yeas 55; Nays 35.

#### Yeas:

|                 |           |                     |                   |
|-----------------|-----------|---------------------|-------------------|
| Mr. Speaker     | Cornett   | Harvey              | Roberts           |
| Adams (Houston) | Dickson   | Hawkins             | Rogers            |
| Ashworth        | Dodd      | Ingram              | Rozelle           |
| Bailey          | Faulk     | Johnson (Hardaway)  | Self              |
| Bassett         | Ferguson  | Johnson (J. T. Tom) | Sessions          |
| Bishop          | Gilchrist | Jones (Covington)   | Smith (Russell)   |
| Boyd            | Glass     | Jones (Monroe)      | Smith (St. Clair) |
| Branyon         | Goodwyn   | Merrill             | Solomon           |
| Brewer          | Gordon    | Nichols             | Speaks            |
| Brooks          | Gross     | Oakley              | Sullivan          |
| Callahan        | Grouby    | Perry               | Torbert           |
| Casey           | Hain      | Phillips            | Turner            |
| Chambers        | Hanby     | Pierce              | Turnham           |
| Copeland        | Hankins   | Powell              |                   |

—55

#### Nays:

|          |                    |                    |                     |
|----------|--------------------|--------------------|---------------------|
| Messrs.: | Cook               | Locke              | Owens               |
| Albea    | Daniel             | Long (Lauderdale)  | Ramey               |
| Avery    | Edwards            | Long (Perry)       | Rast                |
| Barnett  | Grant              | McCorquodale       | Reynolds (Chambers) |
| Bevill   | Harris             | McLendon (Bullock) | Salter              |
| Brannan  | Hocklander         | Martin             | Shumate             |
| Cabiness | Jenkins            | Murphy             | Taylor              |
| Camp     | Johnston (Leonard) | Nettles            | Thomas              |
| Cates    | Lee                | Oden               | Trimmier            |

—35

Mr. Reynolds (Chambers) offered the following amendment to the bill, H. 102, as amended:

Amend the bill, H. B. 102, as amended, as follows:

In subsection (a) of Section 14, strike out "within three months from the date of termination of a prior transaction" and insert "within 2 days from the date of termination of a prior transaction".

Mr. Gilchrist moved to lay on the table the amendment offered by Mr. Reynolds (Chambers).

## MOTION TO ADJOURN LOST

The motion of Mr. Salter that the House adjourn until Friday September 18, 1959, at ten o'clock A. M. was lost.

Yeas 36; Nays 58.

**Yeas:**

|           |                    |                     |                   |
|-----------|--------------------|---------------------|-------------------|
| Messrs.:  | Daniel             | Long (Perry)        | Rogers            |
| Avery     | Gilmer             | McCorquodale        | Rozelle           |
| Barnett   | Gordon             | McLendon (Bullock)  | Salter            |
| Bevill    | Grant              | Martin              | Shumate           |
| Bishop    | Guthrie            | Nettles             | Smith (St. Clair) |
| Brannan   | Hardy              | Oden                | Solomon           |
| Britton   | Hocklander         | Owens               | Taylor            |
| Broadfoot | Johnston (Leonard) | Ramey               | Thomas            |
| Chambers  | Lee                | Reynolds (Chambers) | Trimmier          |
| Cook      |                    |                     |                   |

—36

**Nays:**

|                 |           |                    |                 |
|-----------------|-----------|--------------------|-----------------|
| Mr. Speaker     | Dickson   | Harvey             | Phillips        |
| Adams (Houston) | Dodd      | Hawkins            | Pierce          |
| Albea           | Edwards   | Ingram             | Powell          |
| Ashworth        | Faulk     | Johnson (Hardaway) | Pruitt          |
| Bailey          | Ferguson  | Jones (Covington)  | Rast            |
| Bassett         | Franklin  | Jones (Monroe)     | Roberts         |
| Branyon         | Gilchrist | Locke              | Self            |
| Brewer          | Glass     | McClendon (Chamb)  | Sessions        |
| Brooks          | Goodwyn   | Meade              | Smith (Russell) |
| Cabiness        | Gross     | Merrill            | Speaks          |
| Camp            | Grouby    | Morrow             | Sullivan        |
| Casey           | Hain      | Nichols            | Torbert         |
| Cates           | Hanby     | Oakley             | Turner          |
| Copeland        | Hankins   | Perry              | Turnham         |
| Cornett         | Harris    |                    |                 |

—58

## MOTIONS TO SUSPEND RULES LOST

Mr. Goodwyn moved to suspend the rules in order to take up Messages from the Senate.

Mr. Lee offered as a substitute motion, a motion to suspend rules in order to take up Messages from the Senate, introduce local bills, and for the Standing Committee on Local Legislation No. 1 to report, and said motion was lost.

Yeas 53; Nays 42.

**Yeas:**

|           |          |                |                    |
|-----------|----------|----------------|--------------------|
| Messrs.:  | Callahan | Grant          | Long (Lauderdale)  |
| Bailey    | Camp     | Guthrie        | Long (Perry)       |
| Barnett   | Chambers | Hankins        | McClendon (Chamb)  |
| Bassett   | Cook     | Hardy          | McCorquodale       |
| Bevill    | Daniel   | Hawkins        | McLendon (Bullock) |
| Bishop    | Dickson  | Hocklander     | Martin             |
| Brannan   | Dodd     | Jenkins        | Morrow             |
| Brewer    | Edwards  | Jones (Monroe) | Nettles            |
| Britton   | Gilmer   | Lee            | Oden               |
| Broadfoot | Goodwyn  | Locke          | Owens              |

|                     |         |         |          |
|---------------------|---------|---------|----------|
| Pierce              | Rogers  | Solomon | Thomas   |
| Powell              | Rozelle | Speaks  | Trimmier |
| Ramey               | Salter  | Taylor  | Turnham  |
| Reynolds (Chambers) | Shumate |         |          |

—53

**Nays:**

|             |           |                     |                   |
|-------------|-----------|---------------------|-------------------|
| Mr. Speaker | Cornett   | Harvey              | Pruitt            |
| Albea       | Faulk     | Ingram              | Rast              |
| Ashworth    | Ferguson  | Johnson (J. T. Tom) | Roberts           |
| Avery       | Franklin  | Jones (Covington)   | Self              |
| Boyd        | Gilchrist | Meade               | Sessions          |
| Branyon     | Glass     | Merrill             | Smith (Russell)   |
| Brooks      | Gross     | Murphy              | Smith (St. Clair) |
| Cabiness    | Grouby    | Nichols             | Sullivan          |
| Casey       | Hain      | Oakley              | Torbert           |
| Cates       | Hanby     | Perry               | Turner            |
| Copeland    | Harris    |                     |                   |

—42

The question was then on the motion of Mr. Goodwyn to suspend the rules in order to take up Messages from the Senate and said motion was lost.

Yeas 41; Nays 47.

**Yeas:**

|           |          |                    |          |
|-----------|----------|--------------------|----------|
| Messrs.:  | Chambers | Long (Lauderdale)  | Powell   |
| Bailey    | Cook     | Long (Perry)       | Ramey    |
| Barnett   | Daniel   | McCorquodale       | Rozelle  |
| Bevill    | Dodd     | McLendon (Bullock) | Sessions |
| Bishop    | Gilmer   | Martin             | Shumate  |
| Brannan   | Goodwyn  | Morrow             | Solomon  |
| Brewer    | Grant    | Nettles            | Taylor   |
| Britton   | Guthrie  | Owens              | Thomas   |
| Broadfoot | Hardy    | Perry              | Torbert  |
| Callahan  | Jenkins  | Pierce             | Turnham  |
| Camp      | Locke    |                    |          |

—41

**Nays:**

|             |           |                     |                   |
|-------------|-----------|---------------------|-------------------|
| Mr. Speaker | Edwards   | Harris              | Oakley            |
| Albea       | Faulk     | Harvey              | Pruitt            |
| Ashworth    | Ferguson  | Hawkins             | Rast              |
| Avery       | Franklin  | Ingram              | Roberts           |
| Bassett     | Gilchrist | Johnson (J. T. Tom) | Rogers            |
| Boyd        | Glass     | Jones (Covington)   | Self              |
| Branyon     | Gordon    | Jones (Monroe)      | Smith (Russell)   |
| Brooks      | Gross     | Lee                 | Smith (St. Clair) |
| Cabiness    | Grouby    | Meade               | Speaks            |
| Casey       | Hain      | Merrill             | Sullivan          |
| Copeland    | Hanby     | Murphy              | Turner            |
| Cornett     | Hankins   | Nichols             |                   |

—47

**CONSIDERATION OF H. 102 RESUMED**

H. 102. Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of five hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

As amended, was again taken up.

The question was on the motion of Mr. Gilchrist to lay on the table the amendment offered by Mr. Reynolds (Chambers), and said motion was adopted.

Yeas 67; Nays 11.

#### Yeas:

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Casey     | Hankins                        | Phillips                     |
| Adams <sup>(Houston)</sup> | Cates     | Harris                         | Pierce                       |
| Albea                      | Chambers  | Harvey                         | Powell                       |
| Ashworth                   | Copeland  | Hawkins                        | Pruitt                       |
| Avery                      | Cornett   | Hocklander                     | Rast                         |
| Bailey                     | Dodd      | Ingram                         | Roberts                      |
| Barnett                    | Edwards   | Jenkins                        | Self                         |
| Bassett                    | Faulk     | Johnson <sup>(Hardaway)</sup>  | Sessions                     |
| Bishop                     | Ferguson  | Johnson <sup>(J. T. Tom)</sup> | Smith <sup>(Russell)</sup>   |
| Boyd                       | Franklin  | Jones <sup>(Covington)</sup>   | Smith <sup>(St. Clair)</sup> |
| Brannan                    | Gilchrist | Jones <sup>(Monroe)</sup>      | Solomon                      |
| Branyon                    | Glass     | Locke                          | Speaks                       |
| Brewer                     | Gordon    | Long <sup>(Lauderdale)</sup>   | Sullivan                     |
| Britton                    | Gross     | Meade                          | Torbert                      |
| Broadfoot                  | Grouby    | Nichols                        | Turner                       |
| Brooks                     | Hain      | Owens                          | Turnham                      |
| Cabiness                   | Hanby     | Perry                          |                              |

—67

#### Nays:

|          |        |                               |          |
|----------|--------|-------------------------------|----------|
| Messrs.: | Camp   | Lee                           | Shumate  |
| Bevill   | Daniel | McLendon <sup>(Bullock)</sup> | Taylor   |
| Callahan | Gilmer | Ramey                         | Trimmier |

—11

Mr. Harris moved the previous question and said motion was lost.

Yeas 3; Nays 88.

Yeas: Messrs. Ferguson, Glass and Harris. —3

#### Nays:

|             |           |                                |                                |
|-------------|-----------|--------------------------------|--------------------------------|
| Mr. Speaker | Casey     | Hankins                        | Merrill                        |
| Albea       | Cates     | Hardy                          | Morrow                         |
| Ashworth    | Chambers  | Harvey                         | Murphy                         |
| Avery       | Cook      | Hawkins                        | Nettles                        |
| Bailey      | Copeland  | Hocklander                     | Nichols                        |
| Barnett     | Cornett   | Ingram                         | Oakley                         |
| Bassett     | Daniel    | Jenkins                        | Owens                          |
| Bevill      | Dickson   | Johnson <sup>(J. T. Tom)</sup> | Perry                          |
| Bishop      | Dodd      | Johnston <sup>(Leonard)</sup>  | Phillips                       |
| Boyd        | Edwards   | Jones <sup>(Covington)</sup>   | Pierce                         |
| Brannan     | Faulk     | Jones <sup>(Monroe)</sup>      | Powell                         |
| Branyon     | Gilchrist | Lee                            | Pruitt                         |
| Brewer      | Gilmer    | Locke                          | Ramey                          |
| Britton     | Goodwyn   | Long <sup>(Perry)</sup>        | Rast                           |
| Broadfoot   | Gordon    | McClendon <sup>(Chamb)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Brooks      | Grant     | McCorquodale                   | Roberts                        |
| Cabiness    | Gross     | McLendon <sup>(Bullock)</sup>  | Rogers                         |
| Callahan    | Hain      | Martin                         | Rozelle                        |
| Camp        | Hanby     | Meade                          | Self                           |

|                            |                              |         |          |
|----------------------------|------------------------------|---------|----------|
| Sessions                   | Smith <sup>(St. Clair)</sup> | Taylor  | Trimmier |
| Shumate                    | Solomon                      | Thomas  | Turner   |
| Smith <sup>(Russell)</sup> | Sullivan                     | Torbert | Turnham  |

—88

Mr. Reynolds (Chambers) offered the following amendment to the bill, H. 102, as amended:

Amend the bill, H. B. 102, as amended, as follows:

In Section 4, strike out the sentence beginning "All licensees under this Act" and ending with the word "year" and insert "All licensees under this Act having five or less places of business shall pay an annual license of two hundred dollars. All licensees under this Act having more than five places of business operating under the same partnership, corporation, or individual, or as a subsidiary, whether directly or indirectly, shall pay an annual license of two thousand dollars, and all partnerships, corporations, individuals, or their subsidiaries, having ten or more places of business shall pay an annual license of five thousand dollars per additional place of business. This rate section shall apply even though a new corporation or partnership might be formed, if in the opinion of the commissioner of the department of revenue such new corporation or partnership was formed from capital of an existing company to defeat the provisions of this Act."

On motion of Mr. Gilchrist the amendment offered by Mr. Reynolds (Chambers) was laid upon the table.

Yeas 47; Nays 40.

**Yeas:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Franklin  | Johnson <sup>(Hardaway)</sup>  | Rast                         |
| Adams <sup>(Houston)</sup> | Gilchrist | Johnson <sup>(J. T. Tom)</sup> | Roberts                      |
| Ashworth                   | Glass     | Jones <sup>(Covington)</sup>   | Rogers                       |
| Bailey                     | Goodwyn   | Jones <sup>(Monroe)</sup>      | Rozelle                      |
| Bassett                    | Gordon    | Lee                            | Sessions                     |
| Bishop                     | Grant     | Meade                          | Smith <sup>(Russell)</sup>   |
| Boyd                       | Gross     | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Casey                      | Grouby    | Nichols                        | Solomon                      |
| Copeland                   | Hanby     | Owens                          | Sullivan                     |
| Cornett                    | Harris    | Phillips                       | Torbert                      |
| Dodd                       | Harvey    | Pierce                         | Turner                       |
| Faulk                      | Ingram    | Pruitt                         |                              |

—47

**Nays:**

|           |                               |                               |                                |
|-----------|-------------------------------|-------------------------------|--------------------------------|
| Messrs.:  | Camp                          | Locke                         | Oden                           |
| Albea     | Cates                         | Long <sup>(Lauderdale)</sup>  | Perry                          |
| Barnett   | Cook                          | Long <sup>(Perry)</sup>       | Powell                         |
| Bevill    | Daniel                        | McClendon <sup>(Chamb)</sup>  | Ramey                          |
| Brannan   | Dickson                       | McCorquodale                  | Reynolds <sup>(Chambers)</sup> |
| Brewer    | Ferguson                      | McLendon <sup>(Bullock)</sup> | Shumate                        |
| Britton   | Hain                          | Martin                        | Speaks                         |
| Broadfoot | Hardy                         | Morrow                        | Taylor                         |
| Brooks    | Jenkins                       | Nettles                       | Thomas                         |
| Cabiness  | Johnston <sup>(Leonard)</sup> | Oakley                        | Turnham                        |
| Callahan  |                               |                               |                                |

—40

Mr. Reynolds (Chambers) offered the following amendment to the bill, H. 102, as amended:

Amend the bill, H. B. 102, as amended, as follows:



In the title and in Section 1, paragraph 6, Section 3, subsection (b) of Section 9, subsection (a) of Sections 12 and 14, Section 16, and Section 17, strike out "five hundred dollars (\$500.00)" and insert "three hundred dollars (\$300.00)".

On motion of Mr. Gilchrist the amendment offered by Mr. Reynolds (Chambers) was laid upon the table.

Yeas 56; Nays 34.

#### Yeas:

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Copeland  | Harvey                         | Pierce                       |
| Adams <sup>(Houston)</sup> | Cornett   | Hocklander                     | Powell                       |
| Ashworth                   | Dickson   | Ingram                         | Rast                         |
| Avery                      | Faulk     | Johnson <sup>(Hardaway)</sup>  | Roberts                      |
| Bailey                     | Ferguson  | Johnson <sup>(J. T. Tom)</sup> | Rogers                       |
| Bassett                    | Franklin  | Jones <sup>(Covington)</sup>   | Rozelle                      |
| Bevill                     | Gilchrist | Jones <sup>(Monroe)</sup>      | Self                         |
| Boyd                       | Glass     | Meade                          | Sessions                     |
| Brannan                    | Gordon    | Merrill                        | Smith <sup>(Russell)</sup>   |
| Branyon                    | Grant     | Nichols                        | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Gross     | Oakley                         | Speaks                       |
| Casey                      | Grouby    | Owens                          | Sullivan                     |
| Cates                      | Hanby     | Perry                          | Trimmier                     |
| Chambers                   | Hankins   | Phillips                       | Turner                       |

—56

#### Nays:

|           |                               |                               |                                |
|-----------|-------------------------------|-------------------------------|--------------------------------|
| Messrs.:  | Daniel                        | Locke                         | Oden                           |
| Albea     | Dodd                          | Long <sup>(Lauderdale)</sup>  | Ramey                          |
| Barnett   | Gilmer                        | Long <sup>(Perry)</sup>       | Reynolds <sup>(Chambers)</sup> |
| Brewer    | Hain                          | McClendon <sup>(Chamb)</sup>  | Shumate                        |
| Broadfoot | Hardy                         | McLendon <sup>(Bullock)</sup> | Solomon                        |
| Cabiness  | Harris                        | Martin                        | Taylor                         |
| Callahan  | Jenkins                       | Morrow                        | Torbert                        |
| Camp      | Johnston <sup>(Leonard)</sup> | Murphy                        | Turnham                        |
| Cook      | Lee                           | Nettles                       |                                |

—34

And said bill, H. 102, as amended, was read a third time at length and passed.

Yeas 86; Nays 9.

#### Yeas:

|                            |           |                                |                               |
|----------------------------|-----------|--------------------------------|-------------------------------|
| Mr. Speaker                | Casey     | Goodwyn                        | Johnston <sup>(Leonard)</sup> |
| Adams <sup>(Houston)</sup> | Cates     | Gordon                         | Jones <sup>(Covington)</sup>  |
| Albea                      | Chambers  | Grant                          | Jones <sup>(Monroe)</sup>     |
| Ashworth                   | Cook      | Gross                          | Lee                           |
| Avery                      | Copeland  | Grouby                         | Locke                         |
| Bailey                     | Cornett   | Hanby                          | Long <sup>(Perry)</sup>       |
| Barnett                    | Daniel    | Hankins                        | McClendon <sup>(Chamb)</sup>  |
| Bassett                    | Dickson   | Hardy                          | McCorquodale                  |
| Bishop                     | Dodd      | Harris                         | Meade                         |
| Boyd                       | Edwards   | Harvey                         | Merrill                       |
| Brannan                    | Faulk     | Hawkins                        | Morrow                        |
| Branyon                    | Ferguson  | Hocklander                     | Nichols                       |
| Brewer                     | Franklin  | Ingram                         | Oakley                        |
| Britton                    | Gilchrist | Jenkins                        | Oden                          |
| Brooks                     | Gilmer    | Johnson <sup>(Hardaway)</sup>  | Owens                         |
| Cabiness                   | Glass     | Johnson <sup>(J. T. Tom)</sup> | Perry                         |

|          |          |                   |          |
|----------|----------|-------------------|----------|
| Phillips | Rogers   | Smith (Russell)   | Thomas   |
| Pierce   | Rozelle  | Smith (St. Clair) | Torbert  |
| Powell   | Salter   | Solomon           | Trimmier |
| Pruitt   | Self     | Speaks            | Turner   |
| Rast     | Sessions | Sullivan          | Turnham  |
| Roberts  | Shumate  |                   |          |

—86

**Nays:**

|          |                    |         |                     |
|----------|--------------------|---------|---------------------|
| Messrs.: | McLendon (Bullock) | Nettles | Reynolds (Chambers) |
| Callahan | Martin             | Ramey   | Taylor              |
| Camp     | Murphy             |         |                     |

—9

**MOTION TO RECONSIDER TABLED**

On motion of Mr. Gilchrist, his motion to reconsider the vote by which the bill, H. 102, as amended, was passed, was laid upon the table.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the Seventeenth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the Seventeenth legislative day was dispensed with and ~~the report of the Standing Committee on Rules was concurred in and~~ adopted, and the Journal for the Seventeenth legislative day was approved.

**REPORT OF STANDING COMMITTEE ON RULES**

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the Eighteenth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the Eighteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the Eighteenth legislative day was approved.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Robison:

S. 292. To amend Section 339 of Title 62, Code of Alabama 1940, relating to the judges of the fifteenth judicial circuit of Alabama (Montgomery County).

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 339 of Title 62, Code of Alabama 1940, relating to the judges of the fifteenth judicial circuit of Alabama (Montgomery County).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 339 of Title 62, Code of Alabama 1940, is hereby amended to read as follows:

"Section 339. The judges shall be numbered first and second, so that each judgeship shall be designated by a number, and the judges shall be so designated on the ballots used in the primary and general elections. The judge having the longest term of service as judge of the fifteenth judicial circuit shall be presiding judge of the circuit."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MONTGOMERY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Inez Woodson, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Bookkeeper of the The Montgomery Advertiser, a newspaper of general circulation published in Montgomery County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, 14, 21, 1959.

INEZ WOODSON.

Sworn to and subscribed before me Sept. 2, 1959.

T. A. HARDY,

Notary Public, Montgomery County.

J. E. SPEIGHT,  
Secretary.

SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 292. Local Legislation No. 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 193. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Elmore County.

Also:

H. 478. To amend Sections 19 and 22 of Act No. 608, H. 700, approved September 4, 1951 (Acts of Alabama, 1951, p. 1045), entitled "An Act Relating to the City of Anniston: To establish a Policemen's and Firemen's Retirement Fund; providing for the resources, management and administration of the Fund, including the payment into the fund by electric, gas, telephone, telegraph and bus transportation public utilities of a license tax equal to one-half of one percent of the gross revenue of such utilities derived from services rendered within the corporate limits and police jurisdiction of the city; and for the transfer of all monies or property of any similar fund to it; creating a Board of Trustees of the Policemen's and Firemen's Retirement Fund and providing for its organization, powers, duties and functions; providing for the retirement of and payment of benefits to members of the police and fire departments and their dependents and survivors; providing for the payment of disability benefits to disabled members of the police and fire departments; providing for appeals from final decisions of the Board of Trustees; and repealing Act No. 365, H. 601, approved July 6, 1945 (General Acts of Alabama, 1945, p. 581) and all other conflicting laws," by providing further for the amount of retirement benefits payable to such firemen and policemen; by providing further for the payment of pensions to the surviving widows of retired members of the police and fire departments; and giving the amendment retroactive effect as to the payment of pensions to the surviving widows of such retired members of the police and fire departments.

Also:

H. 482. For the relief of D. M. Taylor of Marengo County; authorizing the court of county commissioners, board of revenue, or other like governing body of Greene County to make an appropriation of county funds to compensate D. M. Taylor for certain damages.

Also:

H. 483. To amend Section 9 of the act of June 19, 1947 entitled "An Act relating to privilege licenses: levying an additional tax upon sellers of malt or brewed beverages who are engaged in that business in Greene County; providing for the assessment, collection, and distribution of the proceeds of the tax; defining violations of the Act and prescribing penalties therefor" (Act No. 10, H. 43, Local Acts, 1947 Regular Session, p. 1).

Also:

H. 484. To provide for the appointment of an additional deputy, clerk, or other assistant, by the sheriff of Henry County, and to provide for the payment of his compensation by the county.

Also:

H. 485. To provide secretarial and clerical assistance for the clerk of the circuit court of Henry County.

Also:

H. 486. To provide further for the payment of expenses incurred by the sheriff of Henry County in the performance of his duties.

Also:

H. 497. Relating to Montgomery County: To require locksmiths to obtain annual permits to engage in such business, occupation or trade

and as a prerequisite to obtaining such permits to post bonds for themselves and all assistants, helpers or apprentices employed by them, such bonds to be approved by and filed with the sheriff of the county, who shall issue the permits; to prescribe the fee for issuing such permits and provide for the payment thereof into the county treasury; and to prescribe penalties for violations of this Act.

Also:

H. 499. To provide further for the purging the lists of registered voters in Randolph County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 506. To amend further Act No. 273, S. 292, approved August 7, 1947 (1947 Local Acts, p. 196), which is designated "The Civil Service Act of Dothan."

Also:

H. 507. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Also:

H. 10. To amend Section 3 of Act No. 603, entitled "An Act Empowering the Superintendent of Banks to require fees for the examination of all State Banks, Credit Unions and Small Loan Companies", approved September 18, 1957 (General Acts of Alabama 1957, Volume II, page 862).

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 86. To amend further Section 1 of the Act approved June 16, 1945 (Act No. 115, S. 121, Acts 1945, p. 108) relating to the rehabilitation of alcoholics, so as to change the name of the commission provided for in such act.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Mr. deGraffenried:

S. 280. To provide further for the service of process in civil suits growing out of motor vehicle accidents; providing an additional or alternative method of serving such process upon any person who was a

resident of the State of Alabama when a motor vehicle, owned or operated upon the public highway in the State by such person was involved in an accident, but who has since absented himself from the State or concealed himself so that personal service cannot be had upon him.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 280. Judiciary

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Haltom:

S. 3. To amend Title 51, Section 704, Code of Alabama, 1940, as amended, pertaining to ad valorem taxation of motor vehicles.

Also:

By Messrs. Givhan, Graham, Turner, Wilson, Andrews and Eddins:

S. 277. To amend Section 14 of Act No. 207, S. 134, approved July 12, 1949 (Acts 1949, p. 242, the same being known as the "Alabama Coal Mine Safety Law of 1949", relating to "mine gases and quality of air"; to define certain terms used therein; and to provide further for reclassification of mines under certain circumstances.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 3. Ways and Means

S. 277. Business and Labor

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 492. Relating to Macon County; amending further Act No. 334, H. 826, enacted September 12, 1939 (Local Acts of 1939, p. 225), which created and established the Board of Revenue of Macon County, by providing further for the compensation of the members of such board; and repealing conflicting laws.

Also:

H. 477. To authorize and provide for the establishment, maintenance, operation and financing of a public law library in DeKalb County, Alabama; to authorize the governing body of said County to expend public

funds under its control, therefore to provide for taxing and collecting of additional court costs in certain courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and the designation of personnel to operate said library or to assist therein, and the employment of additional personnel for said purpose and the payment of salaries of such personnel.

Also:

H. 412. To repeal Act No. 669, S. 276, approved September 20, 1957, entitled "An Act To regulate the compensation of certain county employees of all counties having a population of not less than 63,750 nor more than 72,750 inhabitants, according to the last or any subsequent federal decennial census" (Acts of Alabama, Regular Session 1957, Vol. II, p. 1013).

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Robison:

S. 293. To amend Section 24 of Act No. 813, S. 662, approved September 11, 1951, (Acts of Alabama 1950-1951, pages 1426-1447), which relates to providing for and prescribing the form of government for all cities in Alabama having a population of not less than 75,000 nor more than 125,000 inhabitants according to the preliminary count of the 1950 federal census or any subsequent regular decennial federal census by more particularly defining the employees covered thereunder.

Also:

By Mr. Robison:

S. 294. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 31, Township 16, North, Range 18 East, Montgomery County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama for passage of a law in substance as follows:

#### A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 31, Township 16, North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearrang-

ed and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the point of intersection of the East line of Section 31, Township 16 North, Range 18 East, with the North right-of-way line of Southern Boulevard, and running thence south 85 degrees—56' West along said North right-of-way line a distance of 1317 feet, more or less, to its point of intersection with the West line of the  $E\frac{1}{2}$  of the  $E\frac{1}{2}$  of said Section 31; thence turning and running along the West line of said  $E\frac{1}{2}$  of the  $E\frac{1}{2}$ , Section 31, South 03 degrees—46' East 988.7 feet to a point located North 03 degrees—46' West 505.0 feet from the Southeast corner of the  $SW\frac{1}{4}$  of the  $NE\frac{1}{4}$  of said Section 31; thence turning and running parallel with the South line of said  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$ , Section 31, South 86 degrees—31' West 657.3 feet; thence turning and running South 30 degrees—31' West 129.2 feet; thence South 47 degrees—13' West 52.2 feet; thence South 30 degrees—31' West 150.0 feet; thence South 59 degrees—29' East 320.0 feet; thence South 30 degrees—12' East 68.9 feet; thence South 03 degrees—46' East 350.0 feet; thence North 86 degrees—31' East 560.0 feet to a point in the West line of the  $E\frac{1}{2}$  of the  $E\frac{1}{2}$ , Section 31; thence South 03 degrees—46' East along the West line of said  $E\frac{1}{2}$  of  $E\frac{1}{2}$ , Section 31, a distance of 700.0 feet; thence turning and running parallel with the right-of-way line of Southern Boulevard North 85 degrees — 56' East 1316.3 feet to a point in the East line of Section 31; thence along the East line of Section 31, North 03 degrees—45' West 2543.7 feet to its point of intersection with the North right-of-way line of Southern Boulevard, the point of beginning.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### STATE OF ALABAMA MONTGOMERY COUNTY

Before me, Ruth E. Moore, a Notary Public in and for said State and County, personally appeared: Guyton Parks, Business Manager for The Advertiser Co., Inc., publishers of the Alabama Journal, a newspaper published in the City of Montgomery, County of Montgomery, and State of Alabama, who, being by me first duly sworn, deposes and says on oath that the attached is a true copy of a "Legal Notice" which appeared in the regular editions of said newspapers published in said City and County of Montgomery on July 9, 16, 23 and 30, 1959.

GUYTON PARKS,  
Business Manager,  
The Advertiser Co.

Sworn to and subscribed before me, this the 3rd day of August, 1959.

RUTH E. MOORE,  
Notary Public.

Also:

By Mr. Robison:

S. 295. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 36, Township 16 North, Range 18 East, Montgomery County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE



Notice is hereby given of the intention to apply to the Legislature of Alabama for passage of a law in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 36, Township 16 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the Northeast corner of Cleveland Avenue and Fleming Road, thence N 85 degrees 56 minutes E along the North right-of-way line of Fleming Road a distance of 725.8 feet, more or less, to a point; thence S 04 degrees 20 minutes E a distance of 40 feet to a point on the South right-of-way line of Fleming Road, being 250 ft. West of the Northwest corner of Lot 3, Plat of Beauvoir Gardens, as recorded in Plat Book 3, Page 25, in the office of the Judge of Probate, Montgomery County, Alabama; thence S 04 degrees 20 minutes E a distance of 769.6 feet to a point; thence S 85 degrees 40 minutes W a distance of 275 feet to a point; thence S 04 degrees 20 minutes E a distance of 20 feet to a point; thence S 85 degrees 40 minutes W a distance of 192.6 feet to a point on the East right-of-way line of the Atlantic Coast Line R.R.; thence in a Northwesterly direction along the curve of the East right-of-way line of the Atlantic Coast Railroad a distance of 1005.99 feet, more or less, to a point on the North right-of-way line of Fleming Road; thence N 85 degrees 56 minutes E along the North right-of-way line of Fleming Road a distance of 236.3 feet, more or less to a point in the center line of Cleveland Avenue; thence South along the center line of Cleveland Avenue a distance of 20 feet to a point; thence N 85 degrees 56 minutes E a distance of 30 feet to the point of beginning; all of the above described property being the Plat of Burgwyn Estates, as recorded in Plat Book 14, page 154, in the Office of the Judge of Probate, Montgomery County, Alabama, except for that portion of Fleming Road herein described; and all being in Section 36, T 16 N, R 17 E.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA  
MONTGOMERY COUNTY

Before me, T. A. Hardy, a Notary Public in and for said State and County, personally appeared: Guyton Parks for The Advertiser Company, Inc., publishers of the Alabama Journal, a newspaper published in the City of Montgomery, County of Montgomery, State of Alabama, who, being by me first duly sworn, deposes and says on oath that the attached is a true copy of a "Legal Notice" which appeared in the regular editions of said newspaper published in said City and County of Montgomery on August 1, 8, 15 and 22, 1959.

GUYTON PARKS.

Sworn to and subscribed before me, this the 28 day of August, 1959.

T. A. HARDY,  
Notary Public.

Also:

By Mr. Wilson:

S. 298. Relating to the holding of elections in Hale County; authorizing the court of county commissioners, board of revenue, or other like governing body of Hale County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF HALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to the holding of elections in Hale County; authorizing the court of county commissioners, board of revenue, or other like governing body of Hale County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or other like governing body of Hale County may by resolution or ordinance provide for the purchase, installation, and use of voting machines in all elections held within the county, without first submitting the question of the installation of voting machines to a vote of the qualified electors of the county or of any municipality therein. If voting machines are provided for pursuant to this Act, the purchase, installation, and use thereof shall be governed by the provisions of Article 7 of Chapter 1, Title 17, Code of Alabama 1940, as amended. In its discretion, the county governing body may, from time to time, determine the number of voting machines to be used in elections held within the county and may designate the locations or places within the county where such voting machines shall be used.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF HALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared N. H. Cobbs, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Greensboro Watchman, a newspaper of general circulation published in Hale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 6, August 13, August 20, and August 27, all in the year 1959.

N. H. COBBS.

Sworn to and subscribed before me August 27, 1959.

WILLIE L. ARRINGTON.  
Notary Public, Hale County.

Also:

By Mr. Green:

S. 299. To alter, extend and rearrange the boundary lines and corporate limits of the Town of York in Sumter County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL

#### STATE OF ALABAMA COUNTY OF SUMTER:

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of York in Sumter County, Alabama, are hereby altered, extended, and rearranged so that in addition to the territory presently embraced therein, all of the lands described herein will lie and be within the boundaries and corporate limits of such town:

West half of northwest quarter of Section 28, Township 18, Range 3 west; west half of west half of east half of northwest quarter of Section 28, Township 18, Range 3 west; west half of west half of Section 21, Township 18, Range 3 west; west half of west half of east half of west half of Section 21, Township 18, Range 3 west; west half of southwest quarter of Section 16, Township 18, Range 3 west; west half of west half of east half of southwest quarter Section 16, Township 18, Range 3 west (all of the above described land being a rectangular tract 1980 feet wide, east and west, and two miles long, north and south); east half of northwest quarter of Section 27, Township 18, Range 3 west; west half of northeast quarter of Section 27, Township 18, Range 3 west; northeast quarter of northeast quarter of Section 27, Township 18, Range 3 west; northwest quarter of southeast quarter of Section 27, Township 18, Range 3 west; and southeast quarter of Section 22, Township 18, Range 3 west.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Dick Smith, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Sumter County Journal, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 30, Aug. 6, Aug. 13, and Aug. 20, all in the years 1959.

DICK SMITH.

Sworn to and subscribed before me Aug. 24, 1959.

CHRISTINE DAVIS,  
Notary Public.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 293. Local Legislation No. 1

S. 294. Local Legislation No. 1

S. 295. Local Legislation No. 1

S. 298. Local Legislation No. 1

S. 299. Local Legislation No. 1

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Eddins:

S. 39. To establish a legislative committee to make an investigation to determine if certain businesses have formed a combination in restraint of trade or in preventing reasonable and fair competition, or have otherwise violated any of the monopoly or trust laws of this state; to provide for the selection of the committee, and to prescribe its powers, duties, and authority; to provide for the payment of the expenses of the committee out of funds appropriated for the use of the Legislature; to provide for the enforcement of the Act; and to prescribe penalties.

Also:

By Messrs. Haltom, Turner, Rutledge, Graham, deGraffenried and Barnett:

S. 119. To amend Section 12 of Title 35, Code of Alabama 1940, which relates to military leave for government employees.

Also:

By Messrs. Crawford, Clark, Webb, Barnett, Golson, Berryman and Farmer:

S. 192. To amend further Section 89 of Title 36, Code of Alabama 1940, which limits the size and weight of motor vehicles and loads.

Also:

By Messrs. Samford, Archer and Hines:

S. 133. To revise and amend Title 24, Code of Alabama 1940, which relates to hotels and innkeepers.

J. E. SPEIGHT,  
Secretary.

### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 39. State Administration

S. 119. Military Affairs

S. 192. Transportation

S. 133. Judiciary

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Gaither, Barnett, Webb, Cooper and Wyatt:

S. 209. To establish a Commission on Interstate Cooperation, define its duties, prescribe its authority, and provide for its membership.

Also:

By Messrs. deGraffenried, Porter, Graham, Robison, Jones, Cooper, Turner, Crawford, Farmer, Clark, Word, Moses, Barnett, Golson, Andrews, Wilson, Eddins, Caffey, Hines, Samford, Green, Roberts, Rutledge, Dumas, Berryman, Kendall, Archer, Webb, Gaither, Godfrey, Leonard and Wyatt:

S. 202. To create a Commission to plan and direct the commemoration of the centennial of Alabama's part in the War Between the States, as a part of the National Centennial program, as a means of promoting a better understanding of the heroic and valorous sacrifices of the people of Alabama in this great war for principles which they believed to be true and eternal, and of providing a clearer conception of their contributions to the Confederate cause; to provide for the duties and powers of said Commission; and to make an appropriation thereto.

Also:

By Messrs. Dumas, Caffey, Robison, Wyatt, Godfrey, deGraffenried, Haltom, Shelton, Farmer and Archer:

S. 123. To amend Section 107 of Title 17 of the Code of Alabama (1940), as amended by Act No. 584 of the 1949 Regular Session of the Legislature of Alabama (page 911 of Acts of 1949, approved September 19, 1949) which relates to instruction and assistance for voters at the polls where voting machines are used.

Also:

By Messrs. Barnett, Turner and Rutledge:

S. 235. To amend the caption and Section 2 of Act No. 308, S. 193, approved August 26, 1955 (Acts of Alabama, 1955, p. 707), entitled "An

Act To provide for the issuance of distinctive motor vehicle license plates or tags to members of the National Guard and Air National Guard of Alabama upon the payment of an additional sum of \$1.00 for use by such persons upon their personally-owned, private, passenger vehicles in lieu of the standard license plate or tag now required; and for the use of such distinctive plates by the State Military Department," by providing further for the issuance of such distinctive motor vehicle license plates.

Also:

By Mr. Turner:

S. 128. Relating to supernumerary circuit solicitors; amending Section 1 of an act approved September 3, 1953 (Act No. 474, S. 219, Acts 1953, Vol. 1, p. 589) providing for the appointment of supernumerary circuit solicitors of the State of Alabama, to provide that any person holding office as a judge of a court of record who has served continuously as a circuit solicitor for twenty years or more may become a supernumerary circuit solicitor.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 209. Judiciary
- S. 202. Ways and Means
- S. 123 Constitution and Elections
- S. 235. Military Affairs
- S. 128. Ways and Means

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Jones, Dumas, Graham, Turner, deGraffenried and Leonard:

S. 228. To provide that in circuit courts the parties to any action, except prosecutions for capital felonies, may at any stage of a trial then pending and whether the jury has retired or not, unanimously consent with legal effectiveness to the discharge from further duty of any member of the jury trying the case, and to a continuation of the trial and the rendition of a verdict by the remaining jurors; and to further provide that in such courts and in such actions the parties may, prior to the commencement of a trial, unanimously stipulate in open court with legal effectiveness that in the event it becomes necessary during the pendency of the trial, whether the jury has retired or not, for the court to discharge from further duty any member of the jury trying the case because of the juror's sickness or other good cause, the trial shall continue with and a verdict be rendered by the remaining jurors.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

- S. 228. Judiciary

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Givhan, Webb, Farmer, Turner, Barnett, Golson, Cooper, Graham, Crawford, Berryman, Wilson, Green, Word, Kendall, Rutledge, deGraffenried, Dumas, Moses, Andrews, Roberts, Godfrey and Leonard:

S. 61. To amend sections 1, 2, and 3 of Act No. 666, S. 155, approved September 16, 1953 (Acts of Alabama, Regular Session, 1953, p. 923), entitled "An Act To provide for a scholarship program for medical education; and making an appropriation therefor."

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 61. Ways and Means

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Haltom:

S. 236. Relating only to counties having a population of not less than 53,000 nor more than 56,000 according to the last federal decennial census; requiring that all ad valorem assessment raises and all increased ad valorem assessments on individual parcels, lots or tracts of real property made, fixed or set by the respective county boards of equalization in such counties during and for the current ad valorem tax year of 1959 be set aside, cancelled and annulled; further requiring that such individual parcels, lots or tracts of real property be assessed for ad valorem taxation for the current ad valorem tax year of 1959 according to the respective assessment values originally made in the 1959 ad valorem tax year by the respective tax assessors in such counties prior to the respective 1959 ad valorem tax year meetings of such county boards of equalization; further providing that the provisions of this Act shall not apply to any real property in any such counties which has escaped taxation in any assessment within five years next preceding the current tax year.

Also:

By Messrs. Robison, Moses, Turner, deGraffenried and Eddins:

S. 197. To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$50,000.00 for the purpose of renovating and remodelling space in the basement of the State Capitol for a restaurant and for the correction of the electrical distribution system for the Capitol.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 236. Local Legislation No. 1

S. 197. Ways and Means

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 7. To appropriate, in addition to any other appropriation heretofore made for such purposes, out of any funds in the State Treasury not otherwise appropriated, the sum of \$15,000.00 or so much thereof as may be necessary, to be used for payment of attorneys fees in indigent capital cases for the fiscal years ending September 30, 1958 and September 30, 1959, pursuant to the provisions of Title 15, Code of Alabama 1940, as amended.

Also:

H. 158. To amend Section 9 of the act approved September 2, 1949 entitled, "An Act Relating to public health; to regulate, through licensure, hospitals, sanatoria, rest homes, nursing homes, and related institutions; and providing penalties for the violation of this Act." (Act No. 530, H. 635, Acts of Alabama 1949, p. 835).

Also:

H. 323. To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$25,000.00 to the Birmingham Chamber of Commerce to be expended for the Southeastern Regional Exposition of the Department of Defense to be staged in Birmingham, Alabama, December 7-9, 1959, inclusive.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Moses:

S. 258. Relating to the operation of school buses in Marion County; providing that the County Board of Education of Marion County shall employ no person as a school bus driver unless such person is twenty-five years of age and requiring the County Board of Education to pay school bus drivers a prescribed minimum salary.

With notice and proof thereto attached and herewith exhibited as follows:

#### STATE OF ALABAMA COUNTY OF MARION

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:



A BILL  
TO BE ENTITLED  
AN ACT

Relating to the operation of school buses in Marion County: providing that the County Board of Education of Marion County shall employ no person as a school bus driver unless such person is twenty-five years of age and requiring the County Board of Education to pay school bus drivers a prescribed minimum salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Board of Education of Marion County, Alabama, shall employ no person as a school bus driver who is not at least twenty-five years of age at the time of his employment, and shall pay school bus drivers a salary of at least \$100.00 per month.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

HUGH MOSES  
State Senator  
Thirty-first Senatorial  
District.

4t 5-7, 14, 21, 28 ch

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared Walter D. Haney, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor-Manager of the Marion County News, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 7, May 14, May 21, and May 28, all in the year 1959.

WALTER D. HANEY.

Sworn to and subscribed before me June 8, 1959.

G. O. KARR,  
Notary Public.

Also:

By Mr. Moses:

S. 259. To allow the sheriff of Marion County, Alabama, one additional deputy sheriff in addition to those now provided by law, and to authorize the governing body of Marion County to pay the salary of the same; to fix the salary of said additional deputy and to make same payable out of the general funds of Marion County, in monthly installments; to authorize the Sheriff's supervision and control of said additional deputy and to provide for the appointment of the same.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARION

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To allow the Sheriff of Marion County, Alabama, one additional deputy sheriff in addition to those now provided by law, and to authorize the governing body of Marion County to pay the salary of the same; to fix the salary of said additional deputy and to make same payable out of general funds of Marion County, in monthly installments; to authorize the Sheriff's supervision and control of said additional deputy and to provide for the appointment of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Marion County, Alabama, is hereby allowed one additional deputy sheriff to those now provided by law, which deputy shall receive a salary of not less than \$1,800.00 per annum nor more than \$4,200.00 per annum, to be paid in twelve equal monthly installments out of the general funds of Marion County, Alabama. Said deputy shall be eligible to perform the duties of deputy sheriff anywhere in said County.

Section 2. The appointment of the additional deputy sheriff herein provided shall be made by the Sheriff of Marion County and certified by him to the governing body of Marion County, Alabama, and the salary of said deputy shall be fixed by the said governing body as provided in this act. Such additional deputy sheriff shall serve at the pleasure of the Sheriff of Marion County, Alabama.

Section 3. That on the first day of each month the governing body of Marion County shall order a warrant to be drawn upon the general funds of said County, payable to said deputy sheriff, for the monthly salary as shall be due him under the provisions of this Act.

Section 4. If any part, paragraph, or section of this Act be declared unconstitutional, the balance of said Act shall not be affected thereby.

5. This Act shall be of full force and effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

HUGH MOSES  
State Senator  
Thirty-first Senatorial  
District

4t 5-7, 14, 21, 28 ch

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared Walter D. Haney, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor-Manager of the Marion County News, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice

having appeared in the issues of said paper on May 7, May 14, May 21, and May 28, all in the year 1959.

WALTER D. HANEY.

Sworn to and subscribed before me June 8, 1959.

G. O. KARR,  
Notary Public.

J. E. SPEIGHT,  
Secretary.

### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 258. Local Legislation No. 1

S. 259. Local Legislation No. 1

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 472. To provide for making service awards to certain county employees in all counties having a population in excess of 500,000, according to the last or any subsequent federal decennial census.

Also:

H. 456. To empower the board of revenue, court of county commissioners, or other like governing body of counties having a population of not less than 40,500 nor more than 45,000 inhabitants, according to the last or any subsequent federal decennial census, to authorize the offices of officials in the courthouse to be closed all day on Saturday each week.

Also:

H. 435. To regulate the compensation of members of the county board of education in counties having a population of not less than 14,000 nor more than 16,000 inhabitants according to the 1950 federal decennial census.

Also:

H. 138. To authorize and provide for the payment of a monthly expense allowance for expenses incurred in the conduct and maintenance of his office and in the proper and efficient performance and discharge of his duties as such Circuit Judge to each Circuit Judge in Judicial Circuits in Alabama composed of one county in Alabama having a population of not less than 94,000 nor more than 134,000 inhabitants, according to the last, or any subsequent, federal decennial census, payable out of the County treasury of the County composing such Judicial Circuit.

J. E. SPEIGHT,  
Secretary.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 112. To apply in Pickens County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets, including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

Also:

H. 427. To amend an Act approved September 6, 1957, entitled "An Act to establish an Inferior Court for Jefferson County, Alabama, to define the jurisdiction and powers of said court, the judge, the clerk and other officers thereof; to provide for a place of holding said court, the terms and salary of said judge and officers of said court, the manner of their appointment and election, and the payment of their salaries, and to provide that the Act shall go into effect on the First day of January 1959", and to provide for an annual vacation of the judge of said court.

Also:

H. 441. To alter, rearrange, and extend the boundaries and corporate limits of the town of West Blocton, Bibb County, so as to annex certain territory to the town.

Also:

H. 444. To amend Act No. 581, H. 1044, approved September 19, 1949 (1949 Acts, p. 909), entitled "An Act Relating to Choctaw County: To authorize and direct the governing body of Choctaw County to pay the salaries of clerks of the Tax Assessor and Tax Collector of the county."

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Wyatt:

S. 268. To amend Section 1 of an act approved July 12, 1957, fixing the compensation of the coroner of St. Clair County (Act No. 131, H. 526, Acts of Alabama, Regular Session 1957, Vol. 1, p. 179).

With notice and proof thereto attached and herewith exhibited as follows:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 1 of an act approved July 12, 1957, fixing the compensation of the coroner of St. Clair County (Act No. 131, H. 526, Acts of Alabama, Regular Session 1957, Vol. 1, p. 179).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of an act approved July 12, 1957, fixing the compensation of the coroner of St. Clair County (Act No. 131, H. 526,

Acts of Alabama, Regular Session 1957, Vol. 1, p. 179) is amended to read as follows:

"Section 1. The entire compensation of the coroner of St. Clair County shall be an annual salary of twelve hundred dollars, payable in equal monthly installments, and an expense allowance of six cents (6c) per mile for each mile travelled in connection with the performance of any official duties which he is called upon to perform by any law enforcement Officer, the judge of court of record or the circuit or county solicitor. Such salary and expense allowance shall be paid out of the general fund in the county treasury, and shall be in lieu of all fees, allowances and other remuneration allowable or payable to coroners for the performance of their official duties."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF ST. CLAIR

Before me, the undersigned authority in and for said County in said State, this day personally appeared E. R. Blair, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the St. Clair News-Aegis, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 6-18, 6-25, 7-2, and 7-9, all in the year 1959.

E. R. BLAIR.

Sworn to and subscribed before me 7-14, 1959.

ETHEL BLAIR,  
Notary Public.

Also:

By Mr. Wyatt:

S. 269. Providing further for the compensation and allowances of members of the court of county commissioners or other like governing body of St. Clair County.

With notice and proof thereto attached and herewith exhibited as follows:

#### A BILL TO BE ENTITLED AN ACT

Providing further for the compensation and allowances of members of the court of county commissioners or other like governing body of St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the court of county commissioners, board of revenue, or other like governing body of St. Clair County shall be paid for his services the sum of seven dollars and fifty cents a day while occupied in the discharge of his duties as such member of the court or board, and shall in addition thereto be allowed expenses in an amount not to exceed one hundred dollars a month, together with an

allowance of five cents per mile travelled in going to and returning from the court and for each mile travelled in the discharge of his duties in letting out, inspecting and accepting, building, or repairing any of the county bridges or county buildings, roads or works.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF ST. CLAIR

Before me, the undersigned authority in and for said County in said State, this day personally appeared E. R. Blair, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the St. Clair News-Aegis, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 6-18, 6-25, 7-2, and 7-9, all in the year 1959.

E. R. BLAIR.

Sworn to and subscribed before me 7-14, 1959.

ETHEL BLAIR,  
Notary Public.

Also:

By Mr. Robison:

S. 272. To provide for the establishment and administration of a retirement system; to provide retirement allowances and other benefits for certain employees of the County of Montgomery.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a local law substantially as follows will be introduced in the Legislature of Alabama and application for its enactment will be made.

#### A BILL TO BE ENTITLED AN ACT

To provide for the establishment and administration of a retirement system; to provide retirement allowances and other benefits for certain employees of the County of Montgomery.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Definitions — the following words and phrases as used in this Act, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Pension System" shall mean the Montgomery County Employees' Retirement System, as defined in Section 2 of this Act.

(2) "County" shall mean the County of Montgomery, Alabama.

(3) "Board" shall mean the Board of Revenue of the County.

(4) "Employee" shall mean any regular and permanent officer or employee of the County, but any person who is an employee immediately prior to the effective date of this Act shall not come under this Act, and any employee whose compensation is paid on a per diem basis and elected officials do not come under this Act. In all cases of doubt, the Board shall decide who is an employee within the meaning of this Act.

(5) "Member" shall mean any person included in the membership of the Pension System as provided in Section 3 of this Act.

(6) "Service" shall mean service in the employment of and paid for by the County including service in the armed forces of the United States rendered between periods of County Service; and service as a temporary acting official of the County rendered during the period the regular elective officials served in the armed forces of the United States. Service while in the employment of the county and paid partially by the City of Montgomery, Alabama, and the State of Alabama shall also be included if contributions on account of such service are made in accordance with Section 3, Sub-section (3) of this Act.

(7) "Membership service" shall mean as a member for which credit is allowable as provided in Section 4, Subsection (1) of this Act.

(8) "Creditable service" shall mean membership.

(9) "Retirement allowance" shall mean annual payments for life. All such retirement allowances shall be payable in monthly installments continuing to the last payment prior to death.

(10) "Beneficiary" shall mean any person in receipt of a retirement allowance under this Act.

(11) "Accumulated contributions" shall mean the sum of all the amounts deducted from the compensation of a member.

(12) "Earnable compensation" shall mean the full rate of compensation, excluding that part of his salary in excess of \$4,800.00 per annum, that would be payable to a member if he worked the full normal working time.

(13) "Pension Plan" shall mean the Pension System for County employees established by Act No. 240, H. 627, approved July 29, 1947 (Local Acts of 1947, p. 165 as amended) as said system existed immediately prior to the operative date of this Act which said System is not repealed but will ultimately be superseded by this Act.

(14) "Operative date" shall mean the date the Pension System begins operation as provided in Section 2 of this Act.

(15) "Retirement age" shall mean the age at which the member becomes eligible for pension under this Act and shall be entitled to retire; for females the age is 62 and for males the age is 65.

**SECTION 2. Date Operative** — The Board of Revenue is hereby authorized to establish a retirement system for the purpose of providing retirement allowances under the provisions of this Act for employees of the County of Montgomery. The Pension System shall begin operation as of the date set by the Board of Revenue by Resolution or Resolutions adopted by the Board. It shall be known as the "Montgomery County Employees' Retirement System" and all of its funds invested and all of its cash and securities and other property held in trust for the purpose for which received.

SECTION 3. Membership — (1) Any person who becomes an employee on or after the operative date shall, as a condition of his employment, become a member of the Pension System on the first day of the calendar month following his completion of one year of service. No such person shall be under the Pension Plan as defined in Section 1, Sub-section (13) of this Act.

(2) Any person in service on the operative date who became an employee prior thereto and who on the operative date is not immediately eligible for the Pension Plan shall become a member of this Pension System as of such date or as of the first day of the calendar month following the completion of one year of service.

(3) Anything in this Act to the contrary notwithstanding, any employee whose earnable compensation is paid in whole or in part by the City of Montgomery, Alabama, the State of Alabama, and the County of Montgomery, and who is not otherwise covered by a Pension Plan or Pension System of the City or the State, or the County, may become a member if otherwise eligible, provided the City, the State and the County contributes to the Pension System on his account in proportion to the sums the City, the State and the County paid as salary or wages for such an employee.

(4) Should any member in any period of six consecutive years after last becoming a member be absent from service more than five years, or should he withdraw his accumulated contributions or die or retire under the provisions of this Act, he shall thereupon cease to be a member.

SECTION 4. Service Creditable — (1) Each member shall receive membership service credit for all service rendered while a member of the Pension System since he became a member, or since he last became a member in the event of a break in his membership.

(2) The Board shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the Board allow credit as service for any period of more than one month's duration during which the employee was absent without pay. The Board shall verify the service claimed, and shall issue service certificates certifying to each member the number of years of service with which he is credited. As long as membership continues, a certificate shall be final and conclusive for retirement purposes as to such service credit; provided, however, that any member may, within one year after the date of issuance or modification of such certificate, request the Board to modify or correct his service certificate.

(3) Creditable service at retirement on which the retirement allowance of a member shall be based consists of his membership service credit.

(4) Anything in this Act to the contrary notwithstanding, if an employee is absent due to service in the armed forces and returns to County service within ninety days after becoming entitled to discharge for a period of not more than two years, credit for such period of absence commencing prior to the operative date shall be allowed service credit as if such service had been service as an employee of the County with compensation at the employee's rate of compensation in effect immediately prior to such absence. The period of any such absence commencing on or after the operative date shall be allowed as membership service credit as if such service had been service as an employee of the County with compensation at the member's rate of compensation in



effect immediately prior to such absence, provided contributions are made by the member on account of such period.

SECTION 5. Administration — (1) The general administration and the responsibility for the proper operation of the Pension System and for making effective the provisions of this Act are hereby vested in the Board of Revenue of Montgomery County, Alabama.

(2) The Board of Revenue shall have the power, right and authority from time to time to establish rules and regulations for the administration of the Pension System and for the transaction of its business.

(3) The Board shall keep in convenient form, such data as shall be necessary for actuarial valuation of the Pension System and for checking the experience of the Pension System.

(4) The Board shall keep a record of all of its proceedings, which records shall be open to public inspection.

#### Duties of Actuary

(5) The Board may designate an actuary who shall be the technical adviser of the Board on matters regarding the operation of the Pension System and who shall perform such other duties as are required in connection therewith. Such actuary to serve at the pleasure of the Board, all contracts with such actuary to be subject to this provision.

(6) The Board may certify from time to time the rates of contribution payable under the provisions of this Act, not to exceed the maximums specified in Section 7, and may adopt for the Pension System from time to time such mortality, service and other tables as shall be deemed necessary, and on the basis of such tables the actuary may make annually or as otherwise directed an actuarial valuation of the assets and liabilities of the Pension System. The Board shall at times within its absolute discretion cause an actuarial investigation to be made into the mortality, service and compensation experience of the members and beneficiaries of the Pension System.

#### SECTION 6. Benefits — Service Retirement Allowance.

(1) (a) The minimum service retirement age shall be the age at which the member attains the age of sixty-five for males and sixty-two for females, and completes twenty years of continuous service or twenty-five years of service, at least fifteen of which are continuous. Any member in service who has attained his minimum service retirement age shall be retired by the Board on a service retirement allowance upon his written application setting forth at what time, not less than thirty nor more than ninety days next following the execution and filing thereof, he desires to be retired, notwithstanding that during such period of notification he may have separated from service.

(b) Any member in service who has attained age seventy and completed twenty years of continuous service or twenty-five years of service, at least fifteen of which are continuous, shall be retired forthwith by the Board on a service retirement allowance; provided that upon the request of his department head, approved by the Board, a member who is a professional, technical or administrative employee or a chief clerk or deputy sheriff and who has attained age seventy may be permitted to continue in active service for a period of one year as a result of each such request. More than one such request may be made relative to a person. Notwithstanding an extension of a member's service after he has attained age seventy, such a member shall be retired by the Board on a service retirement allowance upon his written application setting forth at what time not less than thirty nor more than ninety

days next following the execution and filing thereof he desires to be retired.

(c) Any member in service who has attained age seventy and who is not otherwise eligible for a service retirement allowance shall cease to be an employee of the County; provided that upon the request of his department head, approved by the Board, a member who is a professional, technical or administrative employee or a chief clerk or deputy sheriff and who has attained age seventy may be permitted to continue in active service for a period of one year as a result of each such request. More than one such request may be made relative to a person.

(d) Any member in service as the chief deputy or other deputy of the sheriff who has completed twenty years of continuous service or twenty-five years of service, at least fifteen of which are continuous, who becomes disabled to perform the type of classified duties he is employed to perform as determined by the Board of Revenue, may be retired by the Board on a service retirement allowance.

(e) The pension payments due eligible employees under this Pension System as to amounts shall be the same and identical as the payments now specified in the Pension Plan; that is to say the rate of pensions under the Pension System per each employee is governed by the same formula payments as in the Pension Plan.

#### Return of Contributions

(2) Should a member cease to be an employee for any reason other than retirement under the provisions of this Act, he shall be paid on demand the sum of his contributions without interest. In the event of death of a member, the sum of his contributions, without interest, shall be paid to his personal representative.

(3) After three years from the date and time any return contribution is due an employee no claim, suit or action may be filed or brought in any court of law or equity or otherwise for the return of such sum.

(4) All sums remaining after being barred by Section 6, Sub-section (3) above shall vest in the Retirement Fund.

SECTION 7. Method of Financing — All of the assets of the System shall be credited, according to the purpose for which they are held.

SECTION 7. b. Method of financing—All of the assets of the System shall be credited, according to the purpose for which they are held.

(1) Retirement Fund. The Retirement Fund shall be the account in which shall be accumulated, the contributions deducted from the compensation of members. The rate of contribution to the Pension System on the part of members shall not, unless changed by the Legislature, exceed three and one-half per centum of each member's gross earnable compensation, subject to the \$4,800.00 maximum limitation.

(a) The Board of Revenue shall cause to be deducted from the compensation of each member on each and every payroll for each and every payroll period, such proportion of the member's compensation. In determining the amount earnable by a member in a payroll period, the Board of Revenue may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period, and it may omit deduction from compensation, for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one per centum of the compensation upon the basis of which such deduction is made.

(b) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be deducted thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction and less other authorized deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment.

(c) The Clerk of the Board of Revenue shall certify the amounts deducted on each and every payroll.

(d) All interest and dividends earned on the funds of the Pension System shall be credited to the Retirement Fund.

(e) On account of each member, there shall be paid each payment period into the Retirement Fund, three and one-half per centum of the compensation of each member to be known as the "normal contribution."

(f) The County contributions to the Pension System fund shall be paid from the County departmental fund from which such particular employee derives his payment of wages or salary.

(2) Expense Account. The Expense Account shall be the account to which shall be credited all money provided by the County to pay the administration expenses of the Pension System, and from which shall be paid all the expenses necessary in connection with the administration and operation of the System.

(3) Judicial Interpretation. Should there be any conflict between the Pension Plan and the Pension System caused by the provisions enumerated in this Act, the Board of Revenue may by proper resolution, reconcile such conflicts so that practicable justice can be had as near as can be, and the Board of Revenue acting judicially, is hereby vested with full power, authority and right to make by its judicial determination, reconciliations and adjustments when caused by conflicts or inconsistencies in the herein Pension System with the provisions of the Pension Plan. The Board may act judicially in its capacity as a court adjudicate and determine all controversies and issues arising under this Act, and its findings of fact and determinations of issues shall be final and conclusive.

(a) No employee or person shall draw any sum from both the Pension Plan and the Pension System.

(b) Whenever the "masculine" is used herein, it shall include the "feminine."

SECTION 8. Management of Funds — (1) The members of the Board shall be the trustees of all of the assets of the Pension System and shall have full power to invest and reinvest such assets.

(2) All such investments or reinvestments of such assets shall be in bonds or other securities issued as direct obligations of the Government of the United States or a direct obligation of the State of Alabama or the direct obligation of any municipality or county in Alabama.

(3) Such funds may be deposited in any National Bank having its home office in Montgomery, Alabama, or any similar State Bank which deposits are guaranteed by the Federal Deposit Insurance Corporation deposit laws of the United States.

(4) Not over \$10,000.00 shall be placed in any one such depository unless the deposit is protected by United States Bonds twice the value of such deposit to secure such deposits as trust funds.

**SECTION 9. Limitations on Other Legislation.** — This Act and the provisions of this Pension System shall supersede the Pension Plan as to any person becoming employed by the County on and after the operative date of this Pension System and no person becoming an employee of the County after said date shall participate in any way in such Pension Plan.

**SECTION 10. Assignments Prohibited.** — (1) The property and funds of the Pension System, the contributions of members deducted from their compensation, the right of a person to a retirement allowance, and any other right accrued or accruing to any person under the provisions of this Act and the moneys in the various accounts created by this Act shall not be subject to taxation by the County nor by the State of Alabama, nor be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws or any other process of law whatsoever to satisfy any debt or liability of any member and shall be unassignable except as in this Act specifically provided.

(2) Nor shall any benefit or sum be mortgaged, pledged or alienated other than an employee entitled to any return of contributions or payments due him or her which has not been actually received may dispose of such sum or claim thereto by Last Will and Testament or the disposition of such sums shall be subject to the laws of Descent and Distribution of Alabama, in existence at such time in the event of such employee leaving no valid last will.

**SECTION 11. Protection Against Fraud.** — Whoever with intent to deceive shall make any claim, statements, representations or reports required under this Act which are untrue, or shall falsify or permit to be falsified any record or records of this Pension System shall be fined not to exceed one hundred dollars, or imprisoned in the Montgomery County Jail not to exceed six months, or both.

**SECTION 12. Errors** — Should any change or error in the records result in any member or beneficiary receiving from the Pension System more or less than he would have been entitled to receive had the records been correct, the Board shall have the power to correct such error, and as far as practicable, to adjust the payments.

**SECTIONS 13. General Conditions** — (1) The Board of Revenue shall have the continuing right and power to implement this Act at any time, by promulgating reasonable rules and regulations and making reasonable interpretations and orders; and the Legislature hereby expressly reserves to itself the right and power to amend, supplement, modify, or repeal this Act at any time.

(2) All provisions of any Act inconsistent with the provisions of this Act are hereby expressly repealed to the extent of such inconsistency.

(3) If any section or part of any section of this Act is declared to be unconstitutional, the remainder of the Act shall not thereby be invalidated.

**SECTION 14. Date Act Effective.** — This Act shall take effect on and after its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA  
COUNTY OF MONTGOMERY**

Before me, the undersigned authority in and for said County in said State, this day personally appeared T. A. Hardy, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Credit Manager of the Advertiser-Journal, a newspaper of general circulation published in Montgomery County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 10, 17, 24, and July 1, all in the year 1959.

T. A. HARDY.

Sworn to and subscribed before me this 10th day of July, 1959.

HENRY W. SUDDATH,  
Notary Public.

Also:

By Mr. Robison:

S. 273. To amend an Act approved by the Legislature of Alabama on July 29, 1947 (Local Acts of 1947, p. 165), as amended; to authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for elected officials, such amendment to provide for mandatory contributions to said plan by the employees of said County who are employees upon the effective date of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA  
COUNTY OF MONTGOMERY**

Notice is hereby given that a Bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend an Act approved by the Legislature of Alabama on July 29, 1947 (Local Acts of 1947, p. 165), as amended; to authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said county, but not for elected officials, such amendment to provide for mandatory contributions to said plan by the employees of said county who are employees upon the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the Pension Plan of Montgomery County, in order to be strengthened and to give the present employees a vested interest in the Plan be amended by adding the following:

(1) Any person who is an employee of Montgomery County upon the effective date of this amendment shall have deducted from his salary each month, the sum of three and one-half per centum of the gross amount up to a maximum of \$4,800.00 per year. The county shall contribute an amount equal to that deducted from the employee as the county's part of the fund. Employees who have thirty years service at

the time the plan becomes operative shall be exempt from paying into the Pension Plan. Employees who reach thirty years service subsequent to the Plan becoming operative shall cease to pay into the Plan at that time.

(2) Deductions from employees and contributions by county shall be placed into a Retirement Fund to be administered by the Board of Revenue and the total amount or any part of this fund may be used for paying retirement benefits of any employee who is presently retired under the pension Plan or who subsequently retires under the terms of this Act. Should such funds be insufficient as provided by this Act to pay such retirement benefits, funds from other available revenue sources may be transferred and placed in the Retirement Fund to be used for paying retirement benefits.

(3) In event of death or separation from service for any cause other than retirement, the equivalent of the amount paid into the Pension Plan by the employee shall be refunded to him or to his personal representative without interest.

(4) Within sixty days after the operative date of this Act, each employee, who is under this Plan, shall file a detailed statement of all service with the county prior to the operative date of the Plan. The county shall verify this service time and issue a prior service certificate which shall be final and conclusive evidence of the employee's length of service prior to the operative date of the Pension Plan.

(5) Any eligible person employed by the county who is under the Pension Plan, upon the effective date of this Act, shall contribute to the Pension Fund as provided by this Act and shall receive the benefits ~~or pension as provided for herein.~~

(6) Any person becoming an employee of the county subsequent to the effective date of this Act, if eligible to come under a Pension Plan, be governed by any subsequent adopted Pension System created by the Legislature for the county.

(7) Funds contributed by employees may, in the discretion of the Board of Revenue, be deposited in any National Bank having its home office in Montgomery, Alabama, or any similar State Bank which deposits are guaranteed by the Federal Deposit Insurance Corporation deposit laws of the United States. Not over \$10,000.00 shall be placed in any one such depository unless the deposit is protected by United States Bonds twice the value of such deposit to secure such deposits as trust funds. Such funds may be invested or reinvested in bonds or other securities issued as direct obligations of the Government of the United States or a direct obligation of the State of Alabama or the direct obligation of any municipality or county in Alabama.

(8) The County Engineer shall be considered for the purpose of this Act as receiving all his salary from the county.

(9) The employees of the County Board of Equalization shall be considered for the purpose of this Act as receiving all their salary from the county and city, such county and city shall contribute jointly and equally to the Pension Retirement Fund along with the employees contributions.

(10) This Act shall not repeal or affect such Pension Plan now in existence other than as it relates to the duty of employee contributions or as otherwise specifically set out in this Act.

(11) This Act shall take effect on and after its passage by the Legislature and approval by the Governor or upon its otherwise becom-

ing law and adopted by the Board of Revenue by a Resolution. The Board must adopt such Resolution within ninety days upon approval of this Act by the Governor.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MONTGOMERY

Before me, the undersigned authority in and for said County in said State, this day personally appeared T. A. Hardy, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Credit Manager of the Advertiser-Journal, a newspaper of general circulation published in Montgomery County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 3, 10, 17, and 24, all in the year 1959.

T. A. HARDY.

Sworn to and subscribed before me this 10th day of July, 1959.

HENRY W. SUDDATH,  
Notary Public.

Also:

By Mr. Moses:

S. 278. Relating to Colbert County; fixing the compensation of members of the board of education of Colbert County, and providing for payment of expenses incurred by the members thereof in attending meetings of the board.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE

STATE OF ALABAMA  
COUNTY OF COLBERT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Colbert County; fixing the compensation of members of the board of education of Colbert County, and providing for payment of expenses incurred by the members thereof in attending meetings of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of education of Colbert County shall receive from the public school funds of the county the sum of twenty-five dollars (\$25.00) per day for attendance at meetings of the board, plus actual hotel and travel expenses incurred in attending meetings and transacting business of the board. The members of the board shall not be allowed per diem for more than twenty-four (24) days in any one year. Such compensation and expenses shall be paid in the same manner as provided for the payment of the compensation of teachers.

Section 2. The provisions of this Act shall become operative only if approved by a majority of the qualified electors of Colbert County, voting in a referendum to be held on the date of the first county-wide primary, general, or special election held after the passage of this Act. The governing body of Colbert County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election, the question shall be stated substantially as follows: "Shall the provisions of Act No. \_\_\_\_\_ of the 1959 Regular Session of the Legislature, which fixes the compensation of, and provides for payment for expenses incurred by, members of the county board of education of Colbert County in attending meetings of the board, be adopted? Yes ( ) No ( )." If a majority of the votes cast in the election are "Yes," the provisions of this Act shall become effective upon the expiration of the terms of members of the board of education of Colbert County in accordance with the provisions of Amendment XCII of the Constitution of Alabama. If the majority are "No," this Act shall have no effect. The judge of probate of Colbert County shall certify the results of the election to the Secretary of State within 30 days after the returns thereof are canvassed.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF COLBERT

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. F. Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Colbert County Reporter, a newspaper of general circulation published in Colbert County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 25, July 1, July 9, and 16, all in the year 1959.

W. F. MILLER.

Sworn to and subscribed before me July 20, 1959.

JACK DANIEL,  
Notary Public.

Also:

By Mr. Robison:

S. 281. To amend Section 4 of the Act of August 11, 1939, which provided for a consolidation of the administration and control of all city and county public school systems in Montgomery County (Act No. 222, H. 462, 1939 Local Acts 125, 126).

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA COUNTY OF MONTGOMERY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and

#### TO BE ENTITLED AN ACT

To amend Section 4 of the Act of August 11, 1939, which provided for a consolidation of the administration and control of all city and county public school systems in Montgomery County (Act No. 222, H. 462, 1939 Local Acts 125, 126).



Be It Enacted by the Legislature of Alabama:

Section 4 of the Act of August 11, 1939, which provided for a consolidation of the administration and control of all city and county public school systems in Montgomery County (Act No. 222, H. 462, 1939 Local Acts 125, 126) is hereby amended to read as follows:

"The board of education hereby created shall have full authority to employ all officers, teachers, experts, attorneys, engineers, architects and all other employees of every character which it thinks necessary or desirable for the proper conduct and administration of the business of the board of education, and to fix their respective salaries and to prescribe their respective duties. The board is vested with plenary and exclusive power to dismiss, discharge, remove, or transfer principals, supervisors, and teachers, and to regulate their tenure and status, the provisions of any general law on the subject to the contrary notwithstanding."

Montgomery, Alabama.

STATE OF ALABAMA  
MONTGOMERY COUNTY

Before me, Ruth E. Moore, a Notary Public in and for the State and County aforesaid personally appeared Guyton Parks who first being duly sworn according to law deposes and says that: he is Business Manager for The Advertiser Company, publishers of The Montgomery Advertiser and The Alabama Journal and that the advertisement attached below appeared in The Montgomery Advertiser on February 6, 13, 20 & 27 and there is now due on said account the sum of \$00.00 which is due, just and unpaid and that no part of said account has been paid except as herein specified.

GUYTON PARKS.

Sworn to and subscribed before me this 26th day of August 1959.

RUTH E. MOORE,

Notary Public Montgomery County Alabama.

J. E. SPEIGHT,  
Secretary.

SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 268. Local Legislation No. 1
- S. 269. Local Legislation No. 1
- S. 272. Local Legislation No. 1
- S. 273. Local Legislation No. 1
- S. 278. Local Legislation No. 1
- S. 281. Local Legislation No. 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 59. Relative to inspection of Bryce Hospital and Partlow State School.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

By Mr. Turner:

H. J. R. 58. Relative to the death of the Honorable W. W. (Will) Malone.

J. E. SPEIGHT,  
Secretary.

#### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Reynolds (Chambers) and McClendon (Chambers) (with notice and proof):

H. 657. To amend Act No. 496, H. 930, approved September 3, 1953 (Acts of Alabama, 1953, page 624) which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices.

#### Local Legislation No. 1.

Notice and Proof H. 657:

#### A BILL TO BE ENTITLED AN ACT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To amend Act No. 496, H. 930, approved September 3, 1953 (Acts of Alabama, 1953, page 624) which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices.

STATE OF ALABAMA,  
COUNTY OF CHAMBERS.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 496, H. 930, approved September 3, 1953 (Acts of Alabama, 1953, page 624) entitled "An Act relating to Chambers County: To change the method of compensating certain county officers, placing the officers on a salary, and providing for their assistants, and the office space and equipment necessary for the conduct of their offices," is hereby amended to read as follows:

"Section 2. Whenever the compensation of the Probate Judge, Sheriff, Circuit Clerk, Tax Assessor, and Tax Collector is altered to the salary basis, as provided in Section 1 hereof, the Court of County Commissioners shall provide such officers allowances for the purpose of hiring clerks, assistants, or deputies, as follows:

“(a) In the event that the act regulating purchases for Chambers County becomes effective, the Probate Judge shall be allowed the sum of eleven thousand dollars (\$11,000) annually for the employment of clerical assistants, including the chief clerk of the Probate Judge; in the event that the act regulating purchases for Chambers County does not become effective, the Probate Judge shall be allowed the sum of ten thousand four hundred dollars (\$10,400) annually for the employment of clerical assistants, including the chief clerk of the Probate Judge. It is provided, however, that in the event that the act regulating purchases for Chambers County becomes effective, the salary of the chief clerk of the Probate Judge shall be four thousand eight hundred dollars (\$4,800) annually.

“(b) The Circuit Clerk shall be allowed the sum of three thousand six hundred dollars (\$3,600) annually for the employment of clerical assistants, which shall include the compensation of a deputy as provided by H. B. 1008, enacted at the 1955 regular session of the Legislature (Act No. 502, Acts 1955, vol. II, p. 1150).

“(c) The Tax Assessor shall be allowed the sum of three thousand six hundred dollars (\$3,600) annually for the employment of clerical assistants.

“(d) The Tax Collector shall be allowed the sum of three thousand dollars (\$3,000) annually for the employment of clerical assistants.

“(e) The Sheriff shall be allowed the sum of six thousand three hundred dollars (\$6,300) annually for the employment of deputies and other assistants.”

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

42-3c

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bonnie Hand, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The LaFayette Sun, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 29, Aug. 5, Aug. 12, and Aug. 19, all in the year 1959.

BONNIE HAND.

Sworn to and subscribed before me Aug. 28, 1959.

PEARL H. HAND,  
Notary Public.

By Messrs. Reynolds (Chambers) and McClendon (Chambers) (with notice and proof):

H. 658. To fix the compensation of the deputy solicitor of Chambers County.

Local Legislation No. 1.

Notice and Proof H. 658:

A BILL  
TO BE ENTITLED  
AN ACT

STATE OF ALABAMA,  
COUNTY OF CHAMBERS.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To fix the compensation of the deputy solicitor of Chambers County.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the deputy solicitor appointed for Chambers County shall be an annual salary of two thousand four hundred dollars (\$2,400), and shall be payable in equal monthly installments from the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first day of the month next following the date of its enactment. 42-4tc

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bonnie Hand, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The LaFayette Sun, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 29, Aug. 5, Aug. 12, and Aug. 19, all in the year 1959.

BONNIE HAND.

Sworn to and subscribed before me Aug. 28, 1959.

PEARL H. HAND,  
Notary Public.

By Messrs. Hawkins, Edwards, Rast, Perry, Locke, Sessions and Morrow:

H. 659. To exempt from state, county and municipal taxes, licenses, fees and charges, property owned by certain non-profit membership corporations of retired public school teachers and supervisory staff personnel.

Ways and Means.

By Messrs. Hawkins, Lee and Guthrie:

H. 660. To provide that the State Budget Officer shall be the Deputy Director of Finance: To provide for the duties and compensation therefor.

Ways and Means.

By Mr. Goodwyn:

H. 661. To appropriate out of any funds in the State Treasury not otherwise appropriated for the fiscal year ending September 30, 1959, the sum of \$30,000.00 or so much thereof as may be necessary to renovate, remodel, repair, redecorate, alter, and modernize the offices occupied by the State Treasurer on the west side of the south corridor on the first floor of the Capitol Building in Montgomery, Alabama; and to repair and renovate adequate space for use by the State Treasurer in the basement of the State Capitol Building in Montgomery, Alabama.

Ways and Means.

By Messrs. Rast, Perry, Hawkins and Edwards:

H. 662. For the relief of Robins Engineering, Inc: To make an appropriation of State Highway Department funds to compensate such company for certain construction work done on Alabama Highway Project S-532-B Lauderdale County, Alabama.

Ways and Means.

By Messrs. Goodwyn, Pierce and Bailey (with notice and proof):

H. 663. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 11, T16N, R18E, Montgomery County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 663:

#### LEGAL NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama for passage of a law in substance as follows:

#### "A BILL TO BE ENTITLED AN ACT"

To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 11, T16N, R18E, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the southwest corner of SW $\frac{1}{4}$  of Sec. 11, T16N, R18E, Montgomery County, Alabama, thence N. 84 degrees 21' E a distance of 1321.49' thence N 05 degrees 52' W a distance of 2551.34' more or less, to the south line of U. S. Highway No. 80 (Federal Project No. 216 (5), thence westerly along the south line of said Federal Project No. 216 (5) a distance of 1337.56' more or less to the west line of Sec. 11, T16N, R18E, thence continuing westerly along the south line of Federal Project No. 216 (5) a distance of 240 ft. more or less, to the west property line of Louise and Myles Thornton, thence south along said west property line 340.2', more or less, to the south line of said Thornton property, thence east along the south line of the Thornton property 240 ft., more or less, to the west line of Sec. 11, T16N, R18E, thence S. 06 degrees 11' E along

the west line of Sec. 11 a distance of 2229.51 ft. more or less to the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Ala. Jnl June 29, July 6, 13, and 20, 1959

STATE OF ALABAMA  
MONTGOMERY COUNTY

Before me, Thomas F. Parker, a Notary Public in and for said State and County, personally appeared T. A. Hardy for the "Advertiser Co., Inc.", publishers of the Alabama Journal, a newspaper published in the City of Montgomery, County of Montgomery, and State of Alabama, who being by me first duly sworn, deposes and says that the attached is a true copy of a "Legal Notice" which appeared in the regular editions of the said newspaper published in said City and County of Montgomery on June 29, July 6, July 13, and July 20, 1959.

T. A. HARDY.

Sworn to and subscribed before me, this the 13 day of August, 1959.

THOMAS F. PARKER,  
Notary Public.

By Messrs. Goodwyn and Pierce:

H. 664. To create within any county in this state having a population of not less than 125,000 nor more than 225,000, according to the last or any subsequent federal decennial census, a ~~domestic relations division~~ of the circuit court of such county; defining its jurisdiction and authority; providing it with officers, and prescribing their duties, authority, and compensation; regulating its procedure; abolishing the juvenile court or any other special court having jurisdiction only of juveniles and domestic relations.

Local Legislation No. 1.

By Mr. Boyd:

H. 665. Relating to criminal procedure; further providing for proof of intent to hinder, delay or defraud creditors who hold a mortgage or certain other liens on personal property in certain prosecutions under Sections 363 and 364 of Title 14, Code of Alabama, 1940.

Judiciary.

By Mr. Boyd:

H. 666. To make additional appropriations to the State Health Department for each of the fiscal years ending September 30, 1960, and September 30, 1961.

Ways and Means.

By Messrs. Gross, Speaks, Cabiness, Gordon and Guthrie:

H. 667. To provide for jury service by women; amending Sections 20 and 21 of Title 30, Code of Alabama 1940.

Judiciary.

By Mr. Ashworth:

H. 668. To implement the power of the Governor as conservator of the peace throughout the State; to define such powers with respect

to the operation of public schools; to prevent violence and disorder in connection with the operation of public schools; to provide for the closing of public schools and for the education of pupils from such schools; to confer power upon the Governor with respect to such schools; and to provide for the effective date of this Act.

Judiciary.

By Mr. Ashworth:

H. 669. To implement the powers of the Governor as conservator of the peace and to authorize the Governor to close any school, trade school, or institution or any branch or department thereof under the control of the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Institute for Deaf and Blind or the State Board of Education; and to provide for the effective date of this Act.

Judiciary.

By Mr. Sullivan (with notice and proof):

H. 670. To amend an act entitled "An act to provide for the election of a County Superintendent of Education for Pickens County, Alabama, by the qualified voters of said county, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers, and duties and to provide for the election of his successor in office."

Local Legislation No. 1.

Notice and Proof H. 670:

A BILL  
TO BE ENTITLED  
AN ACT

To amend an act entitled "An act to provide for the election of a county superintendent of education for Pickens County, Ala., by the qualified voters of said county, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers and duties and to provide for the election of his successor in office."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of an act entitled "An act to provide for the election of a county superintendent of education for Pickens County, Ala., by the qualified voters of said county, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, power, and duties and to provide for the election of his successor in office", as approved August 27, 1953, and as subsequently amended, be and the same is hereby further amended so as to read as follows:

Section 3. That the salary of the superintendent of education of Pickens County shall be in such amount as shall be directed by the superintendent of education of such county, but in no event to exceed six thousand dollars (\$6,000.00 per year, such salary to be fixed prior to the commencement of the term of office of such superintendent. In addition to such salary the Board of Education of such county is hereby authorized, from time to time, to fix, authorize and approve the payment of traveling expenses incurred by the superintendent of education in an amount not to exceed two thousand four hundred dollars (\$2,400.00) per annum.

Section 2. All laws or parts of laws, local, special or general, in conflict with the provision of this act are hereby repealed.

Section 3. The provisions of this act are to become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law, provided, however, that the provisions hereof, as they relate to the salary of the officer concerned, shall not become effective until the commencement of the next term of his office following passage and approval of this act.

8-20-3tc

### PROOF OF PUBLICATION

#### THE STATE OF ALABAMA, PICKENS COUNTY,

Before me, Jack M. Pratt, a Notary Public in and for said County, personally appeared J. Grace Pratt, Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for 4 consecutive weeks in said paper in issues dated as follows: Aug. 20, 1959, Aug. 27, 1959, Sept. 3, 1959, Sept. 10, 1959.

J. GRACE PRATT.

Subscribed and sworn to before me, this the 11 day of Sept., 1959.

JACK M. PRATT,  
Notary Public.

By Mr. Bevill:

H. 671. To amend Section 42 of Title 33 of the Code of Alabama, 1940, which prescribes the limitation on the time for filing statements or claims for materialmen's liens and for commencing suits for the enforcement of such liens.

Judiciary.

By Mr. Faulk:

H. 672. To amend Section 2, Item III, A (35) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

Agriculture.

By Mr. Copeland:

H. 673. Regulating further the operation of licensed livestock markets; amending Section 5 of an act approved June 29, 1951, providing for the licensing of livestock markets by the commissioner of agriculture and industries (Act No. 173, S. 18, Acts of Alabama 1950-1951, Vol. I, p. 413), to provide that livestock delivered to a livestock market for sale shall be registered in the order of its receipt and shall be sold or offered for sale in the order in which it is registered.

Agriculture.

By Mr. Harris:

H. 674. Relating to the establishment, construction, reconstruction, repair, and maintenance of roads and bridges in all counties having a population of not less than 41,000 nor more than 47,000, according to the last or any subsequent federal decennial census; providing for a referendum election to determine whether the state or the county will have and exercise jurisdiction, supervision, and control over county roads and bridges.

Local Legislation No. 1.



By Mr. Harris:

H. 675. To amend Sections 364 and 365 of Title 52 of the Code of Alabama of 1940, as amended, which relates to the Teachers' Retirement System.

Ways and Means.

By Mr. Copeland:

H. 676. To amend Section 16 of Title 50, Code of Alabama 1940, which relates to bonds of contractors contracting for public works; providing that such a bond must contain an obligation for the payment of all licenses, taxes, and excises accruing to the state, or any county or municipality on account of the contract.

Judiciary.

By Messrs. Hanby, Copeland, Albea, Goodwyn and Jones (Covington):

H. 677. To amend Sections 20 and 21 of Title 30, Code of Alabama (1940), which relate to the qualifications of persons on jury rolls.

Judiciary.

By Messrs. Sullivan and Branyon:

H. 678. To make an appropriation for the relief of Chester Wright, of Reform, Pickens County, out of funds deposited in the state treasury to the credit of the state highway department.

Ways and Means.

By Messrs. Roberts, Callahan, Dodd and Grant:

H. 679. To require the state department of education to furnish free textbooks to pupils and teachers in classrooms or schools conducted under the supervision of Alabama state hospitals.

Ways and Means.

By Messrs. Barnett, Taylor, Grant, Ray, McCorquodale and Long (Perry):

H. 680. To amend further Section 46 of Title 36 Code of Alabama 1940, as amended, so as to provide that parking lights may exhibit an amber light as well as a white light.

Transportation.

By Messrs. Owens and Rogers:

H. 681. To prescribe and define the obligations of the father to a child born out of wedlock; to establish procedures for the enforcement of such obligations; to prescribe penalties for violations of the Act; and to repeal Title 6 of the Code of Alabama (1940), and all other laws or parts of laws in conflict with the Act.

Judiciary.

By Mr. Oakley:

H. 682. To amend Section 213 of Title 52, Code of Alabama (1940), which relates to the amount of funds available for the minimum school program.

Education.

By Mr. Smith (Russell):

H. 683. To amend Act No. 664, H. 791, approved July 5, 1940 (General Acts of Alabama, 1939, p. 1050), which provides for the levy, assessment, and collection of mileage taxes from motor carriers in the State of Alabama, so as to eliminate the imposition of such tax on vehicles transporting property for hire.

Ways and Means.

By Mr. Smith (Russell):

H. 684. To amend further Section 713, Title 51, Code of Alabama (1940), which relates to the distribution of motor vehicle and trailer license tax funds.

Ways and Means.

By Mr. Smith (Russell):

H. 685. To amend Section 703, Title 51, Code of Alabama (1940), which relates to the license tax payable on trailers and semi-trailers.

Ways and Means.

By Mr. Smith (Russell):

H. 686. To amend Section 697 of Title 51, Code of Alabama (1940), which prescribes the license taxes imposed upon motor trucks using fuel on which tax has been paid or is to be paid, to provide for the basing of such licenses on owner-declared gross vehicle weight.

Ways and Means.

By Mr. Brannan:

H. 687. Making an appropriation from the state treasury for the relief of Barney Davis of Foley, Alabama.

Ways and Means.

By Mr. Brannan:

H. 688. To amend Section 587 of Title 37, Code of Alabama (1940) which relates to appeals from Recorder's Court.

Judiciary.

By Messrs. Johnston (Leonard), Johnson (Hardaway), Johnson (J. T. Tom), Bailey, Goodwyn and Pierce:

H. 689. To authorize and provide for the acquisition by the State of certain lands in Elmore County at or near the site of old Fort Toulouse, also known as Fort Jackson, to be thereafter deeded or leased, on certain conditions, to the Fort Toulouse Memorial Park Association, a non-profit corporation, whose purpose is to restore this old fort and the ancient Indian town of Taskigi which was located at this site; and to make an appropriation for that purpose.

Ways and Means.

#### BILLS ON SECOND READING

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 67. To make an appropriation from the Oil and Gas Fund to the State Building Commission for the purpose of constructing and equipping a building to house and quarter the records, offices and facilities of the State Oil and Gas Board.

S. 238. To provide for the distribution of the 2% tax levied on the producer of crude petroleum oil or natural gas produced for sale, transport, storage, profit, or for use from any well or wells in the State of Alabama pursuant to Section 26, of Act No. 1, approved May 22, 1945, as amended by Act No. 453, approved August 31, 1953; to provide for the transfer of \$100,000.00 to the General Fund from such surplus funds in the State Treasury to the credit of the Oil and Gas Fund as of Sep-

tember 30, 1959; to repeal all laws or parts of laws, especially Section 32 of Act No. 1, approved May 22, 1945; and to provide an effective date for this Act.

H. 475. To amend Section 1 of Act 515 approved July 9, 1945, as amended, which relates to the Employees' Retirement System of Alabama.

H. 301. To amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation." (General Acts Alabama, Regular Session, 1953, P. 549), and to provide the time when the amendment shall become effective.

H. 334. To amend Section 3 of Act No. 724, approved September 17, 1953, entitled "An act to provide law clerks to be appointed by the presiding judge and the associate judges of the Court of Appeals, to prescribe their duties and fix their compensation" (General Acts Alabama, Regular Session 1953, p. 979), and to provide the time when the amendment shall become effective.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 278 (with amendment). To provide for partial refund of the gasoline excise tax levied on aviation fuel pursuant to Sec. 647 of Title 51, Code of Alabama, (1940), as amended; to establish procedures and requirements governing the application for and payment of the aviation fuel refund; to fix certain penalties for the violation of the terms of this act and the rules and regulations established thereunder; and to declare the relationship of this Act to other provisions of Title 51, Code of Alabama (1940), as amended.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 225. To amend Section 380, Title 51, Code of Alabama 1940, in relation to the recognition of gain or loss for state income tax purposes on property involuntarily converted as a result of condemnation; giving the amendment retroactive effect.

H. 345. To amend Section 380, Title 51, Code of Alabama 1940, in relation to the recognition of gain or loss for state income tax purposes on property involuntarily converted as a result of condemnation; giving the amendment retroactive effect.

H. 594. To amend Section 2 of the act entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; suppe: cding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," which becomes effective October 1, 1959.

H. 300. To repeal the Act of September 18, 1957 entitled "An Act to provide for the further promotion of river development in this State; to create the Alabama River Development Authority; to prescribe its powers and duties; to prescribe the authority and functions of the

Authority; to provide for the appointment of an administrator of the Authority, and to prescribe his powers and duties; and to make an appropriation for the purposes of the Act," (Act No. 618, H. 294, Acts 1957, Vol. II, pp. 887-890).

H. 426. To amend further Section 186 of Title 13, Code of Alabama 1940 to increase the pay of bailiffs.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 459 (with substitute). To amend further Section 254 of Title 13, Code of Alabama (1940), which relates to the appointment and compensation of deputy circuit solicitors of the thirteenth judicial circuit.

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 520. To amend Section 27 of Title 42, Code of Alabama (1940), which relates to compacts for out-of-state parolee supervision, to include territories of the United States and the District of Columbia within the purview thereof.

H. 521. To designate certain space on the second floor of the Capitol for the use of the Legislature and the Committees, members, **officers and employees thereof.**

S. 28. To declare illegal the failure on part of all persons soliciting, making, procuring or receiving the same to make disclosure as to any contribution, commitment, acceptance or use of funds, assets or services in aid of the institution or maintenance of any suit or proceeding against the State of Alabama or any official, agency or subdivision thereof with respect to any order or official action of such Authority or to establish immunity or obtain injunction or declaratory action with respect thereto; also to provide criminal penalties for failure to make such disclosure or for wilfully making false statements therein and providing for the enforcement of this Act.

H. 430. To repeal subsection H. of Section 214, Title 26, Code of Alabama, 1940, which relates to a disqualification for benefits under the unemployment compensation act (5 Code of Alabama 1955 Cumulative Pocket Part 265).

H. 377. To amend Section 181 of Title 26, Code of Alabama 1940, to provide for the exercise by the director of unemployment compensation of the powers and duties of the director of industrial relations, in so far as they pertain to unemployment compensation, during the interim in which there is no duly appointed and qualified director of industrial relations.

H. 378. To amend Section 207, Title 26, Code of Alabama 1940, as last amended, the same pertaining to weekly unemployment benefit amounts for unemployment.

H. 379. To amend Section 209, Title 26, Code of Alabama 1940, as last amended, to provide for determining the maximum duration of unemployment compensation benefits in accordance with fluctuating economic conditions by adding twenty-five per cent (25%) or fifty per

cent (50%) to the maximum duration for an individual who exhausts all benefits to which he was otherwise entitled under this chapter during a period in which more than 5.%, or more than 8.%, respectively, of the workers covered by this chapter are unemployed and claiming benefits.

H. 380. To amend Section 289 of Title 26, Code of Alabama 1940, as last amended, the same relating to limitations on compensation under the Workmen's Compensation Law.

H. 381. To amend Section 8 of Title 26, Code of Alabama 1940, as last amended, the same relating to the Board of Appeals for the Alabama Department of Industrial Relations.

H. 382. To amend Sections 344, 347, 349, 353, 354, 357, 362, 363, 365, 366, and 367, of Title 26, Code of Alabama 1940, as last amended; and to repeal Section 364, of Title 26, Code of Alabama 1940.

H. 383. To amend Section 251 of Title 26, Code of Alabama 1940, as last amended, the same relating to penalties for violations of the Unemployment Compensation Law.

H. 384. To amend Sections 202 and 204, Title 26, Code Alabama 1940, as last amended, the same pertaining, respectively, to contributions by employees, and experience rating and contributions by employers.

H. 633. To amend Section 2 of Title 39, Code of Alabama 1940, to correct a typographical error in said section relating to the definition of a "holder" of a negotiable instrument.

H. 586. To amend Section 1035 of Title 7, Code of Alabama, 1940, which relates to subjecting the salary or other compensation due officials and employees of cities, counties, the state government and departments and institutions thereof to writs of garnishment.

H. 587. To amend further Section 630 of Title 7, Code of Alabama (1940), which relates to the exemption of wages from garnishment or other process for the collection of debts.

H. 591. To permit the use of facsimile signatures on bonds, warrants, notes, and certificates issued by any county, municipality, board of education, or public corporation in this state, the use of facsimile signatures thereon in any instance where authentication, certification of validation or registration, or other certification is required or permitted to be recorded thereon, and the reproduction in facsimile of any seal required or permitted to be affixed or impressed thereon.

H. 592. To Amend Section 107 of Title 12 of the Code of Alabama of 1940 so as to provide for the execution of counties by any two or more officers designated for that purpose by the governing body of the county, and so as to permit the use of facsimile signatures and seals in the execution of such bonds.

H. 628. To provide for two judges of the Nineteenth Judicial Circuit of Alabama, prescribe their qualifications, and provide for their election or appointment and their compensation, jurisdiction, authority, powers, and duties.

H. 437. To create an additional judgeship for, and a domestic relations division of, the Sixth Judicial Circuit of Alabama; defining its jurisdiction and authority; and providing that the judge of the domestic relations division of the Circuit Court shall be ex-officio judge of the Juvenile Court.

Mr. Oden, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 539. To amend Section 14 of Act No. 207, S. 134, approved July 12, 1949 (Acts 1949, p. 242), the same being known as the "Alabama Coal Mine Safety Law of 1949", relating to "mine gases and quality of air"; to define certain terms used therein; and to provide further for reclassification of mines under certain circumstances.

Mr. Albea, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 235. Relating to insurance; regulating further the delivery or issuance for delivery of policies or contracts of hospitalization or medical expense insurance; and prescribing penalties.

Mr. Harvey, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 55. Relating to schools; to authorize and direct the State Superintendent of Education to deed to the city and county boards of education all school property heretofore conveyed to the State by such city and county boards of education; and to provide that the reconveyance of such property shall not affect the right or duty of such city and county boards of education to insure with the State Insurance Fund the building and improvements on such property.

Mr. Harvey, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 413 (with substitute). Relating to the Alabama Polytechnic Institute, a public corporation; changing the name of such institution to Auburn University.

Mr. Harvey, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 522. To amend Section 3 of an act approved July 9, 1943, creating the Elementary Teachers Scholarship Fund (Act No. 535, S. 371, General Acts 1943, p. 509) so as to provide that funds available to each teachers college for the purpose of making scholarship grants directly may be used instead to match federal funds made available for a like purpose.

H. 563. To permit the county and city boards of education, by their rules and regulations, to provide assistance to residents of their respective districts for instruction on an elementary or secondary level not available to them in public schools within the district.

Mr. Cornett, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report,

with substitute, and is was read a second time and placed on the Calendar, to-wit:

H. 256 (with substitute). Relating to the registration of vessels and motor boats and their operation on the waters of this state and providing for water safety; providing for definitions; registration and identification of vessels and boats used on the waters of this state by the Conservation Department of this state; the enforcement of this Act; duties of the Director of the State Department of Conservation; fee schedule for vessel and motor boat registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel and motor boat operation when un-numbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation Department; certain operations of vessels and motor boats prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this Act; the establishment of License Fees on vessels and motor boats and providing penalties for violation of the provisions of this Act and repealing all laws in conflict with the provisions of this Act.

Mr. Cornett, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 187. To permit the breeding of pen-raised quail for commercial purposes; to define pen-raised quail; to provide for the regulation of breeding pen-raised quail by the State Department of Conservation; to provide for the licensing of breeders of pen-raised quail; to provide the procedure for stamping carcasses of quail; to provide that an invoice shall be issued by the licensed breeder and shall be kept attached to such package until the quail are prepared for consumption; to provide that any person other than a retail vendor shall make a copy of the original invoice upon the resale of any such quail; to provide for the retention of records concerning the sale of such quail; to provide for the inspection of such records; to provide that persons shipping quail into this State shall be subject to the provisions of this Act; to provide for penalties; to repeal conflicting laws; and for other purposes.

H. 552. To amend Section 91 of Title 8, Code of Alabama 1940, as amended by Act No. 707, 1951 Acts of Alabama, Vol. II, page 1246, approved September 5, 1951, entitled "An Act To amend Section 91 of Title 8, Code of Alabama 1940, which relates to licenses to capture and kill fur-bearing animals."

H. 553. To amend Title 8, Section 98, Code of Alabama 1940 pertaining to transporting furs, pelts, etc. without having fur catchers license.

H. 554. To amend Title 8, Section 97, Code of Alabama 1940, pertaining to funds from the sale of fur catchers licenses.

H. 555. To repeal Title 8, Section 99, Code of Alabama 1940, pertaining to receiving furs, pelts, etc., when license not issued.

H. 631. To authorize the Director of Conservation to enter into agreements of reciprocity with Conservation Commissioners and other proper officials of adjoining states concerning the hunting of waterfowl on waters lying between said states.

Mr. Hardy, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 370. To provide for the representation of the membership of the Alabama Department of the Veterans of World War I, Incorporated, on the state board of veterans' affairs.

H. 504. To authorize commissioned officers and warrant officers of the Alabama army and air national guard to organize into an association; and to prescribe the power and authority of the association.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 638. To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the Corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

H. 639. Regulating further the insuring of the property of public hospitals in all counties in this State having a population of not less than 19,200 nor more than 20,200, according to the last or any subsequent federal decennial census.

H. 640. To withdraw jurisdiction of criminal cases from justices of the peace and notaries **ex officio justice of the peace elected or appointed** for precinct five, Choctaw County.

H. 641. To provide for the election or appointment of a special constable for each commissioner's district in Choctaw County, prescribing their powers and duties and providing for payment of their compensation.

H. 642. Relating to and providing for the reidentification of electors in Choctaw County; directing the board of registrars to purge the lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

H. 643. To abolish the office of County Solicitor of Walker County, Alabama, and to create in lieu thereof the office of the Solicitor of the County Court of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his duties, powers and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time in which he shall take office and to relate that all general and local laws in conflict with the provisions of this Act are repealed in so far as they relate to said Walker County, Alabama.

H. 644. Providing a more efficient system for the administration of the fiscal affairs and government of Clay County; abolishing the Court of County Commissioners of Clay County and creating and establishing in lieu thereof the Board of Commissioners of Clay County; providing for the organization, powers, jurisdiction, and duties of the Board of Commissioners, and for the qualifications, election, and compensation of its members; and further regulating the county's purchasing procedures and highway operations.



H. 645. To apply in all counties of this State having a population of not less than 94,000 and not more than 134,000 according to the latest or any subsequent Federal decennial census and to allow the Boards of Revenue or other like governing body of such counties to fix and set aside, by resolution, certain days of the week for the closing of the offices in the court house of such counties.

H. 646. Relating to St. Clair County; providing for the election of county commissioners from districts; prescribing the powers and duties of the court of County commissioners of St. Clair County, and the qualifications, term of office, compensation, and manner of election of the members thereof; and excepting the judge of probate, as the presiding judge of the court of county commissioners, from the operation of the Act.

H. 647. To provide for and regulate the payment of a portion of the compensation of clerks in the offices of the tax assessor and tax collector of Autauga County.

H. 648. To amend Sections 1 and 5 of Act No. 445, H. 858, approved August 23, 1947 (Local Acts of Alabama, 1947, p. 303), entitled "An Act To establish a Court of Common Pleas for Autauga County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said Court shall be open at all times for the trial of Cases and transactions of business; to provide the rules and procedure of said Court; to provide a fine and forfeiture fund for said Court; and to abolish the Civil and Criminal Court of Autauga County, Alabama, and the County Court of Autauga County, Alabama."

H. 649. To fix the compensation of the coroner of Autauga County and provide for the payment thereof.

H. 650. Fixing the compensation of members of the board of education of Autauga County, and providing for the payment of expenses incurred by the members thereof in attending meetings and transacting business of the board.

H. 655. To amend Act No. 335 of the 1955 Acts of the Legislature (Vol. II, page 756) approved September 2, 1955, entitled An Act to Fix the Salary of the Stenographic Secretary to the Circuit Solicitor of the Sixth Judicial Circuit of Alabama.

H. 567. To alter and re-arrange the boundaries of the town of Centreville, Bibb County, so as to annex certain territory to the town.

H. 573. To abolish the office of deputy solicitor for Clay County and to create in lieu thereof the office of county solicitor; to provide for the election, qualifications, and term of the county solicitor, prescribe his powers, authority, and duties, and fix his compensation; and to require the board of revenue, court of county commissioners, or other like governing body of Clay County to furnish the county solicitor with necessary office space, supplies, and equipment.

H. 574. To permit any bank having its principal place of business in Dale County to establish, maintain, and operate, within the corporate limits of any incorporated municipality in Dale County, one or more branches or additional offices or places of business subject to the approval of the state superintendent of banks.

H. 575. To authorize the court of county commissioners, board of revenue or other like governing body of Dale County to designate deputy sheriffs as county traffic control officers and to provide for the payment

of their compensation, in whole or in part, from the Dale County public highway and traffic fund.

H. 576. To provide a salary for the coroner of Dale County, and to prescribe the manner of payment thereof.

H. 577. To authorize all cities in the State of Alabama having a population exceeding 20,000 and not exceeding 23,000 inhabitants, according to the 1950 or any succeeding regular decennial Federal Census, or which shall hereafter have such population according to any such census that may hereafter be taken, to enact ordinances to establish and maintain a general system of pensions and retirements, including allowances payable on retirement for age or disability, or benefits on separation from service, for the benefit of their regular employees whose salaries are paid on a monthly basis, with necessary classification and terms of admission; and providing that upon the establishment of any system of pensions and retirements such employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as deemed expedient, to admission to such system; to authorize such ordinances to prescribe the manner in which the system may be conducted and its funds collected and distributed; to authorize such cities enacting such ordinances to establish such board for the administration of the fund as is deemed expedient, and to permit the governing body of the city to serve as such board; to require the participating employees and the city to contribute to the funds of such retirement system and to provide for the fixing of the rates of contribution; to require the board to have prepared annually actuarial valuation of the assets and liabilities of the system and to permit, on the basis of such valuation, increase or decrease in the rates of contribution; to require such pension or retirement system organized under the provisions of this act to create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under the ordinances, except that the provisions of this act shall not be applicable to any retirement system heretofore established by local act of the Alabama Legislature, on the basis of an interest rate not in excess of four per centum per annum, and mortality disability and other experience tables, or a similar group of employees; to authorize the reserves required in respect of service rendered or benefits granted prior to the date of the organization of such system under the provisions of this act to be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and the liabilities of the system within a period of not exceeding thirty years from the date of establishment of said system; to authorize the organization of a retirement system under this act to provide for the cessation, limitation or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system provided that any funds of such former system transferred to the newly organized system shall be applied first to the payment of the benefits on account of which such funds were contributed; to require that the funds of such retirement system organized under the provisions of this act constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system and shall be held independently of the funds in the treasury of the city; to require that the ordinances provide for trustees, to invest and reinvest the funds of the system and the terms and restrictions in the manner of making such investments; to provide that the property of said system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system shall be exempt from taxation, attachment, execution or other process to satisfy any debt or liability of any employee of the system and any law relating to bankruptcy or insolvency; to provide that no assignment of any right in said

funds or any benefits under the provisions of said ordinances shall be valid; to provide the time of taking effect of this act.

H. 579. To repeal the local act approved July 29, 1955, entitled "An Act relating to Elmore County; changing the method of compensating certain county officers; placing such officers on a salary; and providing for their assistants, and the office space and equipment necessary for the conduct of their offices, (Act No. 171, H. 413, Acts 1955, vol. I, pp.436-437).

H. 580. To amend Sections 1 and 3 of the act approved May 26, 1955, regulating the taking of fish from public streams and impounded waters in Elmore and Tallapoosa counties (Act No. 17, H. 93, Acts of Alabama 1955, Vol. I, pp. 229-231); prohibiting fishing with baskets and nets in the Coosa River or in the impounded waters thereof inside the boundaries of Elmore County, and making further provisions for the use of revenues derived from the sale of licenses in Elmore County.

H. 581. To alter and re-arrange the boundary lines of the City of Brewton, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

H. 582. To vacate and annul the dedication to public use, prescribed in a deed to the City of Brewton from John R. Downing, as trustee for R. M. Jernigan, John R. Downing, and Thomas E. McMillan, then owners of Lincoln Park Subdivision, in the City of Brewton, to that certain parcel or tract of land hereinafter described by metes and bounds which is a part of that tract, lot or parcel of land designated as "Park" on the map of such subdivision on record in Map Book 3, at page 31 in the probate records of Escambia County, and more particularly described in the above mentioned deed, recorded in Deed Book 96 at page 562, probate records of Escambia County.

H. 588. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama; to provide for the composition of said board; to provide for a secretary-treasurer of said board; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pension; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

H. 589. To amend Sections 3 and 4 of an act approved June 29, 1951, providing for the construction and maintenance of the roads and bridges in Greene County on a county-unit basis (Act No. 149, H. 441, Acts 1951, p. 383), in relation to the compensation of the chairman and members of the court of county commissioners.

H. 590. To fix the compensation of the deputy solicitor of Greene County.

H. 593. To alter, re-arrange and extend the boundaries of the Town of Kinsey in Houston County.

H. 597. To authorize the court of county commissioners or like governing body of Lee County to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies, and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Lee County; to authorize the court of county commissioners or like governing body of Lee County to collect the tax and to dis-

tribute among the incorporated municipalities within the county their pro rata share of the proceeds; to authorize the court of county commissioners to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

H. 598. Relating to Lee County; providing for the compensation of the deputies to the sheriff of Lee County, and repealing conflicting laws.

H. 599. To amend Section 4 of Act No. 220, H. 679, approved July 12, 1949 (Acts of Alabama 1949, p. 312), entitled "An Act Creating the office of county solicitor of Lee County; providing the method of filling the office; and fixing the compensation and defining the duties of such solicitor," by fixing the compensation of the county solicitor.

H. 600. Relating to and providing for the reidentification of electors in Lee County; directing the board of registrars to purge the lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

H. 601. To amend further Act No. 242, H. 678, approved July 15, 1949, (Acts of Alabama 1949, page 361), which created and established the Court of Common Pleas of Lee County.

H. 603. To amend further Section 4 of the act approved September 25, 1947 (Act No. 470, H. 899, Local Acts 1947, p. 329) relating to the office of chief clerk to the circuit solicitor of the Twenty-third Judicial Circuit.

H. 605. Relating to Macon County; regulating further the practice of cosmetology in Macon County.

H. 610. To amend Section 24 of Act No. 813, S. 662, approved September 11, 1951, (Acts of Alabama 1950-1951, pages 1426-1447), which relates to providing for and prescribing the form of government for all cities of Alabama having a population of not less than 75,000 nor more than 125,000 inhabitants according to the preliminary count of the 1950 federal census or any subsequent regular decennial federal census by more particularly defining the employees covered thereunder.

H. 612. To extend the boundary lines of the City of Decatur in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

H. 614. To regulate the compensation of deputy sheriffs, other than the chief deputy sheriff, of Pike County; amending Section 1 of Act No. 634, H. 1057, as amended, approved July 10, 1940, (Local Acts of Alabama 1939, p. 366) and Section 2 of Act No. 165, H. 574, approved June 28, 1949, (Acts of Alabama 1949, p. 193).

H. 613. Proposing an amendment to the Constitution of Alabama relating to Uniontown in Perry County, and ordering an election thereon.

The above bill was read a second time at length as required by the Constitution.

H. 621. To provide for the feeding and care of certain county prisoners of Russell County employed or used on the construction, repair, and maintenance of county roads and bridges, or other such road work; to authorize a daily tobacco allowance for such prisoners; to provide hospital and medical care and treatment for any of such prisoners who are injured or become ill while engaged in such road work; to

prescribe the powers, duties, and authority of the sheriff and the governing body of Russell County in carrying out the provisions of this Act; and giving certain portions of the Act retroactive effect.

H. 622. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Shelby County.

The above bill was read a second time at length as required by the Constitution.

H. 625. To amend an act approved August 16, 1957 entitled "An Act to alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama" (Act No. 286, H. 828, Acts 1957 Reg. Sess., p. 365) so as to exclude certain territory annexed to the city by said act.

H. 626. To amend an act approved August 16, 1957 entitled "An Act to alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama" (Act No. 288, H. 830, Acts 1957 Reg. Sess., p. 367) so as to exclude certain territory annexed to the city by said act.

H. 632. To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or other like governing body of all counties having a population of not less than 17,650 nor more than 18,000, according to the last or any subsequent federal decennial census.

H. 637. To apply in all counties having a population of not less than 25,725 nor more than 25,875, according to the last or any subsequent federal decennial census; providing for the compensation of the chief clerk of the judge of probate in every such county.

Mr. Perry, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 595. Relating to the municipality of the City of Graysville in Jefferson County: To alter, rearrange, and extend the boundaries and corporate limits of the City of Graysville.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 112. To apply in Pickens County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets, including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

Also:

H. 138. To authorize and provide for the payment of a monthly expense allowance for expenses incurred in the conduct and maintenance of his office and in the proper and efficient performance and discharge of his duties as such Circuit Judge to each Circuit Judge in Judicial Circuits in Alabama composed of one county in Alabama having a population of not less than 94,000 nor more than 134,000 inhabitants, according to the last, or any subsequent, federal decennial census, payable out of the County treasury of the County composing such Judicial Circuit.

Also:

H. 427. To amend an Act approved September 6, 1957, entitled "An Act to establish an Inferior Court for Jefferson County, Alabama, to define the jurisdiction and powers of said court, the judge, the clerk and other officers thereof; to provide for a place of holding said court, the terms and salary of said judge and officers of said court, the manner of their appointment and election, and the payment of their salaries, and to provide that the Act shall go into effect on the first day of January 1959", and to provide for an annual vacation of the judge of said court.

Also:

H. 435. To regulate the compensation of members of the county board of education in counties having a population of not less than 14,000 nor more than 16,000 inhabitants according to the 1950 federal decennial census.

Also:

H. 441. To alter, rearrange, and extend the boundaries and corporate limits of the town of West Blocton, Bibb County, so as to annex certain territory to the town.

Also:

H. 444. To amend Act No. 581, H. 1044, approved September 19, 1949 (1949 Acts, p. 909), entitled "An Act Relating to Choctaw County; To authorize and direct the governing body of Choctaw County to pay the salaries of clerks for the Tax Assessor and Tax Collector of the county."

Also:

H. 456. To empower the board of revenue, court of county commissioners, or other like governing body of counties having a population of not less than 40,500 nor more than 45,000 inhabitants, according to the last or any subsequent federal decennial census, to authorize the offices of officials in the courthouse to be closed all day on Saturday each week.

Also:

H. 472. To provide for making service awards to certain county employees in all counties having a population in excess of 500,000, according to the last or any subsequent federal decennial census.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 59. Relative to setting aside Wednesday, September 16, so that all members of the House and Senate who can, may inspect Bryce Hospital and Partlow State School.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 7. To appropriate, in addition to any other appropriation heretofore made for such purposes, out of any funds in the State Treasury not otherwise appropriated, the sum of \$15,000.00 or so much thereof as may be necessary, to be used for payment of attorneys fees in indigent capital cases for the fiscal years ending September 30, 1958 and September 30, 1959, pursuant to the provisions of Title 15, Code of Alabama 1940, as amended.

Also:

H. 158. To amend Section 9 of the act approved September 2, 1949 entitled, "An Act Relating to public health; to regulate, through licensure, hospitals, sanatoria, rest homes, nursing homes, and related institutions; and providing penalties for the violation of this Act." (Act No. 530, H. 635, Acts of Alabama 1949, p. 835)

Also:

H. 323. To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$25,000.00 to the Birmingham Chamber of Commerce to be expended for the Southeastern Regional Exposition of the Department of Defense to be staged in Birmingham, Alabama, December 7-9, 1959, inclusive.

Also:

H. 68. To alter, rearrange, and extend the boundaries of the City of Huntsville in Madison County, providing for a referendum election to determine whether the Act will become effective.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum

present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 193. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Elmore County.

Also:

H. 478. To amend Sections 19 and 22 of Act No. 608, H. 700, approved September 4, 1951 (Acts of Alabama, 1951, p. 1045), entitled "An Act Relating to the City of Anniston: To establish a Policemen's and Firemen's Retirement Fund; providing for the resources, management and administration of the Fund, including the payment into the fund by electric, gas, telephone, telegraph and bus transportation public utilities of a license tax equal to one-half of one per cent of the gross revenue of such utilities derived from services rendered within the corporate limits and police jurisdiction of the city; and for the transfer of all monies or property of any similar fund to it; creating a Board of Trustees of the Policemen's and Firemen's Retirement Fund and providing for its organization, powers, duties and functions; providing for the retirement of and payment of benefits to members of the police and fire department and their dependents and survivors; providing for the payment of disability benefits to disabled members of the police and **fire departments; providing for appeals from final decisions of the Board** of Trustees; and repealing Act No. 365, H. 601, approved July 6, 1945 (General Acts of Alabama, 1945, p. 581) and all other conflicting laws," by providing further for the amount of retirement benefits payable to such firemen and policemen; by providing further for the payment of pensions to the surviving widows of retired members of the police and fire departments; and giving the amendment retroactive effect as to the payment of pensions to the surviving widows of such retired members of the police and fire departments.

Also:

H. 482. For the relief of D. M. Taylor of Marengo County; authorizing the court of county commissioners, board of revenue, or other like governing body of Greene County to make an appropriation of county funds to compensate D. M. Taylor for certain damages.

Also:

H. 483. To amend Section 9 of the act of June 19, 1947 entitled "An Act relating to privilege licenses: levying an additional tax upon sellers of malt or brewed beverages who are engaged in that business in Greene County; providing for the assessment, collection, and distribution of the proceeds of the tax; defining violations of the Act and prescribing penalties therefor" (Act No. 10, H. 43, Local Acts, 1947 Regular Session, p. 1).

Also:

H. 484. To provide for the appointment of an additional deputy, clerk, or other assistant, by the sheriff of Henry County, and to provide for the payment of his compensation by the county.

Also:



H. 485. To provide secretarial and clerical assistance for the clerk of the circuit court of Henry County.

Also:

H. 486. To provide further for the payment of expenses incurred by the sheriff of Henry County in the performance of his duties.

Also:

H. 497. Relating to Montgomery County: To require locksmiths to obtain annual permits to engage in such business, occupation or trade and as a prerequisite to obtaining such permits to post bonds for themselves and all assistants, helpers or apprentices employed by them, such bonds to be approved by and filed with the sheriff of the county, who shall issue the permits; to prescribe the fee for issuing such permits and provide for the payment thereof into the county treasury; and to prescribe penalties for violations of this Act.

Also:

H. 499. To provide further for the purging the lists of registered voters in Randolph County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 506. To amend further Act No. 273, S. 292, approved August 7, 1947 (1947 Local Acts, p. 196), which is designated "The Civil Service Act of Dothan."

Also:

H. 507. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Also:

H. 10. To amend Section 3 of Act No. 603, entitled "An Act Empowering the Superintendent of Banks to require fees for the examination of all State Banks, Credit Unions and Small Loan Companies", approved September 18, 1957 (General Acts of Alabama 1957, Volume II, page 862).

Also:

H. 208. To amend the act of April 13, 1955 entitled "An Act to fix the salary of the director of the Legislative Reference Service" (Act No. 69, H. 80, 1955 Acts 179).

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading

at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 412. To repeal Act No. 669, S. 276, approved September 20, 1957, entitled "An Act To regulate the compensation of certain county employees of all counties having a population of not less than 63,750 nor more than 72,750 inhabitants, according to the last or any subsequent federal decennial census" (Acts of Alabama, Regular Session 1957, Vol. II, p. 1013).

Also:

H. 477. To authorize and provide for the establishment, maintenance, operation and financing of a public law library in DeKalb County, Alabama; to authorize the governing body of said County to expend public funds under its control, therefore to provide for taxing and collecting of additional court costs in certain courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and the designation of personnel to operate said library or to assist therein, and the employment of additional personnel for said purpose and the payment of salaries of such personnel.

Also:

H. 492. Relating to Macon County; amending further Act No. 334, H. 826, enacted September 12, 1939 (Local Acts of 1939, p. 225), which created and established the Board of Revenue of Macon County, by providing further for the compensation of the members of such board; and repealing conflicting laws.

Also:

H. 86. To amend further Section 1 of the Act approved June 16, 1945 (Act No. 115, S. 121, Acts 1945, p. 108) relating to the rehabilitation of alcoholics, so as to change the name of the commission provided for in such act.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### ADJOURNMENT

On motion of Mr. Ashworth the House adjourned until Friday, September 18, 1959, at ten o'clock A. M.

## TWENTIETH DAY

House of Representatives  
Montgomery, Alabama  
Friday, September 18, 1959

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by Dr. Robert Strong, Minister, Trinity Presbyterian Church, Montgomery, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                            |           |                                |                                |
|----------------------------|-----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cornett   | Hocklander                     | Pierce                         |
| Adams <sup>(Houston)</sup> | Daniel    | Ingram                         | Powell                         |
| Albea                      | Dickson   | Jenkins                        | Pruitt                         |
| Ashworth                   | Dodd      | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Avery                      | Edwards   | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Bailey                     | Faulk     | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Ferguson  | Jones <sup>(Covington)</sup>   | Reynolds <sup>(Madison)</sup>  |
| Bassett                    | Franklin  | Jones <sup>(Monroe)</sup>      | Roberts                        |
| Bevill                     | Gilchrist | Lee                            | Rogers                         |
| Bishop                     | Gilmer    | Locke                          | Rozelle                        |
| Boyd                       | Glass     | Long <sup>(Lauderdale)</sup>   | Salter                         |
| Brannan                    | Goodwyn   | Long <sup>(Perry)</sup>        | Self                           |
| Branyon                    | Gordon    | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Brewer                     | Grant     | McCorquodale                   | Shumate                        |
| Britton                    | Gross     | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Grouby    | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Guthrie   | Meade                          | Solomon                        |
| Cabiness                   | Hain      | Merrill                        | Speaks                         |
| Callahan                   | Hanby     | Morrow                         | Sullivan                       |
| Camp                       | Hankins   | Nettles                        | Taylor                         |
| Casey                      | Hardy     | Nichols                        | Thomas                         |
| Cates                      | Harris    | Oden                           | Torbert                        |
| Chambers                   | Harvey    | Owens                          | Trimmier                       |
| Cook                       | Hawkins   | Perry                          | Turnham                        |
| Copeland                   | Hearn     | Phillips                       | Turnham                        |

—100

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the Nineteenth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the Nineteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and

adopted, and the Journal for the Nineteenth legislative day was approved.

### RESOLUTION

The following resolution was introduced:

By Messrs. Cates and Harvey:

H. J. R. 62. RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That we extend warm thanks and grateful appreciation to our hosts of Tuesday evening, September 9, the Alabama Cattlemen's Association, and to the officers and members thereof, for the delectable barbecued beef and garnishments provided us, and for the delightful and enjoyable entertainment furnished on that gala occasion.

On motion of Mr. Cates the rules were suspended and H. J. R. 62 was adopted.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 102. Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in ~~amounts of five hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.~~

CHAS. C. ADAMS,  
Chairman.

The above and foregoing report of the Standing Committee on Rules was concurred in and adopted.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 58. Relative to the death of Honorable W. W. (Will) Malone and extending sympathy to the members of his family.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

### SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum

present, signed the House Joint Resolution the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration.

By Mr. Crawford:

S. J. R. 21. WHEREAS, Senate Joint Resolution No. 6., creating a special joint committee to study mental health problems has heretofore been passed, and

WHEREAS, under the terms of said Resolution, said committee was to make its report to the two houses within five legislative days after the reconvening of the regular session on August 25, and

WHEREAS, the heavy work load of said committee together with the voluminous documents and witnesses received by said committee has made it impracticable for the report to be filed within five legislative days after August 25, and it is necessary and desirous that said committee be given additional time in which to make its report.

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both houses concurring, that the time within which said committee is to make its report is hereby extended to the tenth legislative day after August 25.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Callahan the rules were suspended and the House concurred in and adopted the S. J. R. 21 set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, proposing an amendment to the bill:

S. 4. To amend Title 12, Section 4, Code of Alabama, 1940, as amended, pertaining to reports and remittances by tax collectors.

Said Governor's Message being in words and figures as follows, to-wit:

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor, returning Senate Bill No. 4, with a suggested executive amendment.

Respectfully submitted,  
JOSEPH G. ROBERTSON,  
Executive Secretary.

SEPTEMBER 8, 1959

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which this bill originated, Senate Bill No. 4, with a suggested executive amendment, as follows:

Amend Section 1 of Senate Bill No. 4 by adding immediately after the period in Line 37 of said Section 1, the following:

"Provided, however, if on the fifteenth day of any month following final settlement and before October fifteenth following, the Tax Collector has on hand collections in an amount equal to one-half of his official bond he shall make reports, distributions, and remittances to the proper authorities in like manner as now required by law, these reports, distributions and remittances to be in addition to those now required of such officer by Title 51, Section 223 of the Code of Alabama 1940."

The amendment is made with the knowledge of the sponsors of the bill and if adopted will remove my objections to the bill.

Respectfully,

JOHN PATTERSON,  
Governor

And the Senate has concurred in and adopted the amendment proposed by the Governor to the bill, S. B. 4, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 27, Nays 0.

And said bill, S. B. 4, as amended by the Executive amendment was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 26 Nays 0.

And said bill, S. B. 4, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the House for its consideration.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 4, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 92; Nays 0.

#### Yeas:

|                 |           |           |         |
|-----------------|-----------|-----------|---------|
| Mr. Speaker     | Branyon   | Cook      | Glass   |
| Adams (Houston) | Brewer    | Copeland  | Goodwyn |
| Albea           | Britton   | Daniel    | Gordon  |
| Ashworth        | Broadfoot | Dickson   | Grant   |
| Bailey          | Brooks    | Dodd      | Gross   |
| Barnett         | Cabiness  | Edwards   | Grouby  |
| Bassett         | Callahan  | Faulk     | Hain    |
| Bevill          | Camp      | Ferguson  | Hanby   |
| Bishop          | Casey     | Franklin  | Hankins |
| Boyd            | Cates     | Gilchrist | Hardy   |
| Brannan         | Chambers  | Gilmer    | Harris  |

|                    |                    |          |                   |
|--------------------|--------------------|----------|-------------------|
| Harvey             | Long (Perry)       | Phillips | Shumate           |
| Hawkins            | McClendon (Chamb)  | Pierce   | Smith (Russell)   |
| Hearn              | McCorquodale       | Powell   | Smith (St. Clair) |
| Hocklander         | McLendon (Bullock) | Pruitt   | Solomon           |
| Ingram             | Martin             | Ramey    | Speaks            |
| Jenkins            | Meade              | Rast     | Sullivan          |
| Johnson (Hardaway) | Merrill            | Roberts  | Taylor            |
| Johnston (Leonard) | Morrow             | Rogers   | Thomas            |
| Jones (Covington)  | Nettles            | Rozelle  | Torbert           |
| Jones (Monroe)     | Oden               | Salter   | Trimmier          |
| Lee                | Owens              | Self     | Turner            |
| Locke              | Perry              | Sessions | Turnham           |

—92

Which was a majority of the whole number elected to the House.

And said bill:

S. 4. To amend Title 12, Section 4, Code of Alabama, 1940, as amended, pertaining to reports and remittances by tax collectors.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 91; Nays 0.

#### Yeas:

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Mr. Speaker     | Copeland  | Hawkins            | Pierce            |
| Adams (Houston) | Daniel    | Hearn              | Powell            |
| Albea           | Dickson   | Hocklander         | Pruitt            |
| Ashworth        | Dodd      | Ingram             | Ramey             |
| Avery           | Edwards   | Jenkins            | Rast              |
| Bailey          | Faulk     | Jones (Covington)  | Rogers            |
| Barnett         | Ferguson  | Jones (Monroe)     | Rozelle           |
| Bassett         | Franklin  | Lee                | Salter            |
| Bevill          | Gilchrist | Locke              | Self              |
| Bishop          | Gilmer    | Long (Perry)       | Sessions          |
| Boyd            | Glass     | McClendon (Chamb)  | Shumate           |
| Brannan         | Goodwyn   | McCorquodale       | Smith (Russell)   |
| Branyon         | Gordon    | McLendon (Bullock) | Smith (St. Clair) |
| Brewer          | Grant     | Martin             | Solomon           |
| Britton         | Gross     | Meade              | Speaks            |
| Broadfoot       | Grouby    | Merrill            | Sullivan          |
| Brooks          | Guthrie   | Morrow             | Taylor            |
| Cabiness        | Hain      | Nettles            | Thomas            |
| Camp            | Hanby     | Nichols            | Torbert           |
| Casey           | Hankins   | Oden               | Trimmier          |
| Cates           | Hardy     | Owens              | Turner            |
| Chambers        | Harris    | Perry              | Turnham           |
| Cook            | Harvey    | Phillips           |                   |

—91

Which was a majority of the whole number elected to the House.

#### RESOLUTION

The following resolution was introduced:

By Messrs. Goodwyn, Pierce and Adams (Tallapoosa):

H. J. R. 63. RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, That the attached Biennial Report of the Sixth Legislative Council be accepted by the Legislature as a compliance with Act No. 152, Regular Session 1945; that the

Clerk be ordered to file the same with the legislative papers and documents of this Session; and that 500 copies thereof be ordered printed as a legislative document for distribution to the public.

On motion of Mr. Goodwyn the rules were suspended and H. J. R. 63 was adopted.

#### BIENNIAL REPORT OF THE SIXTH LEGISLATIVE COUNCIL

On May 7, 1957, the members of the House and Senate then serving on the Legislative Council were reelected to another term on that body. At that time, the membership of the Legislative Council included Messrs. Kendall of Conecuh, Adams of Tallapoosa, Goodwyn of Montgomery, Martin of Greene, Nice of Jefferson, and Stokes of Coffee, on the part of the House, and Messrs. Engelhardt of Macon, Jones of Monroe, Tate of Coosa, and Smith of Russell, on the part of the Senate. Subsequently, however, several changes were made in the Council's membership. Mr. Kendall resigned as a member on the part of the House, and was elected a member from the Senate; Mr. Jones resigned as a member on the part of the Senate, and was elected a member from the House. Representative Paul T. (Tram) Sessions of Jefferson was selected to fill a vacancy caused by the resignation of Representative Nice; and Representative Gregory Oakley of Wilcox was elected to the Council to fill a vacancy caused by the election of Mr. Adams as Speaker of the House. Senator Ralph L. Jones served as chairman, and Representative Charles Adams served as vice-chairman, during a portion of the biennium; and on April 4, 1958, Mr. Adams was elected chairman and Mr. Kendall was elected vice-chairman. The President of the Senate and the Speaker of the House are ex-officio members of the Legislative Council.

During the period May, 1957, to May, 1959, the Legislative Council held regular and special meetings, as provided by law, and considered and acted upon various matters brought to its attention. After careful consideration of these various matters, the Legislative Council reports its recommendations to the Legislature as follows:

1. The Council recommends enactment of (1) a bill authorizing county or municipal governing bodies to install voting machines ex mero motu, without the necessity for holding a referendum on the question; and (2) the enactment of a bill to permit such a county or municipal governing body to issue warrants or certificates of indebtedness to finance the cost of installing the voting machines, also without a referendum.
2. More than a mere easement may be obtained in eminent domain proceedings. For example, a fee simple title may sometimes be condemned if needed and if the condemnor has the legal right to take it. However, Section 24 of Title 19, Code 1940, which is the statute under which orders of condemnation are framed, refers only to "the easement proposed to be acquired." The Legislative Council recommends the enactment, therefore, of a bill to amend this code section so as to refer to "the right, title, or interest proposed to be acquired" as well as "the easement." The only effect of such a bill would be to clarify the existing law. No new law would be made thereby.
3. At the present time the act of July 9, 1945, which relates to the offense of leaving the scene of an accident, does not specify the place where the accident must occur before the duty to stop and render assistance arises. The members of the Legislative Council were of the opinion that the statute ought to cover any case where a motor vehicle collides with an automobile in a private drive or roadway or in a parking lot



or in any other place in the State. The Council, therefore, recommends the enactment of a bill to amend the first section of the 1945 act, so as to make it read: "The driver of any vehicle involved in an accident anywhere in this State which results in an injury to or the death of any person or damage to another vehicle, shall immediately stop his vehicle at the scene of the accident, and shall also give his name and address and the registration license number of his vehicle, and shall render to any person injured in the accident reasonable assistance. . ."

4. The Legislative Council also recommends the enactment of a bill to amend the act of August 19, 1949, which relates to absentee voting, to make certain the time when absentee ballots must be delivered to the absentee election officials on election day for counting. At the present time, Section 11 of the 1949 act provides that the absentee election officials must meet "at the regular time of closing of the election," and Section 12 provides that the register must deliver the absentee ballots to the absentee election officials "on the morning of the day of the election." The members of the Legislative Council suggest the amendment of Section 11 to provide that the absentee election officials shall meet not later than five o'clock, p. m., on the election day, and the amendment of Section 12 to provide that the register must deliver the absentee ballots "on the day of the election."

5. The laws of 1943 and 1945 establishing the state medical college and the state dental college provided for one scholarship, in the amount of four hundred dollars a year, at each of these institutions for every county in the State. An act of 1953 provided that each beneficiary of county medical and dental scholarships must enter into an agreement with the county governing body that, upon his graduation, he will practice his profession in the county for a such a period of time, not exceeding five years, as the county governing body may prescribe. The act further stipulates, however, that a beneficiary may fulfill his agreement by practicing in a county in which the need for doctors or dentists is greater than in the county to which he pledged himself to return. The Council members understand that one result of the 1953 act is that students from the smaller counties of the State are generally not applying for such scholarships primarily because the stipend is not sufficiently attractive to cause the students, in turn, to agree to practice in the smaller counties. The Legislative Council, therefore, recommends the enactment of a bill to amend the 1953 act in such a way as to permit the recipients to receive such scholarships provided they agree to practice for not more than five years in the State of Alabama. The Council felt that such a provision would liberalize the conditions surrounding the granting of these scholarships, and would enable students from the smaller counties more readily to take advantage of the grants.

6. There is no specific limit now mentioned in the laws of this State pertaining to appeals in criminal cases tried before justices of the peace. The Legislative Council believes that the law should be made specific in this connection, and recommends the enactment of a bill to amend Section 428 of Title 13, Code of 1940, so as to require appeals to be taken in criminal cases tried in justice of the peace courts at any time within six months from the date of the judgment.

7. The Legislative Council further recommends the enactment of a bill to make Alabama's Corrupt Practices Act consistent with the laws of a majority of the other states by eliminating the requirement that candidates must file pre-election expense statements. The Council suggests that Sections 279 and 280 of Title 17, Code 1940, which relate to the filing of political campaign expense statements, be amended to eliminate reference to the pre-election statement and to provide that the post-

election statement must be filed at any time within thirty days after the election instead of fifteen days as in the existing law.

8. The Legislative Council recommends the enactment of a bill to amend further Section 12 of Title 17, Code 1940, which relates to qualifications to vote, to change the statutory residence requirements for voting to two years in the State, and one year in the county, in accordance with the provisions of Section 178 of the Constitution, as amended.

9. Under the present law, a defendant against whom judgment is rendered in a bastardy proceeding is required to enter into a bond in the sum of one thousand dollars, conditioned to pay the cost of the proceeding and such sum, not exceeding one hundred dollars each year for a period of ten years, as the court may prescribe for the support and education of the child. For the enforcement of the judgment, the law of garnishment applies. If the defendant fails or refuses to give bond, the court must enter judgment against him for such sum as, at legal interest, will produce the amount directed to be paid yearly, and he must be sentenced to hard labor for the county for one year. The Legislative Council, however, recommends the enactment of a bill further defining the obligations of the father to a child born out of wedlock and requiring the father to provide the child with necessary support, maintenance, and education. The Council suggests that, once paternity has been established, the court should enter judgment against the defendant for the costs and for annual amounts, not exceeding five hundred dollars a year, as the court may deem just, reasonable, and necessary for the proper support, maintenance, and education of the child, taking into consideration the father's obligation and his ability to pay. The payments would be made at such intervals as the court might prescribe, and should continue until the child become eighteen years of age. The court should be given continuing jurisdiction over the father and the judgment until the judgment is satisfied in full. The annual amounts fixed by the judgment could be increased or decreased by the court, after notice and hearing, as circumstances may warrant. The judgment of the court could be enforced in the same manner as provided by existing laws; but, in addition, any person who wilfully violates the terms of any court order issued under the authority of the law would be guilty of contempt of court, and subject to punishment as prescribed by law.

10. The Legislative Council also recommends the enactment of legislation making it unlawful to manufacture, possess, display, offer, sell, lend, give away, or purchase any knives of the kind commonly known as "switch blade" knives. The Council further recommends that all knives outlawed by the act should, within a prescribed period of time, be surrendered to chiefs of police or county sheriffs.

11. The Legislative Council believes that a thorough study should be made of Alabama's election laws; and therefore recommends the passage of a joint resolution directing the Council to study the laws of this State relating to elections and the conduct of elections, including registration laws, with a view toward the preparation of an election code embodying such revision of the State's election and registration laws as will provide a modern, efficient system of election and registration administration for Alabama.

One of the recommendations of the 1956-57 interim committee on municipal government was that the Legislative Reference Service be directed to review the statutes, decisions, and opinions relating to the conduct of municipal elections and prepare the bills necessary for the enactment of a comprehensive, clear, and harmonious municipal election

law. The staff of the Legislative Reference Service drafted the legislation necessary to carry out this recommendation of the interim committee on municipal government, and the Legislative Council considered these drafts from time to time during the biennium. The draft legislation was submitted to the Alabama League of Municipalities and the office of the Attorney General, with the request that they study such drafts and advise the Council what changes they wanted, if any, in the proposed legislation.

Ultimately, five separate bills relating to the conduct of municipal elections was prepared. One of the bills prescribed procedure for holding a municipal election in cities in towns in the State having a mayor-council form of government; one prescribed the procedure for cities and towns having a commission form of government; one authorized and prescribed the procedure for holding a primary election for the purpose of nominating candidates for municipal offices; one authorized and provided for holding advisory referendums on questions of municipal government; and one amended several sections of Article 6, Chapter 1, of Title 17, Code 1940, to provide that each municipality in the State shall constitute a voting precinct, which may be subdivided for election purposes into wards by the municipal governing body. The purpose of the latter bill is to eliminate difficulties in preparing an accurate list of qualified electors of a municipality which arise when a voting precinct of the county is composed of lands lying both within and without the city. These bills were approved by the Council and were transmitted to Subcommittee "A" of the Interim Committee on Revision of Laws for their consideration.

When the legislative interim committee on Macon County filed its report with the Legislative Council, for transmission to the Legislature, the committee requested the Council to cause to be drafted appropriate legislation creating a permanent "Macon County Committee," to consist of the representatives from the counties of Montgomery, Elmore, Tallapoosa, Lee, Russell, Bullock, and Macon, along with the senators from the twenty-eighth, tenth, twenty-seventh, and twenty-sixth senatorial districts. In accordance with this request, the Legislative Council directed the Legislative Reference Service to prepare the legislation necessary to implement this recommendation. A resolution creating a "Macon County Standby Committee" was prepared by the Legislative Reference Service, and was approved by the Legislative Council for transmission to the Legislature.

At the time the interim committee on insurance filed its report with the Legislative Council, a proposed new insurance code for Alabama was submitted in bill form and was ready for introduction in the Legislature. The proposed new insurance code was duly transmitted to the Legislature.

The Legislative Council and the Legislative Reference Service further report that during the biennium beginning May 1, 1957, and ending April 30, 1959, the Legislative Reference Service undertook for the Council, legislative committees, individual legislators, the Governor's office and other state agencies and departments, public bodies, civic groups, and others, a total of 967 different recorded requests for research, reference, or bill drafting service. During the biennium under consideration, this work was accomplished with a staff consisting of the director, from three to four professional employees, and four stenographic and clerical employees. The cost of the service provided by the Legislative Reference Service is shown in the following table.

|                     | Actual             | Actual             | Estimated          |
|---------------------|--------------------|--------------------|--------------------|
| Purpose             | 1956-57            | 1957-58            | 1958-59            |
| Salary of Director  | \$10,000.00        | \$10,000.00        | \$10,000.00        |
| Other Salaries      | 29,493.97          | 34,071.74          | 38,335.00          |
| Other Expenses      | 3,748.02           | 3,675.27           | 4,000.00           |
| Equipment Purchases | 481.55             | 475.70             | 500.00             |
| <b>TOTALS</b>       | <b>\$43,723.54</b> | <b>\$48,222.71</b> | <b>\$52,835.00</b> |

The expenditures of the Legislative Council during the same period are set out in the table below.

|                                   | Actual             | Actual             | Estimated          |
|-----------------------------------|--------------------|--------------------|--------------------|
| Purpose                           | 1956-57            | 1957-58            | 1958-59            |
| Supplies & Materials              | \$ 35.00           | \$ 60.58           | \$ 35.00           |
| Postage, Telephone<br>& Telegraph | 13.43              | 12.05              | 50.00              |
| Travel Expense                    | 3,043.87           | 3,502.96           | 1,915.00           |
| <b>TOTALS</b>                     | <b>\$ 3,092.30</b> | <b>\$ 3,575.50</b> | <b>\$ 2,000.00</b> |

#### RESOLUTION

The following resolution was introduced:

By Messrs. Ferguson, Sullivan, Pruitt, Hankins, Bishop, Branyon, Roberts, Self, Cates, Speaks, Gross, Meade, Adams (Tallapoosa), Turner, Hardy, Cabiness, Gordon and Casey:

H. J. R. 64. WHEREAS the beautiful, winsome and talented entrant from our neighboring State of Mississippi was chosen "Miss America of 1960" in the contest at Atlantic City, New Jersey on last Saturday evening, September 12; and

WHEREAS this is the second year in succession that a Mississippi beauty has won this distinction; and

WHEREAS Alabama and the whole Southland is basking in reflected glory which has inured to us because of the poise, and graciousness with which the charming Miss Lynda Lee Mead, of Natchez, Mississippi, conducted herself during this contest and the humility with which she acknowledged this signal honor; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING:

That the Legislature of Alabama is proud of Mississippi's Miss Lynda Lee Mead, whose rare beauty, charming manner and numerous talents are so worthy of the crown bestowed on her; and hereby extends to her a cordial invitation to attend a session of the Alabama Legislature at her convenience so that she may in person receive Alabama's felicitations on her crowning and best wishes for a gala, entertaining, interesting and rewarding year as Miss America.

BE IT FURTHER RESOLVED that the judges for the 1960 Miss America contest are hereby commended for the excellent judgment they showed in selecting Miss Lynda Lee Mead as Miss America of 1960.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Miss Lynda Lee Mead of Natchez, Mississippi and a copy

thereof be transmitted to the sponsors of the Miss America contest of 1960.

On motion of Mr. Ferguson the rules were suspended and H. J. R. 64 was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. deGraffenried:

S. 286. Relating to municipalities having a population of not less than 40,000 nor more than 50,000, according to the last or any subsequent federal decennial census; providing optional forms of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt an optional form of municipal government.

Also:

By Mr. Robison:

S. 311. To amend further Section 1 of Act No. 311, S. 411, approved July 31, 1951, an act regulating the office of sheriff in counties of more than 96,000 population and less than 140,000 population, according to the last or any subsequent federal decennial census (Acts 1951 Regular Session, Vol. I, p. 606), in relation to the employment of deputies, clerks, wardens, jailers, and other assistants by the sheriffs of such counties.

Also:

By Mr. Robison:

S. 314. To amend Section 1 of Act No. 325, S. 379, approved August 11, 1953, the act fixing the compensation to be paid to members of the governing body in all cities having a population of not less than 78,500 nor more than 125,000, according to the last or any subsequent federal decennial census (Acts of Alabama, Regular Session 1953, Vol. I, p. 382).

Also:

By Mr. Roberts:

S. 306. Relating to Fayette County: providing for the compensation of the deputies to the sheriff of Fayette County, and repealing conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

#### A BILL TO BE ENTITLED AN ACT

Relating to Fayette County: providing for the compensation of the deputies to the sheriff of Fayette County, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Fayette County is hereby authorized, di-

rected and required to fix the annual compensation of each of the deputies to the sheriff whose annual compensation is payable from the county treasury at not less than three hundred twenty-five dollars (\$325) nor more than four hundred seventy-five dollars (\$475) per month.

Section 2. All laws or parts of laws, general or local, in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF FAYETTE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Lewis V. Mitchell, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Fayette County Times, a newspaper of general circulation published in Fayette County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 25, July 2, July 9, and July 16, all in the year 1959.

LEWIS V. MITCHELL.

Sworn to and subscribed before me July 21st, 1959.

ILA M. MITCHELL,  
Notary Public.

Also:

By Mr. Wyatt:

S. 318. Relating to St. Clair County; authorizing the sheriff of such county to appoint certain assistants, prescribing the number of such assistants, their authority and their compensation; providing for the payment of such compensation out of the county treasury; repealing Act No. 516, S. 248, approved July 6, 1943, and other conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

#### A BILL TO BE ENTITLED AN ACT

Relating to St. Clair County; authorizing the sheriff of such county to appoint certain assistants, prescribing the number of such assistants, their authority and their compensation; providing for the payment of such compensation out of the county treasury; repealing Act No. 516, S. 248, approved July 6, 1943, and other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of St. Clair County shall be allowed, at the expense of the county, the following assistants: one chief deputy whose salary shall be three hundred fifty dollars (\$350) per month, two depu-

ties each of whose salary shall be three hundred dollars (\$300) per month, one deputy whose salary shall be two hundred fifty dollars (\$250) per month, and one clerk or secretary whose salary shall be one hundred fifty dollars (\$150) per month. The salaries of the chief deputy, the other deputies and the clerk shall be paid each month out of the general fund of the county in the same manner that the salaries of other employees of the county are paid.

Section 2. Each of the deputies and the clerk hereby authorized shall be appointed by the sheriff of St. Clair County and shall hold office at the pleasure of the sheriff. Such deputies are hereby authorized to perform the regular and usual duties of a deputy sheriff anywhere in St. Clair County.

Section 3. Act No. 516, H. 843, approved July 6, 1943, (Local Acts of 1943, page 231); Act No. 218, S. 248 approved August 8, 1955 (Acts of 1955, page 529) and any and all other laws, or provisions of law or authorizing the sheriff to employ deputies or other assistants and providing for the payment of the monthly salaries of such assistants out of the county treasury are hereby repealed.

Section 4. This Act shall become effectively immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.  
6-18, 25, 7-2, 9-59

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF ST. CLAIR

Before me, the undersigned authority in and for said County in said State, this day personally appeared E. R. Blair, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the St. Clair News-Aegis, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 6-18, 25, 7-2, and 7-9, all in year 1959.

E. R. BLAIR.

Sworn to and subscribed before me 8-1, 1959.

ETHEL BLAIR,  
Notary Public.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 286. Local Legislation No. 1
- S. 311. Local Legislation No. 1
- S. 314. Local Legislation No. 1
- S. 306. Local Legislation No. 1
- S. 318. Local Legislation No. 1

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 62. Extending thanks and appreciation to the Alabama Cattlemen's Association for the barbecue for the Legislature on September 9.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. deGraffenried:

S. J. R. 22. WHEREAS, the Legislature by Joint Resolution appointed a special committee to study our state mental hospitals, as well as the need for training of mental health personnel in this state, and

WHEREAS, this joint committee has visited each of our state mental institutions observing and studying the conditions existing in each of the institutions, and

WHEREAS, approximately seventy other members of the Legislature have visited and observed the conditions in our three state mental institutions, therefore

BE IT RESOLVED BY THE LEGISLATURE, that the special committee express its deep conviction that the State Superintendent, Dr. J. S. Tarwater has and is rendering outstanding and high professional service in the management of these institutions, and

BE IT FURTHER RESOLVED, that this committee extend to Dr. J. S. Tarwater, Superintendent; Dr. Partlow, Assistant Superintendent in charge of Partlow State School; Dr. Lawrence, Assistant Superintendent in charge of Bryce Hospital and Dr. Rowe, Assistant Superintendent in charge of Searcy Hospital; and the staffs of these three institutions, its sincere commendation and congratulations on the fine and unparalleled service being rendered, and

BE IT FURTHER RESOLVED, that several copies of this resolution be transmitted to the staff of said hospitals.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Branyon the rules were suspended and the House concurred in and adopted the S. J. R. 22 set out in the above and foregoing Message from the Senate.

## BILLS ON SECOND READING

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the fol-



lowing bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 596 (with substitute). To regulate further the sale, issuance, and redemption of trading stamps in the State of Alabama, to define trading stamps and trading stamp companies, to provide for the registration and filing of a performance bond by trading stamp companies with the Secretary of State, to prescribe the manner of redemption of trading stamps, to prescribe the power, duties and authority of the Department of Revenue in the administration and enforcement of this Act, to provide for the licensing of trading stamp companies and to provide for the payment of privilege and license taxes in Alabama by trading stamp companies, to prescribe penalties for the violation of the provisions of this Act; and to repeal all laws in conflict herewith and also to repeal the provisions of Title 57, Section 114, and Title 51, Section 606, Code of Alabama 1940, as amended, and Act 110 (H. 182), approved February 14, 1956 (Acts of Alabama, 1956, V. 1, P. 166).

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 202. To create a Commission to plan and direct the commemoration of the centennial of Alabama's part in the War Between the States, as a part of the National Centennial program, as a means of promoting a better understanding of the heroic and valorous sacrifices of the people of Alabama in this great war for principles which they believed to be true and eternal, and of providing a clearer conception of their contributions to the Confederate cause; to provide for the duties and powers of said Commission; and to make an appropriation thereto.

H. 289. To amend further Section 611 of Title 51, Code of Alabama 1940, relating to the privilege license taxes payable by transient vendors and peddlers; providing that the payment of one state license authorizes certain vendors or peddlers to engage in business in any county in the state upon the payment of a county license in each county where they do business.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 537 (with substitute). To provide a retirement benefit to any state employee who had attained age 60 on or before October 1, 1945, who declined membership in the Alabama Employees' Retirement System in the manner prescribed in Section 3 of Act 515 approved July 9, 1945, and who retires with a minimum of fifteen years of service as a state employee; and to provide a supplement to the retirement benefits of certain state employees who are now or will be retired by the Board of Control of the Employees' Retirement System under the provisions of Act 515, approved July 9, 1945; to set forth the requirements under which said retirement and supplemental benefits shall be granted; and to provide for the management of the fund from which said assistance payments shall be made; and to repeal Act 571 approved September 18, 1957 relating to certain benefits to retired state employees, and to provide the appropriation necessary to carry out the provisions of this Act.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 615. Relating to the traveling expenses allowable to state officers and employees; amending further Section 154 of Title 41, Code of Alabama 1940.

H. 335. To impose a road tax upon every person, firm or corporation who or which operates or causes to be operated on any highway in this State any vehicle defined in the Act as a "motor carrier"; to provide for the collection of such tax, and the enforcement of the Act; prescribing penalties.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 442 (with amendment). To create a Commission on Constitutional Government and provide for the power, duties, and authority of the commission and the appointment, duties, compensation, and expenses of the members thereof.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 651. To make additional appropriations to the Alabama Institute for Deaf and Blind for each of the fiscal years ending September 30, 1960, and September 30, 1961.

H. 620. To make appropriations for each of the fiscal years ending September 30, 1960 and September 30, 1961, to the state department of health for its dental program.

S. 111. To amend Section 6 of Act No. 27, S. 30, approved May 31, 1949 (Acts of Alabama, 1949, p. 39), which relates to the printing and publication of the acts and journals of the Legislature, by prescribing further the number of volumes of the bound acts to be printed and delivered to the Secretary of State.

H. 533. Relating to taxation: exempting the gross proceeds of sales of certain small stores or vending stands operated by blind persons from the sales tax, and prescribing penalties for violations of this Act.

H. 666. To make additional appropriations to the State Health Department for each of the fiscal years ending September 30, 1960, and September 30, 1961.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 636 (with substitute). To make an appropriation to the board of trustees of Alabama Polytechnic Institute for capital outlays at certain branch experiment stations.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 659. To exempt from state, county and municipal taxes, licenses, fees and charges, property owned by certain non-profit membership corporations of retired public school teachers and supervisory staff personnel.

H. 481. To amend further Section 144 of Title 46, Code of Alabama (1940), which relates to the expiration and renewal of certificates of registration of professional engineers and land surveyors.

S. 61. To amend sections 1, 2, and 3 of Act No. 666, S. 155, approved September 16, 1953 (Acts of Alabama, Regular Session, 1953, p. 923), entitled "An Act To provide for a scholarship program for medical education; and making an appropriation therefor."

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendments, and they were severally read a second time and placed on the Calendar, to-wit:

H. 503 (with amendment). To amend further Section 137 of Title 46, Code of Alabama (1940), which relates to the receipt and disbursement of funds of the state board of registration for professional engineers and land surveyors.

S. 128 (with amendment). Relating to supernumerary circuit solicitors; amending Section 1 of an act approved September 3, 1953 (Act No. 474, S. 219, Acts 1953, Vol. 1, p. 589) providing for the appointment of supernumerary circuit solicitors of the State of Alabama, to provide that any person holding office as a judge of a court of record who has served continuously as a circuit solicitor for twenty years or more may become a supernumerary circuit solicitor.

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 534 (with amendment). Relating to securities; prohibiting fraudulent practices in relation thereto; requiring the registration of securities dealers and salesmen and making unlawful the activities of unregistered securities dealers and salesmen; establishing the conditions precedent and concurrent to such registration; prohibiting the offer or sale of any unregistered security; requiring the registration of securities; and establishing the conditions precedent and concurrent to such registration; establishing the fees in connection with the registration of securities, securities dealers, and securities salesmen; setting out the grounds upon which a registration of securities may be denied, suspended, or revoked; defining certain terms as used in this Act; exempting certain securities from registration under the provisions of this Act; exempting certain transactions from certain provisions of this Act; requiring the filing of a consent to service of process by securities dealers and salesmen and certain issuers; making it unlawful to file any false document or material and providing the punishment therefor; giv-

ing to the Securities Commission authority to investigate and subpoena witnesses and records in connection with investigations; granting authority for an examination fee and deposit to defray the expense of any investigation of an applicant under this Act; giving to the Securities Commissioner authority to enjoin acts in violation of this Act; creating criminal penalties for violations of this Act; establishing civil liabilities for the violation of the provisions of this Act; providing for judicial review of the orders of the Securities Commissioner; providing for the administration of this Act by the Securities Commissioner; directing said Commissioner to appoint an Assistant Commissioner and giving said Commissioner authority to appoint other personnel to carry out the purpose and intent of this Act; providing that any exemption under this Act must be proved by the person claiming said exemption; making the provisions of this Act severable; repealing the present Alabama Securities Law and related legislation; giving to the Commissioner authority to issue warning to the public with respect to securities; making the sale of securities by an insolvent issuer unlawful; providing that all filing and registration fees shall be paid into the General Fund of this state and establishing the effective date of this Act.

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 365. Relating to crimes and offenses: To make it a misdemeanor to obtain or attempt to obtain telephone or telegraph service by use of false, fictitious, counterfeit, revoked or nonexistent credit card, ~~credit number or other credit device or telephone number~~, or credit card, number or credit device or telephone number of another without authority, or through any fraudulent scheme, device, means or method; to provide for punishment of such acts; to repeal all conflicting laws.

H. 74. To amend further Section 587 of Title 37, Code of Alabama 1940, relating to appeals from recorders' courts.

H. 547. To amend Sections 1, 5, 15, 17, 21, and 25 of Act No. 704, H. 475, approved September 5, 1951 (Acts of Alabama, 1951, p. 1224), which is known and cited as the "Motor Vehicle Safety-Responsibility Act."

H. 676. To amend Section 16 of Title 50, Code of Alabama 1940, which relates to bonds of contractors contracting for public works; providing that such a bond must contain an obligation for the payment of all licenses, taxes, and excises accruing to the state, or any county or municipality on account of the contract.

H. 665. Relating to criminal procedure; further providing for proof of intent to hinder, delay or defraud creditors who hold a mortgage or certain other liens on personal property in certain prosecutions under Sections 363 and 364 of Title 14, Code of Alabama, 1940.

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 36 (with substitute). Relating to frauds concerning checks, drafts, or orders for the payment of money; prohibiting the giving of

worthless checks or drafts; prescribing penalties; repealing conflicting laws (Act No. 116, H. 63, approved June 20, 1951).

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 38. Relating to civil remedies and procedures; providing for actions on worthless checks, drafts, or orders for the payment of money.

H. 285. To amend Section 123 of Title 7, Code of Alabama 1940, relating to actions for wrongful act, omission, or negligence causing death.

Mr. Pruitt, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 476. To provide for the continuity of the Legislature of the State of Alabama and the political subdivisions of the State of Alabama in the event of an attack by an enemy of the United States.

Mr. Hain, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 232. To amend Section 14 of Act No. 703, Acts of Alabama, Regular Session 1951, "To create a State Department of Public Welfare; to provide for a State Board of Public Welfare and to prescribe its powers and duties; to provide for the appointment of a Commissioner, as executive and administrative officer, and other employees; to authorize the allocation of Federal and State funds in a manner to provide equitable treatment of needy individuals in similar circumstances; to prescribe the duties, powers and responsibilities of the Department; to create county departments of public welfare and to describe their duties; to provide for county boards of public welfare and to prescribe their duties; to authorize county and city governing bodies to make other and further provisions for the needy; to define who is entitled to old age assistance, aid to the blind, aid to dependent children, and aid to the permanently and totally disabled; to provide for the method of making application, the determination of eligibility, and the amount of assistance; to authorize payment after death for the month in which the recipient dies; to define the obligations of persons applying for or receiving assistance; to define the rights of persons applying for or receiving assistance to appeal; to authorize state and county departments to subpoena witnesses; to authorize the State Department to develop standards of assistance and to further define the authority of the State Department; to provide penalty for false representation; to exempt assistance grants from taxes, levy, garnishment, or other process; to authorize old age assistance for eligible confederate pensioners; to provide for payments over maximum in which the Federal government will share for hospital care for old age assistance applicants and recipients; to authorize county boards to review public assistance cases; to appropriate surplus and residue from the proceeds of the levy of the one mill tax for the relief of needy confederate soldiers and sailors and their widows; to provide for the severability of the provisions; and to provide for the time the Act shall take effect.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the

following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 664. To create within any county in this state having a population of not less than 125,000 nor more than 225,000, according to the last or any subsequent federal decennial census, a domestic relations division of the circuit court of such county; defining its jurisdiction and authority; providing it with officers, and prescribing their duties, authority, and compensation; regulating its procedure; abolishing the juvenile court or any other special court having jurisdiction only of juveniles and domestic relations.

H. 72. To provide for and regulate the selection and impaneling of alternate jurors for the trial of any civil case triable by a jury in all courts in all counties having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 73 (with substitute). Relating to judicial procedure, and to provide for and regulate the selecting and impaneling of juries and alternate jurors in all criminal and quasi-criminal cases in the circuit courts in counties having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 658. To fix the compensation of the deputy solicitor of Chambers County.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 657 (with amendment). To amend Act No. 496, H. 930, approved September 3, 1953 (Acts of Alabama, 1953, page 624) which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 663. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 11, T16N, R18E, Montgomery County, Alabama.

H. 674. Relating to the establishment, construction, reconstruction, repair, and maintenance of roads and bridges in all counties having a population of not less than 41,000 nor more than 47,000, according to the last or any subsequent federal decennial census; providing for a referendum election to determine whether the state or the county will have and exercise jurisdiction, supervision, and control over county roads and bridges.

S. 115. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 10, T16N, R18E, Montgomery County, Alabama.

S. 268. To amend Section 1 of an act approved July 12, 1957, fixing the compensation of the coroner of St. Clair County (Act No. 131, H. 526, Acts of Alabama, Regular Session 1957, Vol. 1, p. 179).

H. 670. To amend an act entitled "An act to provide for the election of a County Superintendent of Education for Pickens County, Alabama, by the qualified voters of said county, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers, and duties and to provide for the election of his successor in office."

S. 272. To provide for the establishment and administration of a retirement system; to provide retirement allowances and other benefits for certain employees of the County of Montgomery.

S. 273. To amend an Act approved by the Legislature of Alabama on July 29, 1947 (Local Acts of 1947, p. 165), as amended; to authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for elected officials, such amendments to provide for mandatory contributions to said plan by the employees of said County who are employees upon the effective date of this Act.

S. 278. Relating to Colbert County; fixing the compensation of members of the board of education of Colbert County, and providing for payments of expenses incurred by the members thereof in attending meetings of the board.

S. 281. To amend Section 4 of the Act of August 11, 1939, which provided for a consolidation of the administration and control of all city and county public school systems in Montgomery County (Act No. 222, H. 462, 1939 Local Acts 125, 126).

S. 292. To amend Section 339 of Title 62, Code of Alabama 1940, relating to the judges of the fifteenth judicial circuit of Alabama (Montgomery County).

S. 293. To amend Section 24 of Act No. 813, S. 662, approved September 11, 1951, (Acts of Alabama 1950-1951, pages 1426-1447), which relates to providing for and prescribing the form of government for all cities of Alabama having a population of not less than 75,000 nor more than 125,000 inhabitants according to the preliminary count of the 1950 federal census or any subsequent regular decennial federal census by more particularly defining the employees covered thereunder.

S. 295. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 36, Township 16 North, Range 18 East, Montgomery County, Alabama.

S. 294. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 31, Township 16 North, Range 18 East, Montgomery County, Alabama.

S. 298. Relating to the holding of elections in Hale County; authorizing the court of county commissioners, board of revenue, or other like governing body of Hale County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

S. 299. To alter, extend and rearrange the boundary lines and corporate limits of the Town of York in Sumter County, Alabama.

Mr. Solomon, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 672. To amend Section 2, Item III, A (35) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Grouby (with notice and proof):

H. 690. Relating to the purchase of supplies, materials, equipment, and contractual services, and the sale or exchange of property, by or for Autauga County; providing for competitive bidding on certain contracts, purchases, sales, and exchanges; prescribing penalties.

Local Legislation No. 1.

Notice and Proof H. 690:

### STATE OF ALABAMA COUNTY OF AUTAUGA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

Relating to the purchase of supplies, materials, equipment, and contractual services, and the sale or exchange of property, by or for Autauga County; providing for competitive bidding on certain contracts, purchases, sales and exchanges; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Subject to the supervision, regulation, and control of the court of county commissioners, board of revenue, or other like governing body of Autauga County, and any rules and regulations which such body may promulgate from time to time in exercising its authority under



this Act, all purchases for the county shall be made by such county governing body or its duly authorized agent. And the probate judge, as chairman of the county commissioners court, shall function as purchasing agent without additional compensation. The provisions of this Act shall have application to all purchases made by or for Autauga County, whether such purchases are made by the county governing body as such, or by its purchasing agent. The purchasing agent shall make all purchases of supplies, materials, equipment, and contractual services (which term as used in this Act shall not include contracts for professional or other personal services) for the county; and, subject to the approval of the court of county commissioners, board of revenue, or other like governing body of the county, may promulgate reasonable rules and regulations governing the acquisition of such supplies, materials, equipment, and contractual services.

Section 2. At least three written, sealed, competitive bids shall be obtained on all purchases of supplies, materials, equipment, and contractual services when the amount involved is three hundred dollars or more. If the proposed purchase or contract involves an amount less than three hundred dollars, the purchase may be made either on the basis of sealed bids or in the open market. It shall be a violation of this section to divide or otherwise adjust the quantity of a purchase to an amount less than three hundred dollars for the purpose of evading the requirements of this section. Invitations for bids shall be posted on a bulletin board in the county courthouse at least ten days prior to the meeting at which the purchase is to be made. If the amount of the proposed purchase or the proposed contract is in excess of three hundred dollars, written notice by registered mail, with return receipt requested, shall be given to at least three merchants or dealers in the goods or materials to be purchased, or where notice is of a contract to be let, to at least three contractors engaged in the type of work contemplated. A copy of such notice or notices, together with the return receipts showing their delivery, must be recorded in and shall become a part of the minutes of the court of county commissioners, board of revenue, or other like county governing body.

All bids received on proposed purchases or contracts shall be opened publicly at the time and place stated in the invitation to bid. The contract or order shall be awarded to the lowest responsible bidder, or all bids may be rejected and the purchase or contract renegotiated when the public interest will be served thereby. The purchasing agent shall obtain information from the Division of Purchases and Stores of the State Department of Finance relative to the items to be purchased by competitive bids; and if the state price is less than the lowest bid received, and if the delivery date is reasonable, all bids shall be rejected and the purchase shall be negotiated through the State Purchasing Agent. All bids, with the names of the bidders, shall be entered on a permanent record. Each record, with the successful bid indicated thereon, and with the reason for the award if not awarded to the lowest bidder, shall, after the award be open to public inspection. In the event of a sale, trade, or other disposition of any property of the county of any nature or kind the procedure as outlined herein as it relates to the obtaining of written, sealed, competitive bids shall be followed, and such sale, trade, or disposition of the property of the county shall be made in accordance with the most advantageous offer made.

Section 3. In an emergency a purchase may be made without competitive bids and without obtaining information from the Division of Purchases and Stores. However, a full written account of the circumstances necessitating any such emergency purchase, together with a statement describing the item purchased and naming the vendor from

whom the item was purchased, shall be at once prepared by the purchasing agent and filed in his office. An emergency, as the term is used herein, means a situation where needed equipment of the county is idle due to lack of parts, supplies, or repairs therefor, or when materials or supplies are immediately needed to place in operating condition the road or bridge system of the county which has become impassable or dangerous due to damage or destruction of existing portions thereof. The records of such emergency transactions shall be open to public inspection. The provisions of this Act regarding competitive bidding and obtaining information from the State Purchasing Agent may be waived for purchases of perishable commodities, utility services, machinery repairs, and commodities or services for which there is no competitive situation.

Section 4. In making purchases for the county the purchasing agent shall give preference to commodities produced or sold in Autauga County, provided there is no sacrifice or loss in prices or quality.

Section 5. Whoever purchases or disposes of, or attempts to purchase or dispose of property for or on behalf of Autauga County contrary to the provisions of this Act, or whoever violates any provision of this Act, is guilty of a misdemeanor and upon conviction shall be fined not less than one hundred nor more than one thousand dollars, and in addition may be imprisoned in the penitentiary for one year and one day.

Section 6. The court of county commissioners, board of revenue, or other like county governing body of Autauga County shall provide the purchasing agent with the quarters, supplies, books, equipment, postage, and assistance necessary for the proper and efficient conduct of his duties.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

27A4c.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. H. M. Doster, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the The Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 27, Sept. 3, Sept. 10, and Sept. 17, all in the year 1959.

MRS. H. M. DOSTER.

Sworn to and subscribed before me September 18, 1959.

LOUISE W. SMYSER,  
Notary Public.

By Mr. Grouby (with notice and proof):

H. 691. To regulate the compensation of the solicitor of Autauga County; amending Section 5 of Act No. 77, H. 325, approved July 7, 1947 (Local Acts 1947, p. 55).

Local Legislation No. 1.

Notice and Proof H. 691:

STATE OF ALABAMA  
COUNTY OF AUTAUGA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To regulate the compensation of the solicitor of Autauga County; amending Section 5 of Act No. 77, H. 325, approved July 7, 1947 (Local Acts 1947, p. 55).

Be It Enacted by the Legislature of Alabama:

Section 5 of Act No. 77, H. 325, approved July 7, 1947 (Local Acts 1947, P. 55), the act creating the office of County Solicitor of Autauga County, is amended to read as follows:

"Section 5. That the County Solicitor of Autauga County, Alabama, shall receive a salary of not less than 24 hundred dollars per annum and not more than three thousand dollars per annum to be paid out of the general fund of said county in twelve equal installments, said salary to be fixed by the Board of Revenue of Autauga County, Alabama."

27A4c.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. H. M. Doster, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the The Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 27, Sept. 3, Sept. 10, and 17 Sept., all in the year 1959.

MRS. H. M. DOSTER.

Sworn to and subscribed before me September 18th, 1959.

LOUISE W. SMYSER,  
Notary Public.

By Mr. Grouby (with notice and proof):

H. 692. To provide for the repair, maintenance, and servicing of motor vehicles, automotive equipment, and machinery used in the construction and maintenance of public roads and bridges in Autauga County.

Local Legislation No. 1.

Notice and Proof H. 692:

STATE OF ALABAMA  
COUNTY OF AUTAUGA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the repair, maintenance, and servicing of motor vehicles, automotive equipment, and machinery used in the construction and maintenance of public roads and bridges in Autauga County.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Autauga County shall provide and maintain a central garage, shop, or other facility where the motor vehicles, automotive equipment, and machinery used in the construction and maintenance of roads and bridges within the county can be serviced, repaired, and maintained in good working order by mechanics, servicemen, and attendants employed by the county. The county governing body shall also appoint a superintendent or foreman for the county garage or shop, and fix his tenure and compensation, and shall employ such mechanics and other personnel as may be necessary to operate the same.

Section 2. This Act shall take effect on the first Monday after the second Tuesday in January, 1961. 27A4c.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. H. M. Doster, who, being by me first duly sworn, deposes and says that during the time herein mentioned she was Publisher of the The Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 27, Sept. 3, Sept. 10, and Sept. 17, all in the year 1959.

MRS. H. M. DOSTER.

Sworn to and subscribed before me September 18, 1959.

LOUISE W. SMYSER,  
Notary Public.

By Mr. Grouby (with notice and proof):

H. 693. To amend further Section 5 of Act No. 222, H. 317, approved February 27, 1879 (Acts of Alabama, 1878, p. 248), entitled "An Act To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue," by providing further for the compensation of the chairman and members of the board of revenue.

Local Legislation No. 1.

Notice and Proof H. 693:

STATE OF ALABAMA  
COUNTY OF AUTAUGA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Section 5 of Act No. 222, H. 317, approved February 27, 1879 (Acts of Alabama, 1878, P. 248), entitled "An Act To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue," by providing further for the compensation of the chairman and members of the board of revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 222, H. 317, approved February 17, 1879 (Acts of Alabama, 1878, P. 248), as amended, entitled "An Act To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue," is amended further to read as follows:

"Section 5. The chairman and members of the board of revenue of Autauga County shall each receive five dollars (\$5.00) for each day's actual attendance at meetings of the board. For the performance of their official duties in connection with the construction, repair, and maintenance of the roads and bridges of the county, the chairman and members of the board of revenue shall each receive not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) per month when actually engaged in the performance of such duties, the exact amount of such compensation to be fixed by the board by resolution duly adopted and spread upon the minutes."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

6A4c.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. H. M. Doster, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 6, August 13, August 20, and August 27, all in the year 1959.

MRS. H. M. DOSTER.

Sworn to and subscribed before me Sept. 11, 1959.

LESSIE M. KREIS,  
Notary Public.

By Messrs. McCorquodale and Cornett:

H. 694. To prohibit the use or aid of recorded or electrically amplified authentic or imitation game bird calls or sounds in the taking, catching, killing, or in the attempt to take, catch, or kill any game bird within the State of Alabama; to set out penalties for the violation of the Act; to provide for the confiscation for evidence of any such device or devices; and to provide for the disposition of any such device or devices so seized.

Conservation.

By Messrs. McCorquodale, Ray, Oden, Barnett, Nettles, Lee, Merrill, Meade, Grant, Daniel, Hankins, Broadfoot, Roberts, Gilchrist, Sullivan, Hearn and Taylor:

H. 695. To amend further Section 465 of Title 51, Code of Alabama 1940, in relation to the privilege license tax imposed on automobile accessory dealers.

Ways and Means.

By Mr. McCorquodale:

H. 696. To provide that clerks of county courts in all counties having a population of not less than 26,000, nor more than 26,600, according to the most recent federal decennial census, may take affidavits and complaints and issue warrants of arrest in misdemeanor cases.

Local Legislation No. 1.

By Messrs. McCorquodale, Branyon, McClendon (Chambers), Sullivan, Hearn, Cornett and Bailey:

H. 697. To provide in addition to all other revenues heretofore appropriated to the Division of State Parks, Monuments and Historical Sites the sum of \$50,000.00 for each of the fiscal years 1959-60 and 1960-61 from the revenues derived from the sale of sand and gravel and timber and timber products.

Ways and Means.

By Mr. Cook (with notice and proof):

H. 698. Relating to and providing for purgation of voter lists in Coffee County; requiring the reidentification of qualified electors of the county; imposing certain duties in this respect on voters, the registrars of the county, the probate judge, the county governing body, election officials, and persons who are required by law to prepare and file death certificates; prescribing penalties.

Local Legislation No. 1.

Notice and Proof H. 698:

#### LEGAL ADVERTISING

#### STATE OF ALABAMA COUNTY OF COFFEE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to and providing for purgation of voter lists in Coffee County; requiring the reidentification of qualified electors of the county; imposing certain duties in this respect on voters, the registrars of the county, the probate judge, the county governing body, election officials, and persons who are required by law to prepare and file death certificates; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Coffee County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or non-residents of the county, or have otherwise become disqualified from voting in Coffee County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors in the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1961; provided that no one who has registered as a qualified elector of the county since January 1, 1959, shall be required to reidentify himself. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. A voter may reidentify himself in any one of the following ways:

(a) A voter may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate or one of the authorized employees of the judge of probate and answering such questions and submitting such proof as may be set forth hereinafter to establish the voters identity and place of legal residence and that the voter has not been disqualified from voting in the county.

(b) As a further aid to reidentification, prior to the first day of January, 1961, the board of registrars of Coffee County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until five o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and reidentify themselves. The board shall give at least ten (10) days notice, by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and reidentify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments. The board shall remain in session in each beat for such times as the boards deems necessary to enable the qualified electors of such beat to appear and reidentify themselves in the manner prescribed herein. No voter shall appear and reidentify himself at any place except in the beat in which he resides or in the courthouses of the county.

(c) A voter who is on active duty in the Army, Navy, or Air Force of the United States or the husband or wife of a member of the Armed Forces on active duty, may also reidentify himself or herself by filling in and mailing to the office of the judge of probate, for transmittal to the board of registrars, the completed answer to such questions as set forth in the questionnaire hereinafter detailed, and the questionnaire must be witnessed by a commissioned officer of the Army, Navy, or Air Force.

(d) The questionnaire to reidentify a voter shall be in substantially the following form:

**VOTERS REIDENTIFICATION  
QUESTIONNAIRE**

Coffee County, Alabama

Date \_\_\_\_\_, 19\_\_\_\_

Name \_\_\_\_\_  
                     First                                Middle                                Last

Legal Residence Address \_\_\_\_\_  
                                                                                 Street

City or Town \_\_\_\_\_ State \_\_\_\_\_

Date of Birth \_\_\_\_\_ Sex \_\_\_\_\_ Color \_\_\_\_\_

I now vote and I am a qualified elector in Precinct or Beat No. \_\_\_\_\_

Box No. \_\_\_\_\_ Coffee County, and I have not been disqualified from voting in the county.

I have resided in Precinct or Beat No. \_\_\_\_\_ for the past three months.

Signed \_\_\_\_\_  
                                                                                 Signature of Voter.

Witnessed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

**REGISTRAR - PROBATE JUDGE - ELECTION OFFICIAL - COMMISSIONED OFFICER U. S. ARMED FORCES.**

Section 4. Any qualified elector in the county who shall have his or her name omitted or removed from the list of qualified electors in the county by reason of his or her failure to reidentify himself or herself as hereinbefore provided or his or her name be otherwise purged therefrom, shall be entitled to have his or her name restored to the list of qualified electors by appearing in person and reidentifying himself or herself in person at the office of the board of registrars or judge of probate in the manner hereinbefore provided for; however, after January 1, 1961, every qualified elector must have reidentified himself or herself at least thirty (30) days prior to voting.

Section 5. It shall be the duty of the board of registrars in Coffee County to notify by mail each person whose name shall be removed from the lists of qualified electors, whether by purging or for failure of such elector to reidentify himself as herein provided, at his last known address as shown by the records of the board.

Section 6. Any person who willfully makes a false statement in answer to the reidentification questionnaire in reidentifying himself as a



qualified elector in the manner provided herein, shall be guilty of perjury, and upon conviction shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 7. The board of registrars shall meet as often as necessary and on such dates as the board may by order fix for the purpose of purging the list of qualified electors of the county. The board may meet any number of days not exceeding thirty (30) days per annum in excess or the maximum now provided by law for the purpose of purging each list, and shall be entitled to the same per diem allowances for meeting on such dates, in excess of the maximum, as now provided by law.

Section 8. Each person, firm, or hospital in Coffee County now required by law to provide death certificates for deceased persons is hereby authorized, directed, and required to forward duplicate copies of such death certificates to the office of the probate judge, for transmittal to the board of registrars to be used by the board in purging the list of qualified electors of such deceased persons names. The board of registrars is hereby authorized, directed, and required to purge the list of qualified electors of names of deceased persons provided by such death certificates within 90 days following such persons death.

Section 9. Voting lists will be prepared alphabetically within the beat and box and in the beats having more than one box, lists will be prepared so as to assign each elector to one box within the beat, this assignment to be either alphabetically or by precinct within the beat at the election of the court of county commissioners at their next regular meeting following the date this Act becomes law.

Section 10. The court of county commissioners of Coffee County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationary, stamps, clerical assistance and newspaper advertisements necessary for the re-identification of voters as herein provided.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### STATE OF ALABAMA COFFEE COUNTY

Manuel Segall, of said state and county, being first duly sworn, on his oath says:

That he is the publisher of The Enterprise Ledger, a weekly newspaper of general circulation, printed and published in the City of Enterprise in said county and state, and has been such during the time hereinafter mentioned, and that the advertisement headed: Legal (A Bill To Be Entitled An Act) a printed copy of which is hereto attached, was printed and published in every copy of each issue of said newspaper for a period of 4 consecutive weeks, to wit:

First Publication August 20, 1959

Second Publication August 27, 1959

Third Publication September 3, 1959

Fourth Publication September 10, 1959.

MANUEL SEGALL,  
Publisher.

Sworn to and subscribed before me this the 14 day of September, 1959.

ROY M. SHOFFNER,  
Notary Public.

My commission expires: 2-27-63.

By Mr. Salter:

H. 699. To amend further Act No. 46, H. 36, approved April 6, 1955, which regulates the sale of eggs and provides for the inspection and grading thereof by amending Sections 1, 6, 7, 8, 11, 12, and 13 of said Act.

Agriculture.

By Messrs. Harris and Meade:

H. 700. To provide for the designation by the state highway department of the bridge on Alabama Highway No. 35 across Little River at the DeKalb County-Cherokee County line as the "G. E. Hill Bridge."

Transportation.

By Mr. Harris:

H. 701. To provide for the designation by the state highway department of certain highways in DeKalb County as "Desota Parkway."

Transportation.

By Messrs. Hain, Long (Perry), Barnett, Avery, Ramey, Martin, Gilmer and Hardy:

H. 702. To regulate the charging of tuition fees for attendance of children at school; amending Section 142 of Title 52, Code of Alabama 1940.

Education.

By Messrs. Gilmer, Hain and Hardy:

H. 703. To make an appropriation to the Cahaba Historical Commission.

Ways and Means.

By Mr. Rozelle (with notice and proof):

H. 704. To alter and re-arrange the boundary lines of the City of Brewton, Alabama, so as to include within the corporate limits of said City all territory within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

Local Legislation No. 1.

Notice and Proof H. 704:

STATE OF ALABAMA  
COUNTY OF ESCAMBIA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

TO alter and re-arrange the boundary lines of the City of Brewton, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act the boundary lines of the City of Brewton, Escambia County, Alabama be and the same are altered and re-arranged so as to include within the corporate limits of said City, in addition to the territory included within its present corporate limits, the territory described as follows:

All that part of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) in Section Thirty-one (31), Township Two (2) North of Range Ten (10) East that lies North and East of Cobb Branch and South and West of Garrett Farm Road, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NE cor. of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) in Section Thirty-one (31), Township Two (2) North of Range Ten (10) East; thence run West 1870 feet, more or less, to the center of Cobb Branch; thence run in a Southeasterly direction for a distance of 1900 feet, more or less, along the center of said Branch to the South line of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of said Section Thirty-one (31), thence run East along the South line of said forty for a distance of 470 feet, more or less, to a point on the West line of Garrett Farm Road, thence run in a Northwesterly direction along the West line of said Garrett Farm Road for a distance of 1800 feet, more or less, and to the starting point, situated, lying and being in Escambia County, Alabama.

Section 2. That this Act shall go into effect immediately upon its approval by the Governor.

**PROOF OF PUBLICATION**

**STATE OF ALABAMA  
COUNTY OF ESCAMBIA**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Tom Gardner, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Owner-Publisher of the The Brewton Standard, a newspaper of general circulation published in Escambia County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 13, August 20, August 27, and September 3, all in the year 1959.

**TOM GARDNER.**

Sworn to and subscribed before me September 3, 1959.

AMY B. CORPENING,  
Notary Public.

By Mr. Oden:

H. 705. To amend Act No. 743, H. 150, approved September 23, 1957 (Acts of Alabama, 1957, p. 1173), entitled "An Act To provide for a refund of a portion of the state tax paid on gasoline which is used in propelling or operating tractors used exclusively for agricultural purposes, or which is used in operating auxiliary engines attached to and made a part of certain farm machinery; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the commissioner of revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor; and repealing Act No. 323, H. 35, approved August 7, 1949 (Acts of Alabama, 1949, p. 469)."

Ways and Means.

By Mr. Oden:

H. 706. Proposing an amendment to the Constitution of Alabama relating to the industrial development of Franklin County and the municipalities therein.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Martin (with notice and proof):

H. 707. To levy county sales and use taxes for public school purposes in Greene County; to provide for the collection of such taxes by the state department of revenue, and for the distribution and use of the proceeds thereof; to provide for the enforcement of the Act; to provide penalties for violations of the Act; to supersede and repeal Act No. 24, H. 15, approved February 19, 1959.

Local Legislation No. 1.

Notice and Proof H. 707:

#### LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF GREENE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To levy county sales and use taxes for public school purposes in Greene County; to provide for the collection of such taxes by the state department of revenue, and for the distribution and use of the proceeds thereof; to provide for the enforcement of the Act; to provide penalties for violations of the Act; to supersede and repeal Act No. 24, H. 15, approved February 19, 1959.

Be It Enacted by the Legislature of Alabama:

Section 1. There are hereby levied and imposed in Greene County, in addition to all other taxes of every kind now imposed by law, county privilege or license or excise taxes to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

1. Upon every person, firm, or corporation engaged or continuing within Greene County in Business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one per cent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within Greene County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other associations whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Greene County, an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm or corporation engaged or continuing within Greene County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one half of one per cent of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

4. Upon every person, firm or corporation engaged or continuing within Greene County in the business of selling at retail any automotive vehicle or truck or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

5. An excise tax is hereby imposed on the storage, use or other consumption in Greene County of tangible personal property purchased

at retail on or after the first day of October 1959, for storage, use or other consumption in Greene County at the rate of three per cent of the sales price of such property, except as otherwise provided as follows:

(a) An excise tax is hereby imposed on the storage, use or other consumption in Greene County of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machine, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of such machines, purchased at retail on or after the first day of October 1959, for storage, use or other consumption in Greene County, at the rate of one-half of one percent of the sales price of such machines or the parts, attachments, or replacements therefor.

(b) An excise tax is hereby imposed on the storage, use or other consumption in Greene County of any automotive vehicle or truck trailer and semi-trailer purchased at retail on or after October 1, 1959, for storage, use or other consumption in Greene County, at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the difference of the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

The taxes levied by this Act shall be subject to all definitions, exemptions, proceedings, rules, regulations, requirements, fines, penalties, punishments, and deductions as are provided in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, the state sales tax law, and Article 11, Chapter 20, Title 51, Code of Alabama, 1940 as amended, and all acts supplementary thereto, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof. The tax levied herein shall be added to the sales price of property sold, and shall be collected from the purchaser, so that the impact of the tax will be on the consumer rather than on the retailer.

Every person storing, using, or otherwise consuming in Greene County any tangible personal property purchased at retail shall be liable for the tax imposed by paragraph 5, above, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the county showing the payment of the tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 2. The taxes levied by this Act shall be collected by the Department of Revenue of the State of Alabama, at the same time and along with the collection by that department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959 and Article 11, of Chapter 20, Title 51, Code of Alabama (1940), and all acts amendatory thereof or supplementary thereto, and all reports now required to be made to the Commissioner of Revenue shall, on the request of the Department of Revenue, be available for inspection by the chairman of the Greene County, Alabama Board of Education, or his designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms, and other information as may be necessary for the collection of the county taxes levied by this Act, and shall have all the authority and duties in connection with such taxes as are now given

by law to the Department of Revenue or the commissioner of Revenue in connection with the collection of the state sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959 and Article 11, of Chapter 20, Title 51, Code of Alabama (1940), and all acts amendatory thereof or supplementary thereto. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all taxes collected under this Act; and on or before the first day of the following month, the Commissioner shall certify to the State Comptroller the amount of special taxes collected under the provisions of this Act for the use and benefit of Greene County Board of Education during the calendar month immediately preceding the month of making such certificate. Whereupon, it shall be the duty of the Comptroller to issue his warrant on the State Treasury, payable to the custodian of the public school funds of Greene County, in his official capacity; in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of Greene County Board of Education and paid into the State Treasury. The County Board of Education of Greene County shall use all revenue arising from the taxes herein levied exclusively and solely for acquiring, providing, or constructing school houses and related buildings necessary or convenient for public school purposes, and equipping, furnishing, or repairing any such buildings, and acquiring sites therefor, or for other capital outlay purposes for public schools within Greene County, Alabama.

Section 3. The Department of Revenue shall charge Greene County Board of Education for collecting the special taxes levied by this Act such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Greene County Board of Education, but such charge shall not, in any event, exceed two per cent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes shall be deducted once each year from the special sales and special use taxes collected in the month of September of each year before certifying the amount of special sales and special use taxes due Greene County Board of Education for that month. The Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this Act, and otherwise to enforce the provisions of this Act, including any litigation involving the Act, and the Department of Revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for the county.

Section 4. The taxes levied by this Act, together with the interest and penalties which are authorized herein, shall be a lien upon the property of any person, firm, or corporation liable for taxes under the provisions of this Act, and all of the provisions of the revenue laws of the State of Alabama applying to or relating to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of taxes levied by this Act. The taxes levied by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engage in any business taxable hereunder in Greene County.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act supersedes Act No. 24, H. 15, approved February 20, 1959, which is hereby repealed. Provided, however, that this Act does not affect rights and liabilities that matured, penalties that were incurred, and proceedings that were begun under said Act No. 24 before the effective date of this enactment.

Section 7. This Act shall take effect October 1, 1959.

STATE OF ALABAMA  
COUNTY OF GREENE

Before me, Geneva L. Mattison, a Notary Public in and for said state and county, personally appeared R. K. Martin, who being duly sworn by me deposes and says:

That he is the publisher of the Greene County Democrat, a newspaper published in Greene County, Alabama; that the attached advertisement appeared in said publication on the 8-27, 9-3, 9-10 and 9-17, 1959.

R. K. MARTIN,  
Publisher.

Sworn to and subscribed before me this 17 day of Sept., 1959.

GENEVA L. MATTISON,  
Notary Public.

By Messrs. Perry, Rast and Hawkins:

H. 708. To appropriate to the Department of Alabama, United Spanish War Veterans, the funds remaining in Treasury Account No. 885 known as the SPANISH AMERICAN RELIEF TRUST FUND pursuant to Act No. 1334, Regular Session 1931, approved June 30, 1931, and repeal said Act No. 134.

Military Affairs.

By Messrs. Sessions, Branyon, Perry, McCorquodale, Glass, Britton, Taylor, Hankins, Broadfoot, Bishop and Turnham:

H. 709. To regulate the erection and maintenance of advertising devices within a specified distance of the rights of way of certain highways within this State; prohibiting the erection or maintenance of any advertising device within such distance of the rights of way of these highways unless a permit therefor has been obtained from the state highway director; authorizing the highway director to issue permits for the erection of advertising devices, conforming to rules and regulations prescribed therefor, within this specified distance adjacent to the rights of way of such highways upon payment of the permit fees prescribed by this Act; authorizing and directing the highway director to adopt regulations to govern the issuance of such permits, to prescribe regulations relative to the size and kinds of advertising devices which may be erected and maintained under such permits, to designate the sections or portions of highway along which such advertising devices may or may not be erected and maintained, and by regulation to exclude certain advertising devices from the coverage of this Act; and authorizing the removal of any advertising device erected or maintained in violation of this Act or any regulation duly adopted hereunder.

Ways and Means.

By Messrs. Hawkins, Sessions, Locke, Perry, Rast, Edwards and Morrow:

H. 710. TO AUTHORIZE THE HEALTH OFFICER OF ANY COUNTY OF THIS STATE HAVING A POPULATION OF 500,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS TO OBTAIN, PERFORM OR REQUIRE AN AUTOPSY ON OR INTERNAL EXAMINATION OF THE BODY OF ANY PERSON WHOSE DEATH THE SAID HEALTH OFFICER HAS REASON TO BELIEVE WAS CAUSED BY COMMUNICABLE DISEASE OR OTHER CAUSE



RELATED TO THE PROTECTION OF THE PUBLIC HEALTH; TO AUTHORIZE THE SAID HEALTH OFFICER TO MAKE ALL NECESSARY AND REASONABLE ORDERS TO SECURE AND FACILITATE THE MAKING OF SUCH AUTOPSY OR INTERNAL EXAMINATION; TO PROVIDE THAT IT SHALL BE A MISDEMEANOR FOR ANY PERSON TO IMPEDE, INTERFERE WITH OR OBSTRUCT THE SAID HEALTH OFFICER IN HIS MAKING OR PERFORMING ANY SUCH AUTOPSY OR EXAMINATION, OR TO IMPEDE, INTERFERE WITH OR OBSTRUCT ANY OTHER PERSON IN MAKING OR PERFORMING SUCH AUTOPSY OR EXAMINATION AT THE REQUEST OF THE SAID HEALTH OFFICER; AND TO PROVIDE FOR THE PAYMENT OF EXPENSES RELATING TO SAID AUTOPSY OR INTERNAL EXAMINATION.

Local Legislation No. 2.

By Messrs. Perry, Rast, Locke, Morrow, Sessions, Edwards and Hawkins (with notice and proof):

H. 711. To provide for the relief of Lula Braxton, out of the general funds of the City of Birmingham, a municipality, Jefferson County, Alabama.

Local Legislation No. 2.

Notice and Proof H. 711:

LEGAL NOTICE

Notice is hereby given of intention to apply at the current regular session or any special session of the legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be the substance, as distinguished from detail of the following:

A bill to be entitled an act for the relief of Lula Braxton the widow of Ben Braxton, and to authorize and direct the City of Birmingham, a municipal corporation, to pay to the said Lula Braxton, the sum of \$5,000.00 for the death of her husband, April 23, 1958, as a consequence being hit by a motorcycle, owned by the City of Birmingham, on March 22, 1958, in the 3200 block of 5th Avenue, North, in the City of Birmingham.

Messenger — July 11, 18, 25; Aug. 1, 1959.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Eleanor Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of July 11, 18, 25, Aug. 1, 1959, a legal notice, a copy of which is hereto attached.

Eleanor Abercrombie,  
Publisher.

Sworn and subscribed to on this the 1st. day of August, 1959.

SARA WHEELER,  
Notary Public.

By Messrs. Morrow, Locke, Sessions, Edwards, Perry, Hawkins and Rast:  
H. 712. TO AMEND SECTION 797, TITLE 37, OF THE 1940 CODE OF THE STATE OF ALABAMA, AS AMENDED BY ACT NO. 421 OF THE 1949 REGULAR SESSION OF THE LEGISLATURE OF ALABAMA (GENERAL ACTS, 1949, p. 597).

Local Legislation No. 2.

By Mr. Adams (Houston):

H. 713. To amend Section 5 of Act No. 247, S. 69, approved July 29, 1953 (Acts of Alabama, 1953, page 311) entitled "An Act relating to banks and banking; to provide for the retention and disposition of bank records, and for other purposes," by providing for the reproduction of bank records by processes in addition to the microphotographic process and by providing that such reproductions may be retained by banks in lieu of the originals thereof.

Business and Labor.

By Messrs. Cabiness and Harris:

H. 714. To grant and provide for the payment of a cost-of-living raise to regular employees of the State of Alabama, whose employment is subject to the State Merit System.

Ways and Means.

By Mr. Cabiness:

H. 715. Proposing an amendment to the Constitution of Alabama (1901) relative to the election of a chief of police of the City of Scottsboro, in Jackson County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Turnham, Rogers, Dickson, Brooks, Harvey, Sullivan, Dodd and Harris:

H. 716. To provide revenue and a source of revenue for the purpose of paying annuities and benefits to the Peace Officers of the State of Alabama, to provide for a commission to receive and disburse such funds, to provide for a method of payment of such funds to beneficiaries thereof, and for other purposes.

State Administration.

By Messrs. Roberts and Reynolds (Madison):

H. 717. To amend Act No. 653, H. 489, entitled "An Act To regulate the teaching and practice of cosmetology; requiring the registration and licensing of cosmetologist and cosmetologists' apprentices, and schools of cosmetology, creating for the administration of this Act a State Board of Cosmetology, and defining violation of this Act and prescribing penalties therefor," approved September 20, 1957 (Acts of Alabama 1957, page 981).

Health.

By Mr. Self (with notice and proof):

H. 718. Directing the court of county commissioners, board of revenue, or like governing body of Marion County to provide for the installation and use of voting machines in that county.

Local Legislation No. 1.

Notice and Proof H. 718:

LEGAL  
NOTICES

STATE OF ALABAMA  
COUNTY OF MARION

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Directing the court of county commissioners, board of revenue, or like governing body of Marion County to provide for the installation and use of voting machines in that county.

Be It Enacted by the Legislature of Alabama:

Section 1. After this act takes effect the court of county commissioners, board of revenue, or like governing body of Marion County shall provide for the installation and use of voting machines within the county. Such governing body may designate the election precincts within which voting machines shall be used and the precincts within which paper ballots shall continue to be used, and may adjust the boundaries of the election precincts or election districts within the county in order to make the most effective and practical use of voting machines. Upon the installation of voting machines in any election precinct, the machines must be used for registering or recording and computing the vote at all general, special, or primary elections thereafter held in such precinct.

Section 2. The provisions of this act shall only become effective if the act is approved by a majority of the qualified electors of Marion County voting in a referendum election to be held for that purpose. The referendum election shall be held on the same day as the first county-wide primary, general, or special election that is held at least sixty days after the date of this enactment. The governing body of Marion County shall order and provide for holding the referendum election on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. \_\_\_\_\_, approved \_\_\_\_\_, 1959, which provides for the installation and use of voting machines in Marion County, be approved? Yes ( ) No ( )." If a majority of the votes cast at the election are "Yes" the provisions of this act shall become effective immediately. If a majority of the votes cast at the election are "No" the act shall have no further effect.

3t 1-15-22-29ch

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared Walter D. Haney, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor-Manager of the Marion County News, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Jan. 15, Jan. 22, Jan. 29, all in the year 1959.

WALTER D. HANEY.

Sworn to and subscribed before me 2-16, 1959.

G. O. KARR,  
Notary Public.

By Messrs. Trimmier and Hocklander (with notice and proof):

H. 719. Relating to the City of Mobile; to provide for a separate Mobile Urban Renewal Agency to plan or carry out any redevelopment or urban renewal project in such municipality if the governing body of the municipality by resolution declares that there is need for such Agency; to provide the number, method of appointment and terms of office of the commissioners of said Mobile Urban Renewal Agency; to provide the powers of said Mobile Urban Renewal Agency; to provide that such Urban Renewal Agency shall not have authority to construct or operate any dwelling accommodations except that it may temporarily operate dwellings and real property acquired in a project area pending disposition; to provide that any existing municipal housing authority of said City shall not, after appointment of the Commissioners of said Mobile Urban Renewal Agency, have power to plan or carry out any redevelopment project or urban renewal project except as stated in this Act; to provide for the transfer of all assets and liabilities in connection with an existing project which is taken over by said Mobile Urban Renewal Agency; to supplement Title 25 of the Code of Alabama of 1940, relating to Housing as amended and supplemented by any Acts of the Legislature of Alabama heretofore enacted, including the following: Act No. 614 of the General Acts of 1939, approved July 10, 1940; Act No. 466 of the General Acts of 1943, approved July 7, 1943; Act No. 541 of the General Acts of 1943, approved July 7, 1943; Act No. 490 of the General Acts of 1949, approved August 30, 1949; Act No. 491 of the General Acts of 1949, approved August 30, 1949; Act No. 193 of the General Acts of 1951, approved July 9, 1951; Act No. 776 of the General Acts of 1951, approved September 11, 1951; Act No. 590 of the General Acts of 1953, approved September 11, 1953; Act No. 553, of the General Acts of 1955, approved September 9, 1955; Act No. 554 of the General Acts of 1955, approved September 9, 1955; to repeal any act or law inconsistent herewith; and to provide that if any portion of this act is held unconstitutional, such holding shall not affect the other parts thereof:

Local Legislation No. 1.

Notice and Proof H. 719:

#### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the City of Mobile: to provide for a separate Mobile Urban Renewal Agency to plan or carry out any redevelopment or urban renewal project in such municipality if the governing body of the municipality by resolution declares that there is need for such Agency; to provide the number, method of appointment and terms of office of the commissioners of said Mobile Urban Renewal Agency; to provide the powers of said Mobile Urban Renewal Agency; to provide that such Urban Renewal Agency shall not have authority to construct or operate any dwelling accommodations except that it may temporarily operate dwellings and real property acquired in a project area pending disposition; to provide that any existing municipal housing authority of said City shall not, after appointment of the Commissioners of said Mobile Urban Renewal Agency, have power to plan or carry out any redevelopment project or urban renewal project except as stated in this Act; to provide for the transfer of all assets and liabilities in connection with an existing project which is taken over by said Mobile Urban Renewal Agency; to supplement Title 25 of the Code of Alabama of 1940, relating to Housing as amended and supplemented by any Acts of the Legislature of Alabama heretofore enacted, including the following: Act No. 614 of the General Acts of 1939, approved July 10, 1940; Act No. 466 of the General Acts of 1943, approved July 7, 1943; Act No. 541 of the General Acts of 1943, approved July 7, 1943; Act No. 490 of the General Acts of 1949, approved August 30, 1949; Act No. 491 of the General Acts of 1949, approved August 30, 1949; Act No. 193 of the General Acts of 1951, approved July 9, 1951; Act No. 776 of the General Acts of 1951, approved September 11, 1951; Act No. 590 of the General Acts of 1953, approved September 11, 1953; Act No. 553 of the General Acts of 1955, approved September 9, 1955; Act No. 554 of the General Acts of 1955, approved September 9, 1955; to repeal any act or law inconsistent herewith; and to provide that if any portion of this act is held unconstitutional, such holding shall not affect the other parts thereof:

**Be It Enacted by the Legislature of Alabama:**

Section 1: If the governing body of the City of Mobile (hereinafter called City) by resolution declares that there is need for a separate authority to plan and carry out redevelopment projects and urban renewal projects as defined by Act No. 491 of the Acts of the Legislature of 1949, page 713, approved August 30, 1949, and Act No. 553 of the Acts of the Legislature of 1955, page 1213, approved September 9, 1955, respectively, a public body corporate and politic shall exist in such city and shall be known as the Mobile Urban Renewal Agency (hereinafter called Agency).

Section 2: The Agency shall consist of seven (7) commissioners appointed by the governing body of the City, none of whom may be members of such governing body. The commissioners shall elect from among their number a chairman. Two of the commissioners who are first appointed shall be designated by the governing body of the City to serve for terms of four (4) years, two for five (5) years, two for six (6) years, and one for seven (7) years, respectively, from the date of their appointment. Thereafter the term of office shall be four (4) years.

Section 3: Except as specifically provided herein, said Agency shall in all respects be an "Authority" as defined by Title 25 of the Code of Alabama of 1940, and shall have all the powers given to any such authority by any provisions of said Title 25 of the Code of Alabama of

1940, as amended and supplemented by any Acts of the legislature, heretofore or hereafter enacted, including the following: Act No. 614 of the General Acts of 1939, approved July 10, 1940; Act No. 466 of the General Acts of 1943, approved July 7, 1943; Act No. 541 of the General Acts of 1943, approved July 7, 1943; Act No. 490 of the General Acts of 1949, approved August 30, 1949; Act No. 491 of the General Acts of 1949, approved August 30, 1949; Act No. 193 of the General Acts of 1951, approved July 9, 1951; Act No. 776 of the General Acts of 1951, approved September 11, 1951; Act No. 590 of the General Acts of 1953, approved September 11, 1953; Act No. 553 of the General Acts of 1955, approved September 9, 1955; Act No. 554 of the General Acts of 1955, approved September 9, 1955; and all provisions of said Title 25, as amended or supplemented by any of the Acts referred to above, or by any other Acts of the Legislature of Alabama heretofore or hereafter enacted amending or supplementing the said Title 25, shall apply to said Agency.

Provided, however, said Agency shall not have authority to construct or operate any dwelling accommodations, except that it may temporarily operate and maintain for such uses and purposes as may be desirable, dwelling accommodations and real property acquired by it in a redevelopment or urban renewal area for or in connection with a redevelopment or urban renewal project, pending the disposition of the dwelling accommodations and property for uses in conformity with the redevelopment or urban renewal plan.

Section 4. After the governing body of the City has appointed the commissioners of the said Agency, any existing municipal housing authority of the City (hereinafter called the Housing Board) shall no longer have power to plan, undertake or carry out any redevelopment project or urban renewal project; provided that this section shall not apply to any redevelopment or urban renewal project with respect to which bonds, notes or evidences of indebtedness have been issued by said Housing Board prior to the appointment of said commissioners, unless all holders of any such bonds, notes, or evidences of indebtedness of said Housing Board outstanding with respect to such project, have consented in writing to the substitution of said Agency for said Housing Board on all such bonds, notes, or evidences of indebtedness.

Section 5. After the governing body of the City has appointed the commissioners of said Agency, such agency shall thereafter have sole power to plan, undertake and carry out any redevelopment project or urban renewal project in the City, except for any such project as comes within the proviso of Section 4 of this Act, which projects, if any, may continue to be carried out by the Housing Board under the provisions of said Section 4. Where projects initiated by said Housing Board are to be carried out by the Agency, all rights, contracts, agreements, obligations, liabilities, assets, and property, real and personal, of said Housing Board in connection with such projects shall vest in and be in the name of said Agency, and all obligations of said Housing Board and all rights and remedies in connection with such projects against said Housing Board may be asserted, enforced and prosecuted against said Agency, to the same extent as they might have been asserted, enforced and prosecuted against said Board.

Section 6: All laws or parts of laws which conflict with this Act are repealed.

Section 7: Should any section, provision or part of this Act be declared unconstitutional or void by any court of competent jurisdiction, it shall not affect the validity of the remaining sections, provisions or parts of this Act.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Reg. Aug. 4, 11, 18, 25.

### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared A. A. Johnson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Comptroller of the Mobile Press Register, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 4, Aug. 11, Aug. 18, and Aug. 25, all in the year 1959.

A. A. JOHNSON.

Sworn to and subscribed before me September 15th, 1959.

GREG L. KENNY,  
Notary Public.

By Mr. Hocklander (with notice and proof):

H. 720. To Amend Act No. 111, H. 419, approved June 30, 1955 (Acts of Alabama, 1955, p. 356), entitled "An Act To fix the salary of the tax collector of Mobile County, and to regulate the payment thereof."

Local Legislation No. 1.

Notice and Proof H. 720:

### LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

To amend Act No. 111, H. 419, approved June 30, 1955 (Acts of Alabama, 1955, p. 356), entitled "An Act To fix the salary of the tax collector of Mobile County, and to regulate the payment thereof."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 111, H. 419, approved June 30, 1955 (Acts of Alabama, 1955, p. 356), entitled "An Act To fix the salary of the tax collector of Mobile County, and to regulate the payment thereof," is amended to read as follows:

"Section 1. The tax collector of Mobile County shall be compensated on a salary basis. He shall be paid a salary of ten thousand dollars

(\$10,000) per annum. Such salary shall be paid in twelve equal monthly installments in the manner prescribed by Act No. 241, H. 401, approved August 15, 1935. Such salary shall be in lieu of all other compensation, fees, commissions, perquisites, and amoluments for the performance of the duties of his office, or for the performance of any other act or service connected with his office."

Section 2. This Act shall take effect at the commencement of the term of office of the tax collector of Mobile County which begins next after the passage and approval of this Act.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared A. A. Johnson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Comptroller of the Mobile Press Register, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1959.

A. A. JOHNSON.

Sworn to and subscribed before me July 24th, 1959.

GREG L. KENNY,  
Notary Public Mo. Co.

By Messrs. Pierce, Goodwyn and Bailey:

H. 721. To amend further Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, Vol. II, p. 981).

Health.

By Messrs. Goodwyn, Pierce and Adams (Tallapoosa):

H. 722. To amend the act approved August 19, 1949, relating to absentee voting (Act No. 424, H. 351, 1949 Acts 601).

Judiciary.

By Messrs. Goodwyn, Pierce and Adams (Tallapoosa):

H. 723. To amend the Act approved July 9, 1945, relating to the duty to stop in event of a vehicle accident resulting in injury to a person or another vehicle or the death of a person (Act No. 427, H. 316, 1945 Acts 670).

Judiciary.

By Messrs. Goodwyn, Pierce and Adams (Tallapoosa):

H. 724. To amend Sections 92 and 117 of Title 17 of the Code of Alabama of 1940 so as to authorize any county or city or other political subdivision of the state to authorize and direct the use of voting machines for registering or recording and computing the vote at all elections held in such county or city or other political subdivisions or portion of any thereof without the requirement of submitting the ques-



tion of the authorization or installation of voting machines to a vote of the qualified electors of such county, city, or other political subdivision, and so as to make the pertinent and necessary laws pertaining to the use of voting machines in counties also apply to the use of voting machines in any municipality or other political subdivision in which voting machines may be adopted.

Judiciary.

By Messrs. Goodwyn, Pierce and Adams (Tallapoosa):

H. 725. To authorize each county in this state, in which voting machines may now or hereafter be authorized or required to be used in the conduct of elections, to sell and issue from time to time interest bearing warrants or certificates of indebtedness of such county for the purpose of acquiring or providing voting machines for the conduct of elections in such county; authorizing each such county to pledge and use, for payment of the principal of and interest on such warrants and certificates, so much as may be necessary for such purpose of the  $\frac{1}{2}$  of 1% ad valorem tax which such county is now authorized to levy without reference to its purpose, and specifying the effect and priority of any such pledge; and authorizing the refunding of such warrants and certificates.

Judiciary.

By Messrs. Goodwyn, Pierce and Adams (Tallapoosa):

H. 726. To amend Section 24 of Title 19, Code of Alabama (1940), which relates to orders of condemnation in eminent domain proceedings.

Judiciary.

By Messrs. Goodwyn, Pierce and Adams (Tallapoosa):

H. 727. To amend Act No. 817, S. 420, approved September 19, 1953 (Acts of Alabama, Regular Session, 1953, p. 1103), entitled "An Act To regulate further the granting of certain scholarships to the University of Alabama."

Judiciary.

By Messrs. Goodwyn, Pierce and Adams (Tallapoosa):

H. 728. To amend Section 428 of Title 13, Code of Alabama 1940, which relates to appeals from convictions in justice of the peace courts and courts of like jurisdiction.

Judiciary.

By Messrs. Goodwyn, Pierce and Adams (Tallapoosa):

H. 729. To amend Sections 279 and 280 of Title 17, Code of Alabama 1940, relating to the filing of political expense statements.

Judiciary.

By Messrs. Goodwyn, Pierce and Adams (Tallapoosa):

H. 730. To amend further Section 12 of Title 17, Code of Alabama 1940, which relates to qualifications to vote.

Judiciary.

By Messrs. Goodwyn, Pierce and Adams (Tallapoosa):

H. 731. Relating to prohibition of certain dangerous knives; making the manufacture, possession, display, offering, selling, lending, giving

away, or purchasing of certain knives unlawful; requiring the surrender of prohibited knives to chiefs of police or the sheriff of any county; prescribing penalties.

Judiciary.

By Messrs. Goodwyn, Pierce and Adams (Tallapoosa):

H. 732. To prescribe and define the obligations of the father to a child born out of wedlock; to establish procedures for the enforcement of such obligations; to prescribe penalties for violations of this Act; and to repeal Title 6 of the Code of Alabama (1940), and all other laws or parts of laws in conflict with this Act.

Judiciary.

By Messrs. Goodwyn, Merrill and Ferguson:

H. 733. To amend further Section 361 of Title 17, Code of Alabama 1940, in relation to single shot voting for the nomination or election of electors for president and vice president of the United States.

Judiciary.

By Messrs. Reynolds (Chambers), Smith (Russell), Cornett, Turnham, McClendon (Chambers) and Torbert:

H. 734. To authorize the state highway department, or the director thereof, to contract with the governing body of any county in this state to construct parking areas or wayside parks along county roads and to declare that such parking areas and wayside parks shall constitute a part of the county road system.

Ways and Means.

By Messrs. Brewer and Gilchrist:

H. 735. Relating to counties having a population of not less than 50,000 nor more than 60,000 inhabitants, according to the last or any subsequent federal decennial census who elect to come under the provisions of this Act as hereinafter provided; providing a more convenient and efficient method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, and the transfer of ownership of motor vehicles; creating a motor vehicle license department in each county to which this Act is made to apply as herein provided and providing for the appointment, qualification, terms, compensation, powers, duties, and authority of the director and deputy director thereof; transferring to the motor vehicle license department, and the director thereof, all the powers, duties, responsibilities, liabilities and authority of the tax assessor, tax collector, and judge of probate relative to the registration, assessment for taxes, collection of ad valorem taxes, sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, the transfer of ownership of motor vehicles, and the distribution of the fees, charges and commissions collected and received therefrom; providing an additional and alternative method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles; providing for clerical assistance, office space, equipment, supplies, and other conveniences necessary for the efficient operation and conduct of the motor vehicle license department; providing for the method by which a county to which this Act applies can elect to come within the provisions of said Act and the effective date thereof; providing the method by which a county may withdraw from the provisions of

this Act and the effective date of withdrawal; and the abolishing of all laws and parts of laws in conflict with said Act.

Local Legislation No. 1.

By Messrs. Gilchrist and Brewer (with notice and proof):

H. 736. To Amend further Act No. 415, H. 665, approved September 24, 1919, as amended and revised by Act No. 66, H. 261 (Local Acts of Alabama, 1947, page 46) and as thereafter further amended, which established the Morgan County Court in order to authorize the judge of such court to fix, within a prescribed maximum, the salary of the reporter for such court and to give the Act retroactive effect.

Local Legislation No. 1.

Notice and Proof H. 736:

LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To Amend further Act No. 415, H. 665, approved September 24, 1919, as amended and revised by Act No. 66, H. 261 (Local Acts of Alabama, 1947, page 46) and as thereafter further amended, which established the Morgan County Court in order to authorize the judge of such court to fix, within a prescribed maximum, the salary of the reporter for such court and to give the Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The section of Act No. 415, H. 665, approved September 24, 1919, entitled "An Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County to the Morgan County Court," which appears as Section 16 in the revision of said act accomplished by Act No. 66, H. 261, approved July 7, 1947 (Local Acts of Alabama, 1947, page 46), as thereafter amended, is hereby further amended to read as follows:

"Section 16. The judge of said court shall appoint a competent shorthand reporter to perform the duties of official court reporter of said court, who shall hold office at the pleasure of said judge and who shall receive as is prescribed by the judge, but not in excess of four thousand two hundred dollars per annum, payable in equal monthly installments out of the county treasury, on the certificate of the judge of said court. In all criminal cases and causes pending on the law side of said court there shall be taxed as part of the cost of the cause a reporter's fee of Three Dollars in each case, to be collected as other cost and paid by the clerk of said court into the county treasury for the benefit of the general fund. The said court reporter shall have authority to administer oaths and shall be an officer of the court and shall not be related to the judge of said court within the fifth degree."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The operation of this Act shall be retroactive to February 1, 1959, and all acts done and all payments made pursuant thereto on and after that date are ratified and confirmed.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 20, Aug. 27, Sept. 3, and Sept. 10, all in the year 1959.

JACK W. HOFFHAUS.

Sworn to and subscribed before me Sept. 15, 1959.

ESTELLE J. ODEN,  
Notary Public.

My commission expires Oct. 29, 1960.

By Messrs. Brewer and Gilchrist (with notice and proof):

H. 737. To amend further Section 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), which placed the judge of probate of Morgan County on a salary, prescribed certain duties of the judge of probate, and provided for clerical assistance, office space, supplies, and equipment necessary for the operation of his office; providing further for the clerk-hire allowance of the judge of probate.

Local Legislation No. 1.

Notice and Proof H. 737:

##### STATE OF ALABAMA COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To amend further Section 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), which placed the judge of probate of Morgan County on a salary, prescribed certain duties of the judge of probate, and provided for clerical assistance, office space, supplies, and equipment necessary for the operation of his office; providing further for the clerk-hire allowance of the judge of probate.

**Be It Enacted by the Legislature of Alabama:**

Section 1. Section 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), as amended, which placed the judge of probate of Morgan County on a salary, prescribed certain duties of the judge of probate, and provided for clerical assistance, office space, supplies, and equipment necessary for the operation of his office, is amended further to read as follows:

"Section 4. The Board of Revenue and Control of Morgan County, Alabama, or other like governing body of the county, shall provide the judge of probate with the necessary books, records, equipment, furniture, fixtures, stationery, postage, and other supplies, and with sufficient clerks and assistants. The judge shall have the authority to select and employ and discharge at will his clerks and assistants, and to fix their compensation, but the total compensation of such clerks and assistants shall not exceed such sum as the Board of Revenue and Control or other county governing body shall allow therefor, not to exceed the sum of nineteen thousand three hundred dollars (\$19,300.00) per annum. The board shall have authority and it shall be its duty to make an allowance for such compensation and to raise and lower the same from time to time, subject to the maximum of nineteen thousand three hundred dollars (\$19,300.00), as conditions and circumstances may warrant."

Section 2. This Act shall become effective on October 1, 1959.

**PROOF OF PUBLICATION****STATE OF ALABAMA  
COUNTY OF MORGAN**

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 12, 19, 26, and Sept. 2, all in the year 1959.

B. C. SHELTON.

Sworn to and subscribed before me Sept. 14, 1959.

R. H. JERVIS,  
Notary Public.

By Messrs. Gilchrist and Brewer (with notice and proof):

H. 738. To amend further Act No. 437, H. 937, approved August 17, 1951 (Acts of Alabama, 1951, page 789) as amended, which fixes the compensation of members of the Board of Revenue and Control of Morgan County.

Local Legislation No. 1.

Notice and Proof H. 738:

**STATE OF ALABAMA  
COUNTY OF MORGAN**

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Act No. 437, H. 937, approved August 17, 1951 (Acts of Alabama, 1951, page 789) as amended, which fixes the compensation of members of the Board of Revenue and Control of Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 437, H. 937, approved August 17, 1951 (Acts of Alabama, 1951, page 789), which fixes the compensation of the members of the Board of Revenue and Control of Morgan County, as amended, is hereby further amended to read as follows:

"Section 1. The members of the Board of Revenue and Control of Morgan County, Alabama, shall each receive an annual salary of four thousand eight hundred dollars (\$4,800.00), to be paid in equal monthly installments on the second Monday in each month, in addition to the mileage now allowed them by law for attending regular meetings of said board."

Section 2. This Act shall become effective upon the expiration of the terms of the incumbent members of the Board of Revenue and Control of Morgan County in accordance with the provisions of Amendment XCII to the Constitution of Alabama.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 20, Aug. 27, Sept. 3, and Sept. 10, all in the year 1959.

JACK W. HOFFHAUS.

Sworn to and subscribed before me Sept. 15, 1959.

ESTELLE J. ODEN,  
Notary Public.

My commission expires Oct. 29, 1960.

By Messrs. Brewer and Gilchrist (with notice and proof):

H. 739. To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 739:

LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Morgan County, Alabama, shall hereafter establish and maintain a public law library in said County and, to accomplish said purpose, shall from time to time expend such public funds of said County as are hereinafter provided for said purpose and shall provide suitable housing quarters, furniture, fixtures and equipment therefor, shall keep the same in a good state of maintenance and repair, from time to time shall enlarge, expand and improve such facilities and equipment, and shall pay such expenses and salaries as may be necessary and proper to operate the same out of such special fund hereinafter provided as hereinafter set forth.

Section 2. To provide revenue for the establishment, maintenance, operation and financing of said library there are hereby taxed as costs the sum of \$1.00 in each civil or quasi civil action at law, suits in equity, criminal cases, quasi criminal proceedings or forfeited bail bond proceedings or proceedings on a forfeited bond given in connection with an appeal from judgment or conviction in any Justice of the Peace Court or municipal Court to the Morgan County Court of Morgan County, Alabama, or the Circuit Court of Morgan County, Alabama, which costs shall be collected upon such suit or case filed in, arising in or brought by appeal, certiorari or otherwise to the Circuit Court of Morgan County, Alabama, or the Morgan County Court of Morgan County, Alabama, which costs shall be collected as other costs in such cases are collected by the Clerk of said Court or the Register in Chancery thereof, as the case may be, and shall be paid to the treasurer of Morgan County, Alabama, which shall be kept by him in a separate fund designated as "Morgan County Law Library Fund" and shall be expended by the Morgan County Library Management Committee hereinafter created on warrants of the Chairman of said committee drawn on the treasurer of Morgan County for expenditures as hereinafter provided with said warrants bearing the notation of the funds against which the same are drawn.

Section 3. The management of said law library is vested in the Morgan County Library Management Committee which shall consist of the Circuit Judges of the Circuit Court of Morgan County, Alabama, the Judge of the Morgan County Court of Morgan County, Alabama, the President of the Morgan County Bar Association, and the Secretary-Treasurer of the Morgan County Bar Association. The presiding Judge of the Circuit Court of Morgan County, Alabama, shall be the Chairman of the Morgan County Library Management Committee, and such committee shall have full and complete authority to purchase such books and periodicals as may in the opinion of said committee be advisable, and said committee may from time to time sell or exchange any books, reports, periodicals and personal property for other books or may apply

the proceeds of the sale thereof upon the purchase of other books, reports, periodicals and personal property for use in said library, and said committee may accept any gifts and loans of any such books, reports, periodicals and personal property for use in said library upon such terms and conditions as may be agreeable to said committee and to the donor or lender thereof. The committee may employ or use such personnel as may be necessary and proper to operate said library and may designate any employee of the Court or may employ other Court officials to operate the same or to assist therein.

Section 4. The Morgan County Library Management Committee shall have full authority to execute and enter into contracts in connection with the operation and maintenance of said law library and may purchase such books and periodicals on such terms as it may deem expedient and in the best interest of the law library in order to carry out the purposes and intent of this act, and any and all such contracts shall be a proper charge against the law library fund of Morgan County only and shall not be a general obligation of the County or an obligation of the committee as individuals.

Section 5. The said items of costs above taxed and referred to shall be designated in said costs as "Law Library Fee" and when any costs in such case or proceedings shall have been paid, the amount necessary for the payment of said fee shall be applied thereto, except that in the case of a part payment of any cost bill in any case or proceedings a proportionate amount of said fee shall be paid in proportion to the relation said fee bears to the total cost bill; the Clerks of the respective Courts and the Register in Chancery shall pay to the said County Treasurer the amounts collected for said law library fees on or before the 10th day of each month following their collection.

Section 6. All books, periodicals, reports and personal property of the Morgan County Law Library shall be the property of Morgan County, Alabama.

Section 7. If any sentence, clause, provision or section of this act shall be declared invalid, the remainder of said act shall not be affected, and the remainder thereof shall remain in full force and effect, notwithstanding such declaration with reference to any other part hereof.

Section 8. This act shall become effective following its passage and approval by the Governor or upon its otherwise becoming a law on October 1, 1959.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 20, Aug. 27, Sept. 3, and Sept. 10, all in the year 1959.

JACK W. HOFFHAUS.

Sworn to and subscribed before me Sept. 15, 1959.

ESTELLE J. ODEN,  
Notary Public.

My commission expires Oct. 29, 1960.



By Messrs. Brewer and Gilchrist (with notice and proof):

H. 740. To amend further Act No. 415, H. 665, approved September 24, 1919, the act that established the county court for Morgan County (Local Acts 1919, p. 194), in relation to the compensation of the register of the circuit court of Morgan County for ex officio services performed in said court.

Local Legislation No. 1.

Notice and Proof H. 740:

### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

#### A BILL TO BE ENTITLED AN ACT

To amend further Act No. 415, H. 665, approved September 24, 1919, the act that established the county court for Morgan County (Local Acts 1919, p. 194), in relation to the compensation of the register of the circuit court of Morgan County for ex officio services performed in said court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 415, H. 665, approved September 24, 1919, as amended by an act approved July 7, 1947 (Act No. 66, H. 261, Local Acts 1947, pp. 46, 48) is amended further to read as follows:

"Section 9: That the Clerk of the Circuit Court of Morgan County shall be ex officio clerk of said court and shall have the powers, and discharge the duties which will devolve upon the clerk of the circuit court, except in equity cases, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees as are now, or may hereafter, be allowed to circuit clerks of Alabama, and the same shall be collected as such fees are collected in the circuit court, and the Deputy Clerk of the Circuit Court of Morgan County shall be ex officio Deputy Clerk of the Morgan County Court, and exercise the same powers and duties as are exercised in the circuit court by such deputy clerks. The Register of the Circuit Court of Morgan County shall be ex officio Register of the Morgan County Court and as such ex officio register shall have the same powers and discharge the same duties which devolve upon the register of the circuit court, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees as are now or may hereafter be allowed registers of the circuit court, and the same shall be collected as such fees are collected in the circuit court. The Register of the Circuit Court shall also be entitled to the same amounts for ex officio services rendered in this Court as the Clerk of the Circuit Court, as provided by general laws, to be allowed and paid in the same manner as provided for said Clerk."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 20, Aug. 27, Sept. 3, and Sept. 10, all in the year 1957.

JACK W. HOFFHAUS.

Sworn to and subscribed before me Sept. 15, 1959.

ESTELLE J. ODEN,  
Notary Public.

My commission expires Oct. 29, 1960.

By Messrs. Gilchrist and Brewer (with notice and proof):

H. 741. To amend further Sections 1 and 3 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor.

Local Legislation No. 1.

Notice and Proof H. 741:

## LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Sections 1 and 3 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), as amended, which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor, is amended further to read as follows:

"Section 1. The salary of the Tax Assessor of Morgan County, Alabama, shall be SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,-

200.00) per year, and shall be paid out of the County Treasury of Morgan County, in equal monthly installments, at the end of each month."

Section 2. Section 3 of Act. No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), as amended, which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor, is amended further to read as follows:

"Section 3. The Board of Revenue and Control, or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax assessor, but the tax assessor shall select such clerks, deputies and assistants and fix their compensation, but the combined salaries or compensation of such clerks, deputies, and assistants selected by him shall not exceed SIX THOUSAND TWO HUNDRED DOLLARS (\$6,200.00) per annum. The tax assessor shall have the right to discharge such clerks, deputies, and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semimonthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax assessor shall furnish all necessary drawings, maps, registers and plats as required by law, including land and lot books provided for by sections 66 and 67 of Title 51 of the Code of Alabama of 1940, and the books, commonly known as 'Tax Abstract,' provided for by section 65 of Title 51 of the Code of Alabama of 1940, without compensation, charges, or expense to Morgan County, for the same, or the preparation of the same. The compensation of the clerks and assistants shall be paid in semi-monthly installments upon their filing with the chairman of the board of written claims therefor, for correctness of which shall be verified by the oath or affirmation of the tax assessor and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowances for the clerks, deputies and other assistants to the tax assessor from time to time as conditions may warrant, not to exceed however the sum of SIX THOUSAND TWO HUNDRED DOLLARS (\$6,200.00) per annum."

Section 3. Section 1 of this Act shall become effective upon the expiration of the term of the incumbent tax assessor of Morgan County, in accordance with the provisions of Amendment XCII to the Constitution of Alabama. Section 2 of this Act shall become effective October 1, 1959.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 12, 19, 26, and Sept. 2, all in the year 1959.

B. C. SHELTON.

Sworn to and subscribed before me Sept. 2, 1959.

R. H. JERVIS,  
Notary Public.

By Messrs. Brewer and Gilchrist (with notice and proof):

H. 742. To alter, rearrange, and redefine the boundaries of the four subdivisions of Morgan County heretofore designated as districts for certain purposes prescribed by law.

Local Legislation No. 1.

Notice and Proof H. 742:

### LEGAL NOTICE

As required By Article 4, Section 106, of the Constitution of Alabama of 1901, notice is hereby given of the intention to apply at the next special or regular session of the Legislature of Alabama for the enactment of Local Law substantially as follows:

### A BILL TO BE ENTITLED AN ACT

To alter, rearrange, and redefine the boundaries of the four subdivisions of Morgan County heretofore designated as districts for certain purposes prescribed by law.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The boundaries of the four subdivisions of Morgan County designated as districts for the purposes prescribed by Act No. 129 approved March 9th, 1939, (Local Acts 1939, P. 70) are hereby altered; rearranged, and redefined as follows:

DISTRICT ONE shall embrace and be composed of the following described territory: Beginning at the intersection of the Tennessee River with the County line dividing Morgan and Lawrence Counties; thence due South along said County line to its intersection with the West fork of Flint Creek; thence in an easterly direction with the meanderings down said fork of Flint Creek to a point where said Creek intersects the center line of Section 25, Township 6, Range 5 West; thence East along said line to its intersection with the east fork of Flint Creek; thence in a northeasterly direction with the meanderings down said East fork of Flint Creek to its intersection with the old right of way of the Louisville and Nashville Railroad; thence southeasterly with said right of way to the South line of Section 28, Township 6, Range 4 West; thence East to the Southeast corner of Section 27, Township 6, Range 3 West; thence North to the Northeast corner of said Section 27; Thence East to Cotaco Creek; thence northerly with the meanderings down said Creek to the Tennessee River; thence down the Tennessee River to the point of beginning.

DISTRICT TWO shall embrace and be composed of the following described territory: Beginning at the intersection of the West fork of Flint Creek with the County line between Lawrence and Morgan Counties; thence easterly with the meanderings down the said West fork of Flint Creek to where said Creek intersects the center line of Section 25, Township 6, Range 5 West; thence due East to the East fork of Flint Creek; thence northerly with the meanderings down said East fork of

Flint Creek to the old right of way of the Louisville and Nashville Railroad; thence southeasterly along said right of way to the South line of Section 28, Township 6, Range 4 West; thence due east to the Southeast corner of Section 27, Township 6, Range 3 West; thence due North to the Northeast corner of said Section 27; thence due East to the Northeast corner, Section 29, Township 6, Range 2 West; thence due South to the Northeast corner of Section 5, Township 7 South, Range 2 West; thence due West to the northwest corner of said Section 5; thence due South to the Northwest corner of Section 29, Township 7, Range 2 West; thence due West to the northwest corner of Section 25, Township 7, Range 3 West; thence due South to Southwest corner of NW $\frac{1}{4}$  of Section 25, Township 7, Range 3 West; thence due West to Shoal Creek; thence in a Southwesterly direction with the meanderings down said Creek to its intersection with Flint Creek; thence in a southwesterly direction down Flint Creek with its meanderings to the East line of Section 32, Township 7, Range 4 West; thence South to the Southeast corner of Section 32, Township 7, Range 4 West; thence due West to the County line between Lawrence and Morgan Counties; thence North along said line to the point of beginning.

DISTRICT THREE shall embrace and be composed of the following described territory: Beginning at the Northwest corner of Section 6, Township 8, Range 5 West; thence due East to the Southeast corner of Section 32, Township 7, Range 4 West; thence due North to Flint Creek; thence easterly with the meanderings up Flint Creek to its intersection with Shoal Creek; thence Northeasterly with the meanderings up Shoal Creek to the center line of Section 27, Township 7, Range 4 West; thence due East to the Southeast corner of NE $\frac{1}{4}$  of Section 26, Township 7, Range 3 West; thence due North to Northeast corner of NE $\frac{1}{4}$ , Section 26, Township 7, Range 3 West; thence due East to North-east corner of Section 30, Township 7, Range 2 West; thence due South to the Southeast corner of Section 30, Township 7, Range 2 West; thence due East to Northeast corner of Section 34, Township 7, Range 2 West; thence due South to Southeast corner of Section 34, Township 7, Range 2 West; thence due East to Cotaco Creek; thence with the meanderings up Cotaco Creek to the County line between Cullman and Morgan Counties (being the South line of Section 29, Township 8, Range 1 West); thence due West to the Southwest corner of Section 30, Township 8, Range 5 West; thence due North to the point of beginning.

DISTRICT FOUR shall embrace and be composed of the following described territory: Beginning at the Southeast corner of Section 25, Township 8, Range 1 West; thence northerly along the County line between Morgan and Marshall Counties to the Tennessee River; thence with the meanderings down the Tennessee River to Cotaco Creek; thence up said Cotaco Creek with its meanderings to the South line of Section 23, Township 6, Range 2 West; thence West to Northwest corner of Section 28, Township 6, Range 2 West; thence due South to the Northeast corner of Section 5, Township 7, Range 2 West; thence due West to the Northwest corner of said Section 5, Township 7, Range 2 West; thence due South to the Southwest corner of Section 29, Township 7, Range 2 West; thence due East to the Southeast corner of Section 27, Township 7, Range 2 West; thence due South to Southeast corner of Section 34, Township 7, Range 2 West; thence due East to Cotaco Creek; thence southerly with the meanderings up Cotaco Creek to the South line of Section 29, Township 8, Range 1 West, being the County line between Morgan and Cullman Counties; thence due East to the point of beginning.

SECTION 2: All laws or parts of laws in conflict herewith are hereby expressly repealed.

SECTION 3: This act shall take effect upon its passage and approval by the governor or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 17, June 24, July 1, and July 8, all in the year 1959.

B. C. SHELTON.

Sworn to and subscribed before me This July 8th, 1959.

R. H. JERVIS,  
Notary Public.

My Commission Expires Oct. 15, 1961.

By Messrs. Gilchrist and Brewer (with notice and proof):

H. 743. To amend further Sections 1 and 3 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, P. 278), which fixed the compensation or salary to be paid the tax collector of Morgan County, **provided clerical assistance, supplies and equipment for** the conduct of his office, and prescribed certain duties of the tax collector.

Local Legislation No. 1.

Notice and Proof H. 743:

#### STATE OF ALABAMA COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

To amend further Sections 1 and 3 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, P. 278), which fixed the compensation or salary to be paid the tax collector of Morgan County, **provided clerical assistance, supplies and equipment for** the conduct of his office, and prescribed certain duties of the tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, p. 278), as amended, which fixed the compensation or salary to be paid the tax collector of Morgan County, **provided clerical assistance, supplies and equipment for** the conduct of

his office, and prescribed certain duties of the tax collector, is amended further to read as follows:

"Section 1. The salary or compensation of the Tax Collector of Morgan County, Alabama, shall be SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200.00) per annum, and said annual salary shall be paid out of the county treasury of Morgan County, in equal monthly installments, at the end of each month."

Section 2. Section 3 of Act. No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, p. 278), as amended, which fixed the compensation or salary to be paid the tax collector of Morgan County, provided clerical assistance, supplies and equipment for the conduct of his office, and prescribed certain duties of the tax collector, is amended further to read as follows:

"Section 3. The Board of Revenue and Control or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax collector, but the tax collector shall select such clerks, deputies and assistants and shall fix their compensations, but the combined salaries or compensation of such clerks, deputies and assistants selected by him shall not exceed SIX THOUSAND TWO HUNDRED DOLLARS (\$6,200.00) per annum. The tax collector shall have the right to discharge such clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body, of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax collector shall furnish all necessary reports, registers, and lists of qualified voters as required by law, without additional charge or compensation therefor. The compensation of the clerks and assistants shall be paid in semi-monthly installments upon their filing with the chairman of the board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax collector and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax collector from time to time as conditions may warrant not to exceed, however, the said sum of SIX THOUSAND TWO HUNDRED (\$6,200.00) per annum."

Section 3. Section 1 of this Act shall become effective upon the expiration of the term of the incumbent tax collector of Morgan County, in accordance with the provisions of Amendment XCII to the Constitution of Alabama. Section 2 of this Act shall become effective October 1, 1959.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached

notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 12, 19, 26, and Sept. 2, all in the year 1959.

B. C. SHELTON.

Sworn to and subscribed before me Sept. 2, 1959.

R. H. JERVIS,  
Notary Public.

By Messrs. Ashworth, Adams (Tallapoosa), Smith (Russell) and Cornett:

H. 744. Providing for the relocation of utility facilities when necessitated by Federal-aid highway system projects; providing for the payment of the costs of such relocations by the State as highway construction costs upon Federal participation and Federal funds being actually collected by the State; prescribing the authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws.

Ways and Means.

By Messrs. Smith (Russell), Brannan, Hocklander, and Trimmier:

H. 745. To amend Section 2, Item III, B (4) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

Ways and Means.

By Messrs. Smith (St. Clair) and Camp:

H. 746. To amend further Section 9 of Title 22, Code of Alabama 1940, in relation to the election of the state health officer.

State Administration.

By Mr. Cates:

H. 747. To abolish the fine and forfeiture fund of Shelby County; to provide for the payment of all fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing, providing that such act shall only be effective in counties having a population of not less than 29,500 nor more than 30,600 according to the federal decennial census of 1950.

Local Legislation No. 1.

By Messrs. Cates, Cabiness, Harvey, Solomon, Gordon, Gross, Goodwyn, Shumate, Jenkins, McClendon (Chambers), Merrill, Albea, Thomas, Lee, Faulk, Meade, Casey, Speaks, Self, Dodd, Branyon, Hankins, Bishop, Broadfoot, Long (Lauderdale), Bevill, Smith (St. Clair), Hocklander, Trimmier and Ferguson:

H. 748. To provide for the payment of salaries of officers and employees of the State of Alabama every second Friday; amending Section 148 of Title 41, Code of Alabama 1940.

State Administration.

By Messrs. Pruitt, Torbert and Boyd:

H. 749. To amend Section 41 of Title 52, Code of Alabama (1940), by providing for the appointment, qualifications, and compensation of the state superintendent of education.

Ways and Means.



By Messrs. Pruitt, Torbert and Boyd:

H. 750. Proposing an amendment to the Constitution of Alabama relative to the state superintendent of education and the state board of education.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Pruitt, Torbert and Boyd:

H. 751. To amend Sections 6, 7, 8, 9, 10, and 13 of Title 52, Code of Alabama (1940), by providing for the composition of the state board of education and for the election, term, qualifications, and compensation of the individual members thereof.

Ways and Means.

By Messrs. Nichols and Camp:

H. 752. To make additional appropriations to the State Department of Education for each of the fiscal years ending September 30, 1960, and September 30, 1961.

Ways and Means.

By Messrs. Nichols, Dickson, Hardy, Gilmer, Hain, Adams (Houston) and Sessions:

H. 753. TO PROVIDE FOR A FINDING BY THE LEGISLATURE THAT THE REGULATION OF THE LAUNDRY AND DRY CLEANING INDUSTRY IS IN THE PUBLIC INTEREST AND IS NECESSARY FOR ADEQUATE AND PROPER LAUNDRY AND DRY CLEANING AT ALL TIMES IN THE STATE OF ALABAMA IN THE INTEREST OF GENERAL HEALTH AND WELL-BEING OF THE PUBLIC GENERALLY; TO CREATE THE ALABAMA STATE BOARD OF DRY CLEANERS AND LAUNDERERS; TO PROVIDE FOR THE APPOINTMENT AND REMOVAL OF ITS MEMBERS; TO DEFINE ITS POWERS AND DUTIES; TO FIX COMPENSATION OF ITS MEMBERS; TO EMPOWER THE ALABAMA STATE BOARD OF LAUNDERERS AND DRY CLEANERS WITH POWER TO EMPLOY NECESSARY HELP AND TO FIX THEIR COMPENSATION; TO MAKE AND ENFORCE NECESSARY RULES AND REGULATIONS FOR THE ENFORCEMENT OF SAID LAW; TO PROVIDE FOR A SEAL AND CERTIFIED COPIES OF ORDERS AND RECORDS OF THE BOARD; TO PROVIDE FOR THE HOLDING OF PUBLIC HEARINGS BY THE BOARD; TO PROVIDE FOR THE LICENSING OF ANY PERSON FROM A CORPORATION ENGAGED IN THE BUSINESS OF CLEANING, PRESSING, LAUNDERING, STORAGE OR DYEING IN ALABAMA; TO PROVIDE FOR THE FIXATION AND COLLECTION OF LICENSE FEES FOR LAUNDERERS AND CLEANERS; TO PROVIDE FOR THE REGULATION OF TRANSACTIONS IN ALABAMA BY NON-RESIDENTS; TO PROVIDE FOR REGULATION BY THE BOARD OF NEW ESTABLISHMENTS, ITINERANT AND TRANSIT DRY CLEANERS; TO PROVIDE FOR THE DISPOSITION OF LICENSE FEES COLLECTED BY THE BOARD; TO PROVIDE FOR THE ISSUANCES OF NEW LICENSES; TO PROVIDE FOR THE ENTRY, INSPECTION OF INVESTIGATORS AT THE DIRECTION OF THE BOARD IN THE ENFORCEMENT OF THE LAW; TO PROVIDE PENALTIES AND REVOCATIONS OF SUSPENSIONS FOR VIOLATIONS OF THE LAW; TO FIND AVERAGE COSTS FOR SERVICES; TO PROVIDE RULE MAKING POWER FOR THE PROMULGATION OF RULES AND REGULATIONS OF FAIR TRADE; TO PROVIDE FOR REVIEW OF ANY REGULA-

TION OR ORDER OF THE BOARD; TO GIVE THE BOARD POWER TO ENFORCE ITS ORDERS, RULES AND REGULATIONS; TO ESTABLISH THE MANNER OF TAKING EFFECT OF THE ACT.

Business and Labor.

By Messrs. Grouby, Adams (Tallapoosa) and Jenkins:

H. 754. To provide for and regulate elections in the cities and towns of this state which have a commission form of government; designating the date for regular elections, and authorizing the board of commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

Local Government.

By Messrs. Grouby, Adams (Tallapoosa) and Jenkins:

H. 755. To regulate further elections in the cities and towns of this state: Authorizing, regulating, and providing for the holding of municipal primary elections for the purpose of nominating candidates of political parties for municipal offices.

Local Government.

By Messrs. Grouby, Adams (Tallapoosa), and Jenkins:

H. 756. To amend further Sections 77, 80, 81, and 84 of Article 6, Title 17, Code of Alabama 1940, all of which relate to election precincts and districts and polling places therein.

Local Government.

By Messrs. Grouby, Adams (Tallapoosa) and Jenkins:

H. 757. To provide for and regulate general and special elections in the cities and towns of this state, except those cities and towns which have a commission form of government; designating the date for regular elections, and authorizing the municipal governing body to call special election; prescribing the manner of giving notice of municipal elections, and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

Local Government.

By Messrs. Callahan, Ferguson, Hocklander and Trimmier:

H. 758. To provide for the manner of payment, disposition and use of purchase money paid or payable for sale of any lands belonging to

the State of Alabama for the use of the Insane of the State, situated in Mount Vernon Barracks Military Reservation, in Mobile County, Alabama.

#### Judiciary.

By Messrs. Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McClendon (Chambers), Gross, Daniel, Jones (Monroe), Johnston (Leonard), Bishop, Bailey, Chambers, Meade, Albea, Ramey, Sullivan, McLendon (Bullock), Jones (Covington), Brewer, Speaks, Rozelle, Beville, Glass, Cook, Johnson (Hardaway), Salter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Oden, Ashworth, Britton, Reynolds (Madison), Trimmier, Thomas, Locke, Self, Hain, Turnham, Hardy, Avery, Harvey, Faulk, Grouby, Gilmer, Taylor, Broadfoot, Brannan, Powell, Smith (St. Clair), Nettles, Merrill, Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Owens, Long (Lauderdale) and Ferguson:

H. 759. To levy a license or privilege tax, in addition to all other taxes now imposed by law, on every person licensed under the provisions of Title 29 of the code of Alabama of 1940 who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; and to provide for payment of the proceeds from said tax into a special fund, to be designated the Alabama Special Mental Health Fund, and for use of said proceeds for mental health purposes.

#### Ways and Means.

By Messrs. Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McClendon (Chambers), Gross, Jones (Monroe), Johnston (Leonard), Daniel, Bishop, Bailey, Chambers, Ramey, Albea, Meade, Sullivan, Brewer, Speaks, Jones (Covington), Rozelle, Beville, Glass, Cook, Johnson (Hardaway), Salter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Gordon, Oden, Britton, Ashworth, Reynolds (Madison), Trimmier, Thomas, Hain, Self, Turnham, Hardy, Avery, Harvey, Faulk, Gilmer, Grouby, Taylor, Broadfoot, Smith (St. Clair), Roberts, Brannan, Powell, Nettles, Merrill, McLendon (Bullock), Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Owens, Long (Lauderdale) and Ferguson:

H. 760. To further provide for and raise revenue for the State of Alabama; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of the taxes heretofore levied with respect thereto; to provide that the selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into a special fund, to be designated the Alabama Special Mental Health Fund, and for use of said proceeds for mental health purposes.

#### Ways and Means.

By Messrs. Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McClendon (Chambers), Gross, Daniel, Jones (Monroe), Johnston (Leonard), Bishop, Bailey, Chambers, Meade, Albea, Ramey, Sullivan, McLendon (Bullock), Brewer, Speaks, Jones (Covington), Rozelle, Glass, Cook, Beville, Cates, Johnson (Hardaway), Salter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Oden, Britton, Gordon, Ashworth, Reynolds (Madison), Trimmier, Thomas, Locke, Self, Hain, Turnham, Hardy, Avery, Harvey, Faulk, Grouby, Gilmer, Taylor, Broadfoot, Brannan, Powell, Smith (St. Clair), Grant, Ferguson, Nettles, Merrill, Roberts, Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Long (Perry), Owens and Long (Lauderdale):

H. 761. To make additional appropriations to the State Department of Public Health for each of the two fiscal years ending September 30, 1960, and September 30, 1961, for mental health purposes, including establishment and operation of mental hygiene clinics and training and research in the field of mental health, such appropriations to be paid from the Alabama Special Mental Health Fund.

Ways and Means.

By Messrs. Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McClendon (Chambers), Gross, Jones (Monroe), Daniel, Bishop, Johnston (Leonard), Bailey, Chambers, Meade, Albea, Ramey, Sullivan, McLendon (Bullock), Brewer, Speaks, Jones (Covington), Rozelle, Glass, Cook, Beville, Cates, Johnson (Hardaway), Salter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Oden, Britton, Gordon, Ashworth, Reynolds (Madison), Trimmier, Thomas, Locke, Self, Hain, Turnham, Hardy, Avery, Harvey, Faulk, Grouby, Gilmer, Taylor, Broadfoot, Brannan, Powell, Smith (St. Clair), Ferguson, Nettles, Merrill, Roberts, Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Long (Perry), Owens and Long (Lauderdale):

H. 762. To authorize the sale and issuance of not exceeding \$3,000,-000 principal amount of general obligation bonds of the State of Alabama for the purpose of constructing and equipping a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to appropriate and pledge, as additional security therefor, so much as may be necessary for those portions of the state taxes on the ~~sale of spirituous or vinous liquors and for the state license taxes~~ on those selling, storing or receiving for distribution malt or brewed beverages that are required by law to be paid into the Alabama Special Mental Health Fund; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds thereof.

Ways and Means.

By Messrs. Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McClendon (Chambers), Gross, Daniel, Jones (Monroe), Johnston (Leonard), Bishop, Bailey, Chambers, Meade, Ramey, Albea, Sullivan, McLendon (Bullock), Jones (Covington), Brewer, Speaks, Rozelle, Glass, Cook, Beville, Cates, Johnson (Hardaway), Salter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Britton, Oden, Gordon, Ashworth, Reynolds (Madison), Trimmier, Thomas, Locke, Self, Hain, Turnham, Hardy, Avery, Harvey, Faulk, Gilmer, Grouby, Taylor, Broadfoot, Smith (St. Clair), Roberts, Brannan, Powell, Grant, Ferguson, Nettles, Merrill, Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Long (Perry), Owens and Long (Lauderdale):

H. 763. To make additional appropriations to The Board of Trustees of the University of Alabama, for mental health purposes, including payment of salaries of professional and related personnel in the Department of Psychiatry of the Medical College of Alabama, operation of the out-patient Mental Health Clinic of said college, payment of stipends and scholarships to trainees in the field of psychiatry, and hospitalization of medically indigent mental patients in University Hospital and Hillman Clinics.

Ways and Means.

By Messrs. Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McClendon (Chambers), Gross, Jones (Monroe), Johnston (Leonard), Daniel, Bishop, Bailey, Chambers, Albea, Ramey, Meade, Sullivan, McLendon (Bullock), Brewer, Speaks, Jones (Covington), Rozelle, Glass, Cook, Beville, Cates, Salter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Oden, Britton, Gordon, Ashworth, Reynolds (Madison), Trimmier, Locke, Self, Hain, Turnham, Hardy, Avery, Harvey, Faulk, Gilmer, Grouby, Taylor, Broadfoot, Brannan, Powell, Smith (St. Clair), Grant, Ferguson, Nettles, Merrill, Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Long (Perry), Owens and Long (Lauderdale):

H. 764. To make additional appropriations to the state institutions for the mentally ill and the mentally deficient for the two fiscal years ending September 30, 1960, and September 30, 1961, such appropriations to be paid from the Alabama Special Mental Health Fund.

#### Ways and Means.

By Messrs. Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McClendon (Chambers), Gross, Jones (Monroe), Daniel, Bishop, Ramey, Bailey, Chambers, Albea, Johnston (Leonard), Meade, Sullivan, McLendon (Bullock), Brewer, Speaks, Jones (Covington), Rozelle, Glass, Cook, Beville, Cates, Johnson (Hardaway), Salter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Oden, Britton, Gordon, Ashworth, Reynolds (Madison), Trimmier, Locke, Self, Hain, Turnham, Hardy, Avery, Harvey, Faulk, Grouby, Gilmer, Taylor, Broadfoot, Brannan, Powell, Smith (St. Clair), Grant, Ferguson, Nettles, Merrill, Roberts, Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Long (Perry), Owens and Long (Lauderdale):

H. 765. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of not exceeding \$3,000,000 principal amount of General Obligation Bonds of the State of Alabama for construction and equipment of a hospital building for mental patients to constitute a part of the University of Alabama Medical Center.

#### Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Callahan, Hanby, Dodd, Jenkins, Cabiness, Branyon, Hearn, McClendon (Chambers), Gross, Jones (Monroe), Johnston (Leonard), Daniel, Bishop, Ramey, Bailey, Chambers, Albea, Meade, Sullivan, McLendon (Bullock), Jones (Covington), Brewer, Speaks, Rozelle, Glass, Cook, Beville, Cates, Johnson (Hardaway), Salter, Phillips, Harris, Solomon, Rogers, Copeland, Hankins, Oden, Britton, Gordon, Ashworth, Reynolds (Madison), Thomas, Trimmier, Locke, Self, Hain, Turnham, Hardy, Avery, Harvey, Faulk, Grouby, Gilmer, Taylor, Broadfoot, Brannan, Powell, Smith (St. Clair), Grant, Ferguson, Nettles, Merrill, Roberts, Reynolds (Chambers), Adams (Houston), Hocklander, Rast, Nichols, Gilchrist, Martin, Barnett, Long (Perry), Owens and Long (Lauderdale):

H. 766. To provide for the establishment and operation as a part of the Medical College of Alabama of facilities for the treatment of mental patients and training of medical students in the field of mental illness; and to appropriate to The Board of Trustees of the University of Alabama funds for such purpose, the funds so appropriated to be paid from the Alabama Special Mental Health Fund.

#### Ways and Means.

By Messrs. Shumate, Cabiness, Long (Lauderdale) and Bevill:

H. 767. To amend Section 613 of Title 51, Code of Alabama (1940), which relates to the license on vending machines.

Ways and Means.

By Messrs. Bevill, Shumate, Hankins and Bishop:

H. 768. To amend Section 34 of Act No. 516, approved August 30, 1949 (General Acts of Alabama 1949, page 740), to provide that the Director of Public Safety shall prescribe the standards of safety glass used in motor vehicles.

Judiciary.

By Messrs. Bevill and Shumate:

H. 769. To make an appropriation from the state treasury for the relief of C. & K. Truck Lines of Jasper, Alabama, as a refund of money erroneously paid to the State of Alabama as sales taxes.

Ways and Means.

By Mr. Oden:

H. 770. To revise and amend Chapter 4 of Title 46 of the Code of Alabama (1940), relating to the licensing of general contractors.

Ways and Means.

By Mr. Oden:

H. 771. To make an additional appropriation to the State Licensing Board for General Contractors.

Ways and Means.

### BILLS ON THIRD READING

H. 513. Relating to Blount County; abolishing the board of finance and control created by Act No. 334, H. 954, approved September 2, 1955, and restoring and re-establishing the court of county commissioners of Blount County in lieu thereof; providing for the organization, powers, jurisdiction, and duties of the court of county commissioners; and providing for the qualifications, election, term, powers, duties, authority, and compensation of its members.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

#### Yeas:

|                 |           |         |                    |
|-----------------|-----------|---------|--------------------|
| Mr. Speaker     | Brooks    | Gilmer  | Hocklander         |
| Adams (Houston) | Cabiness  | Glass   | Ingram             |
| Albea           | Camp      | Gordon  | Jenkins            |
| Avery           | Casey     | Grant   | Johnson (Hardaway) |
| Bailey          | Cates     | Gross   | Johnston (Leonard) |
| Barnett         | Chambers  | Grouby  | Jones (Monroe)     |
| Bassett         | Copeland  | Guthrie | Lee                |
| Bevill          | Daniel    | Hain    | Locke              |
| Bishop          | Dickson   | Hanby   | Long (Lauderdale)  |
| Boyd            | Dodd      | Hankins | Long (Perry)       |
| Brannan         | Edwards   | Hardy   | McClendon (Chamb)  |
| Branyon         | Faulk     | Harris  | McCorquodale       |
| Brewer          | Ferguson  | Harvey  | McLendon (Bullock) |
| Britton         | Franklin  | Hawkins | Martin             |
| Broadfoot       | Gilchrist | Hearn   | Meade              |

|          |         |                   |          |
|----------|---------|-------------------|----------|
| Merrill  | Pierce  | Rozelle           | Speaks   |
| Morrow   | Powell  | Self              | Sullivan |
| Nettles  | Ramey   | Shumate           | Taylor   |
| Nichols  | Rast    | Smith (Russell)   | Thomas   |
| Owens    | Roberts | Smith (St. Clair) | Trimmier |
| Perry    | Rogers  | Solomon           | Turner   |
| Phillips |         |                   |          |

—85

And the bill:

H. 518. To abolish school district no. 6, Autauga County, and to annex the territory constituting such school district to school district no. 2 of said county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Mr. Speaker     | Daniel    | Hawkins            | Owens             |
| Adams (Houston) | Dickson   | Hearn              | Perry             |
| Albea           | Dodd      | Hocklander         | Phillips          |
| Avery           | Edwards   | Ingram             | Pierce            |
| Bailey          | Faulk     | Jenkins            | Powell            |
| Barnett         | Ferguson  | Johnson (Hardaway) | Rast              |
| Bassett         | Franklin  | Johnston (Leonard) | Roberts           |
| Bevill          | Gilchrist | Jones (Monroe)     | Rogers            |
| Bishop          | Gilmer    | Lee                | Rozelle           |
| Boyd            | Glass     | Locke              | Self              |
| Brannan         | Goodwyn   | Long (Lauderdale)  | Shumate           |
| Branyon         | Gordon    | Long (Perry)       | Smith (Russell)   |
| Brewer          | Grant     | McClendon (Chamb)  | Smith (St. Clair) |
| Britton         | Gross     | McCorquodale       | Solomon           |
| Broadfoot       | Grouby    | McLendon (Bullock) | Speaks            |
| Brooks          | Guthrie   | Martin             | Sullivan          |
| Cabiness        | Hain      | Meade              | Thomas            |
| Camp            | Hanby     | Merrill            | Torbert           |
| Casey           | Hankins   | Morrow             | Trimmier          |
| Cates           | Hardy     | Nettles            | Turner            |
| Chambers        | Harris    | Nichols            | Turnham           |
| Copeland        | Harvey    | Oden               |                   |

—87

And the bill:

H. 519. To provide for the election of members of the county board of education of Autauga County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                 |           |          |           |
|-----------------|-----------|----------|-----------|
| Mr. Speaker     | Bishop    | Cabiness | Dodd      |
| Adams (Houston) | Boyd      | Camp     | Edwards   |
| Albea           | Brannan   | Casey    | Faulk     |
| Avery           | Branyon   | Cates    | Ferguson  |
| Bailey          | Brewer    | Chambers | Franklin  |
| Barnett         | Britton   | Copeland | Gilchrist |
| Bassett         | Broadfoot | Daniel   | Gilmer    |
| Bevill          | Brooks    | Dickson  | Glass     |

|            |                    |          |                   |
|------------|--------------------|----------|-------------------|
| Goodwyn    | Ingram             | Merrill  | Rozelle           |
| Gordon     | Jenkins            | Morrow   | Self              |
| Grant      | Johnson (Hardaway) | Nettles  | Shumate           |
| Gross      | Johnston (Leonard) | Nichols  | Smith (Russell)   |
| Grouby     | Jones (Monroe)     | Oden     | Smith (St. Clair) |
| Guthrie    | Lee                | Owens    | Solomon           |
| Hain       | Locke              | Perry    | Speaks            |
| Hanby      | Long (Lauderdale)  | Phillips | Sullivan          |
| Hankins    | Long (Perry)       | Pierce   | Taylor            |
| Hardy      | McClendon (Chamb)  | Powell   | Thomas            |
| Harvey     | McCorquodale       | Ramey    | Torbert           |
| Hawkins    | McLendon (Bullock) | Rast     | Trimmier          |
| Hearn      | Martin             | Roberts  | Turner            |
| Hocklander | Meade              | Rogers   | Turnham           |

—88

And the bill:

H. 525. To regulate the compensation of members of the county board of education in counties having a population of not less than 19,000 nor more than 19,300 inhabitants according to the 1950 federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

#### Yeas:

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Messrs.:        | Daniel    | Hocklander         | Phillips          |
| Adams (Houston) | Dickson   | Ingram             | Pierce            |
| Albea           | Dodd      | Jenkins            | Powell            |
| Avery           | Edwards   | Johnson (Hardaway) | Ramey             |
| Bailey          | Faulk     | Johnston (Leonard) | Rast              |
| Barnett         | Ferguson  | Jones (Monroe)     | Roberts           |
| Bassett         | Franklin  | Lee                | Rogers            |
| Bevill          | Gilchrist | Locke              | Rozelle           |
| Bishop          | Gilmer    | Long (Lauderdale)  | Self              |
| Boyd            | Glass     | Long (Perry)       | Sessions          |
| Brannan         | Goodwyn   | McClendon (Chamb)  | Shumate           |
| Branyon         | Gordon    | McCorquodale       | Smith (Russell)   |
| Brewer          | Grouby    | McLendon (Bullock) | Smith (St. Clair) |
| Britton         | Guthrie   | Martin             | Solomon           |
| Broadfoot       | Hain      | Meade              | Speaks            |
| Brooks          | Hanby     | Merrill            | Sullivan          |
| Cabiness        | Hankins   | Morrow             | Taylor            |
| Camp            | Hardy     | Nettles            | Thomas            |
| Casey           | Harris    | Nichols            | Torbert           |
| Cates           | Harvey    | Oden               | Trimmier          |
| Chambers        | Hawkins   | Owens              | Turner            |
| Copeland        | Hearn     | Perry              | Turnham           |

—87

And the bill:

H. 526. Relating to Cleburne County; authorizing the employment of a stenographic secretary by the circuit clerk and register in chancery of the county; and authorizing the payment of the salary of such secretary from the county treasury.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.



Yeas 89; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Messrs.:                   | Daniel    | Hearn                         | Phillips                     |
| Adams <sup>(Houston)</sup> | Dickson   | Hocklander                    | Pierce                       |
| Albea                      | Dodd      | Ingram                        | Powell                       |
| Avery                      | Edwards   | Jenkins                       | Ramey                        |
| Bailey                     | Faulk     | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Barnett                    | Ferguson  | Johnston <sup>(Leonard)</sup> | Roberts                      |
| Bassett                    | Franklin  | Jones <sup>(Monroe)</sup>     | Rogers                       |
| Bevill                     | Gilchrist | Lee                           | Rozelle                      |
| Bishop                     | Gilmer    | Locke                         | Salter                       |
| Boyd                       | Glass     | Long <sup>(Perry)</sup>       | Self                         |
| Brannan                    | Goodwyn   | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Branyon                    | Gordon    | McCorquodale                  | Smith <sup>(Russell)</sup>   |
| Brewer                     | Grant     | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Britton                    | Gross     | Martin                        | Solomon                      |
| Broadfoot                  | Grouby    | Meade                         | Speaks                       |
| Brooks                     | Guthrie   | Merrill                       | Sullivan                     |
| Cabiness                   | Hain      | Morrow                        | Taylor                       |
| Camp                       | Hanby     | Nettles                       | Thomas                       |
| Casey                      | Hankins   | Nichols                       | Torbert                      |
| Cates                      | Hardy     | Oden                          | Trimmier                     |
| Chambers                   | Harris    | Owens                         | Turner                       |
| Copeland                   | Harvey    | Perry                         | Turnham                      |
| Cornett                    | Hawkins   |                               |                              |

—89

And the bill:

H. 530. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Tuscumbia in Colbert County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Messrs.:                   | Daniel    | Hearn                         | Pierce                       |
| Adams <sup>(Houston)</sup> | Dickson   | Hocklander                    | Powell                       |
| Albea                      | Dodd      | Ingram                        | Ramey                        |
| Avery                      | Edwards   | Jenkins                       | Rast                         |
| Bailey                     | Faulk     | Johnson <sup>(Hardaway)</sup> | Roberts                      |
| Barnett                    | Ferguson  | Johnston <sup>(Leonard)</sup> | Rogers                       |
| Bassett                    | Franklin  | Jones <sup>(Monroe)</sup>     | Rozelle                      |
| Bevill                     | Gilchrist | Lee                           | Salter                       |
| Bishop                     | Gilmer    | Locke                         | Self                         |
| Boyd                       | Glass     | Long <sup>(Perry)</sup>       | Sessions                     |
| Brannan                    | Goodwyn   | McClendon <sup>(Chamb)</sup>  | Shumate                      |
| Branyon                    | Gordon    | McCorquodale                  | Smith <sup>(Russell)</sup>   |
| Brewer                     | Grant     | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Britton                    | Gross     | Meade                         | Solomon                      |
| Broadfoot                  | Guthrie   | Merrill                       | Speaks                       |
| Brooks                     | Hain      | Morrow                        | Sullivan                     |
| Cabiness                   | Hanby     | Nettles                       | Taylor                       |
| Camp                       | Hankins   | Nichols                       | Thomas                       |
| Casey                      | Hardy     | Oden                          | Torbert                      |
| Cates                      | Harris    | Owens                         | Trimmier                     |
| Chambers                   | Harvey    | Perry                         | Turner                       |
| Copeland                   | Hawkins   | Phillips                      | Turnham                      |
| Cornett                    |           |                               |                              |

—88

And the bill:

H. 531. To amend Section 1 of the act of August 19, 1957, changing the method of compensating certain officers of Cullman County (Act No. 297, H. 554, Acts 1957, Vol. I, p. 379).

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                            |                    |                               |                              |
|----------------------------|--------------------|-------------------------------|------------------------------|
| Messrs.:                   | Cornett            | Hawkins                       | Pierce                       |
| Adams <sup>(Houston)</sup> | Daniel             | Hocklander                    | Powell                       |
| Albea                      | Dickson            | Ingram                        | Ramey                        |
| Ashworth                   | Dodd               | Jenkins                       | Rast                         |
| Avery                      | Edwards            | Johnson <sup>(Hardaway)</sup> | Roberts                      |
| Bailey                     | Faulk              | Johnston <sup>(Leonard)</sup> | Rogers                       |
| Barnett                    | Ferguson           | Jones <sup>(Monroe)</sup>     | Rozelle                      |
| Bassett                    | Franklin           | Lee                           | Salter                       |
| Bevill                     | Gilchrist          | Locke                         | Self                         |
| Bishop                     | Gilmer             | Long <sup>(Perry)</sup>       | Sessions                     |
| Boyd                       | Glass              | McClendon <sup>(Chamb)</sup>  | Shumate                      |
| Brannan                    | Goodwyn            | McCorquodale                  | Smith <sup>(Russell)</sup>   |
| Branyon                    | Gordon             | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Grant              | Meade                         | Solomon                      |
| Britton                    | Gross              | Merrill                       | Speaks                       |
| Broadfoot                  | Guthrie            | Morrow                        | Sullivan                     |
| Brooks                     | Hain               | Nettles                       | Taylor                       |
| Cabiness                   | Hanby              | Nichols                       | Thomas                       |
| Camp                       | <del>Hankins</del> | Oden                          | <del>Torbert</del>           |
| Casey                      | Hardy              | Owens                         | Trimmier                     |
| Cates                      | Harris             | Perry                         | Turner                       |
| Chambers                   | Harvey             | Phillips                      | Turnham                      |
| Copeland                   |                    |                               |                              |

—88

And the bill:

H. 535. To alter, extend, and rearrange the boundary lines and corporate limits of the city of Fayette in Fayette County, Alabama.

Was taken up.

Mr. Branyon offered the following substitute for the bill, H. 535:

**A BILL  
TO BE ENTITLED  
AN ACT**

To alter, extend, and rearrange the boundary lines and corporate limits of the city of Fayette in Fayette County, Alabama.

**Be It Enacted by the Legislature of Alabama:**

Section 1. The boundary lines and corporate limits of the city of Fayette in Fayette County, Alabama, are hereby altered, extended and rearranged so that in addition to the territory presently embraced therein, all of the lands described herein will lie and be within the boundaries and corporate limits of such city:

The northwest quarter (NW¼) of Section 18, Township 16, Range 12 west; the north half of the southeast quarter (N½ of SE¼), the south

half of the northeast quarter ( $S\frac{1}{2}$  of  $NE\frac{1}{4}$ ) and the northwest quarter of the northeast quarter ( $NW\frac{1}{4}$  of  $NE\frac{1}{4}$ ), all in Section 12, Township 16, Range 13, west; the west half of the east half ( $W\frac{1}{2}$  of  $E\frac{1}{2}$ ) of Section 1, Township 16, Range 13, west; the southeast quarter ( $SE\frac{1}{4}$ ), the southeast quarter of the northwest quarter ( $SE\frac{1}{4}$  of  $NW\frac{1}{4}$ ), and the south half of the northeast quarter ( $S\frac{1}{2}$  of  $NE\frac{1}{4}$ ) all in Section 36, Township 15, Range 13, west; the south half of the northwest quarter ( $S\frac{1}{2}$  of  $NW\frac{1}{4}$ ) and the northeast quarter ( $NE\frac{1}{4}$ ) of Section 31, Township 15, Range 12, west; the west half of the northwest quarter ( $W\frac{1}{2}$  of  $NW\frac{1}{4}$ ) of Section 32, Township 15, Range 12, west; the southwest quarter ( $SW\frac{1}{4}$ ), the southeast quarter ( $SE\frac{1}{4}$ ), the southeast quarter of the northwest quarter ( $SE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) and the south half of the northeast quarter ( $S\frac{1}{2}$  of  $NE\frac{1}{4}$ ) all in Section 29, Township 15, Range 12, west; less and except that part of the  $NW\frac{1}{4}$  of Section 18, Township 16 South, Range 12 West, beginning at the northwest corner of the  $SW\frac{1}{4}$  of the  $NW\frac{1}{4}$  of such Section 18, thence proceed south along the west boundary of such Section 18 a distance of 55.6 feet to a point, thence turn an angle to the left of 94 degrees 58 minutes and proceed northeastwardly a distance of 150 feet, more or less, to a point on the center line of a county road, thence turn an angle to the left and proceed northwestwardly and north along the center of such county road a distance of 395 feet, more or less, to a point of intersection with a county road running northwestwardly, thence turn an angle to the left and proceed northwestwardly along the center line of such road to a point of intersection with the west boundary line of such Section 18, thence turn an angle to the left and proceed southwardly along the west boundary line of such Section 18 to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 89; Nays 0.

#### Yeas:

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Mr. Speaker     | Cornett   | Hawkins            | Owens             |
| Adams (Houston) | Daniel    | Hearn              | Phillips          |
| Albea           | Dickson   | Hocklander         | Pierce            |
| Ashworth        | Dodd      | Ingram             | Powell            |
| Avery           | Edwards   | Jenkins            | Ramey             |
| Bailey          | Faulk     | Johnson (Hardaway) | Roberts           |
| Barnett         | Ferguson  | Johnston (Leonard) | Rogers            |
| Bassett         | Franklin  | Jones (Covington)  | Rozelle           |
| Bevill          | Gilchrist | Jones (Monroe)     | Self              |
| Bishop          | Gilmer    | Lee                | Sessions          |
| Boyd            | Glass     | Locke              | Shumate           |
| Brannan         | Goodwyn   | Long (Perry)       | Smith (Russell)   |
| Branyon         | Gordon    | McClendon (Chamb)  | Smith (St. Clair) |
| Brewer          | Grant     | McCorquodale       | Solomon           |
| Britton         | Gross     | McLendon (Bullock) | Speaks            |
| Broadfoot       | Guthrie   | Martin             | Sullivan          |
| Brooks          | Hain      | Meade              | Taylor            |
| Cabiness        | Hanby     | Merrill            | Thomas            |
| Camp            | Hankins   | Morrow             | Torbert           |
| Casey           | Hardy     | Nettles            | Trimmier          |
| Cates           | Harris    | Nichols            | Turner            |
| Chambers        | Harvey    | Oden               | Turnham           |
| Copeland        |           |                    |                   |

And said bill, H. 535, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Messrs.:                   | Cornett   | Hearn                         | Perry                        |
| Adams <sup>(Houston)</sup> | Daniel    | Hocklander                    | Phillips                     |
| Albea                      | Dickson   | Ingram                        | Pierce                       |
| Ashworth                   | Dodd      | Jenkins                       | Powell                       |
| Avery                      | Edwards   | Johnson <sup>(Hardaway)</sup> | Ramey                        |
| Bailey                     | Faulk     | Johnston <sup>(Leonard)</sup> | Rast                         |
| Barnett                    | Ferguson  | Jones <sup>(Covington)</sup>  | Rogers                       |
| Bassett                    | Franklin  | Jones <sup>(Monroe)</sup>     | Rozelle                      |
| Bevill                     | Gilchrist | Lee                           | Self                         |
| Bishop                     | Gilmer    | Locke                         | Sessions                     |
| Boyd                       | Glass     | Long <sup>(Perry)</sup>       | Shumate                      |
| Brannan                    | Goodwyn   | McClendon <sup>(Chamb)</sup>  | Smith <sup>(Russell)</sup>   |
| Branyon                    | Gordon    | McCorquodale                  | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Grant     | McLendon <sup>(Bullock)</sup> | Solomon                      |
| Britton                    | Gross     | Martin                        | Speaks                       |
| Broadfoot                  | Guthrie   | Meade                         | Sullivan                     |
| Brooks                     | Hain      | Merrill                       | Taylor                       |
| Cabiness                   | Hanby     | Morrow                        | Thomas                       |
| Camp                       | Hankins   | Nettles                       | Torbert                      |
| Casey                      | Hardy     | Nichols                       | Trimmier                     |
| Cates                      | Harris    | Oden                          | Turner                       |
| Chambers                   | Harvey    | Owens                         | Turnham                      |
| Copeland                   | Hawkins   |                               |                              |

—89

And the bill:

H. 538. To establish in the 20th Judicial Circuit of Alabama the office of Clerk-Secretary to the Circuit Judge of said 20th Judicial Circuit; to prescribe the duties of the said Clerk-Secretary; to fix his or her term of office and to prescribe the pay for said Clerk-Secretary, and to provide for the payment of the salary of said Clerk-Secretary out of the General Funds of Houston and Henry Counties of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                            |           |            |                               |
|----------------------------|-----------|------------|-------------------------------|
| Mr. Speaker                | Cabiness  | Glass      | Jenkins                       |
| Adams <sup>(Houston)</sup> | Camp      | Goodwyn    | Johnson <sup>(Hardaway)</sup> |
| Albea                      | Casey     | Gordon     | Johnston <sup>(Leonard)</sup> |
| Avery                      | Cates     | Grant      | Jones <sup>(Monroe)</sup>     |
| Bailey                     | Chambers  | Gross      | Lee                           |
| Barnett                    | Copeland  | Guthrie    | Locke                         |
| Bassett                    | Cornett   | Hain       | Long <sup>(Perry)</sup>       |
| Bevill                     | Daniel    | Hanby      | McClendon <sup>(Chamb)</sup>  |
| Bishop                     | Dickson   | Hankins    | McCorquodale                  |
| Boyd                       | Dodd      | Hardy      | McLendon <sup>(Bullock)</sup> |
| Brannan                    | Edwards   | Harris     | Martin                        |
| Branyon                    | Faulk     | Harvey     | Meade                         |
| Brewer                     | Ferguson  | Hawkins    | Merrill                       |
| Britton                    | Franklin  | Hearn      | Morrow                        |
| Broadfoot                  | Gilchrist | Hocklander | Nettles                       |
| Brooks                     | Gilmer    | Ingram     | Nichols                       |

|          |          |                              |          |
|----------|----------|------------------------------|----------|
| Oden     | Ramey    | Shumate                      | Taylor   |
| Owens    | Rast     | Smith <sup>(Russell)</sup>   | Thomas   |
| Perry    | Roberts  | Smith <sup>(St. Clair)</sup> | Torbert  |
| Phillips | Rogers   | Solomon                      | Trimmier |
| Pierce   | Rozelle  | Speaks                       | Turner   |
| Powell   | Self     | Sullivan                     | Turnham  |
| Pruitt   | Sessions |                              |          |

—90

And the bill:

H. 541. To prohibit the use of nets for fishing in Limestone County, and making the possession of prohibited nets under described conditions prima facie evidence of their illegal use; prescribing penalties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

#### Yeas:

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel    | Hearn                         | Phillips                     |
| Adams <sup>(Houston)</sup> | Dickson   | Hocklander                    | Pierce                       |
| Albea                      | Dodd      | Ingram                        | Powell                       |
| Avery                      | Edwards   | Jenkins                       | Pruitt                       |
| Bailey                     | Faulk     | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Barnett                    | Ferguson  | Johnston <sup>(Leonard)</sup> | Rogers                       |
| Bassett                    | Franklin  | Jones <sup>(Monroe)</sup>     | Rozelle                      |
| Bevill                     | Gilchrist | Lee                           | Self                         |
| Bishop                     | Gilmer    | Locke                         | Sessions                     |
| Boyd                       | Glass     | Long <sup>(Perry)</sup>       | Shumate                      |
| Brannan                    | Goodwyn   | McClendon <sup>(Chamb)</sup>  | Smith <sup>(Russell)</sup>   |
| Branyon                    | Gordon    | McCorquodale                  | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Grant     | McLendon <sup>(Bullock)</sup> | Solomon                      |
| Britton                    | Gross     | Martin                        | Speaks                       |
| Broadfoot                  | Guthrie   | Meade                         | Sullivan                     |
| Cabiness                   | Hain      | Merrill                       | Taylor                       |
| Camp                       | Hankins   | Morrow                        | Thomas                       |
| Casey                      | Hardy     | Nichols                       | Torbert                      |
| Cates                      | Harris    | Oden                          | Trimmier                     |
| Chambers                   | Harvey    | Owens                         | Turner                       |
| Copeland                   | Hawkins   | Perry                         | Turnham                      |
| Cornett                    |           |                               |                              |

—85

#### POINT OF PERSONAL PRIVILEGE

Mr. Reynolds (Chambers) requested as a matter of personal privilege that the Journal show that he was temporarily out of the House when the bill, H. 541, was up for passage. He requested that the Journal show that had he been present he would have voted "nay".

And the bill:

H. 542. To regulate further the office of sheriff of Limestone County; requiring the sheriff of such county and his deputies when engaged in official duties to wear uniforms and when motor vehicles are used in connection therewith to use motor vehicles that are plainly marked or identified as vehicles used in the discharge of the official duties of the office of sheriff; authorizing and directing the county governing body to prescribe the style of the uniforms to be worn and the manner or marking or identifying the motor vehicles so used and to provide for the furnishing of such uniforms to such officers and the marking of such

vehicles at county expense; prescribing penalties for failure to wear such uniforms or to use marked vehicles as herein required; and prescribing a defense for such failure in certain instances.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 84; Nays 0.

**Yeas:**

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Cornett   | Harvey             | Powell              |
| Adams (Houston) | Daniel    | Hawkins            | Ramey               |
| Albea           | Dickson   | Hearn              | Rast                |
| Avery           | Dodd      | Hocklander         | Reynolds (Chambers) |
| Bailey          | Edwards   | Ingram             | Roberts             |
| Barnett         | Faulk     | Johnson (Hardaway) | Rogers              |
| Bassett         | Ferguson  | Jones (Covington)  | Rozelle             |
| Bevill          | Franklin  | Lee                | Self                |
| Bishop          | Gilchrist | Long (Perry)       | Sessions            |
| Boyd            | Gilmer    | McClendon (Chamb)  | Shumate             |
| Brannan         | Glass     | McLendon (Bullock) | Smith (Russell)     |
| Branyon         | Goodwyn   | Martin             | Smith (St. Clair)   |
| Britton         | Gordon    | Meade              | Solomon             |
| Broadfoot       | Grant     | Merrill            | Speaks              |
| Brooks          | Gross     | Morrow             | Sullivan            |
| Cabiness        | Guthrie   | Nettles            | Taylor              |
| Camp            | Hain      | Nichols            | Thomas              |
| Casey           | Hanby     | Owens              | Torbert             |
| Cates           | Hankins   | Perry              | Trimmier            |
| Chambers        | Hardy     | Phillips           | Turner              |
| Copeland        | Harris    | Pierce             | Turnham             |

—84

And the bill:

H. 543. To provide for the appointment of a part-time clerk by the sheriff of any county having a population of not less than 35,500 nor more than 38,500, according to the last or any subsequent federal decennial census, whose compensation shall be paid by the county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 89; Nays 0.

**Yeas:**

|                 |           |                    |                    |
|-----------------|-----------|--------------------|--------------------|
| Mr. Speaker     | Cabiness  | Gordon             | Jones (Covington)  |
| Adams (Houston) | Camp      | Grant              | Jones (Monroe)     |
| Albea           | Casey     | Gross              | Lee                |
| Avery           | Cates     | Guthrie            | Locke              |
| Bailey          | Chambers  | Hain               | Long (Lauderdale)  |
| Barnett         | Copeland  | Hanby              | Long (Perry)       |
| Bassett         | Cornett   | Hankins            | McClendon (Chamb)  |
| Bevill          | Daniel    | Hardy              | McCorquodale       |
| Bishop          | Dodd      | Harris             | McLendon (Bullock) |
| Boyd            | Edwards   | Harvey             | Martin             |
| Brannan         | Faulk     | Hawkins            | Meade              |
| Branyon         | Franklin  | Hocklander         | Merrill            |
| Brewer          | Gilchrist | Ingram             | Morrow             |
| Britton         | Gilmer    | Jenkins            | Nettles            |
| Broadfoot       | Glass     | Johnson (Hardaway) | Nichols            |
| Brooks          | Goodwyn   | Johnston (Leonard) | Oden               |

|          |                     |                   |          |
|----------|---------------------|-------------------|----------|
| Owens    | Reynolds (Chambers) | Shumate           | Taylor   |
| Perry    | Roberts             | Smith (Russell)   | Thomas   |
| Phillips | Rogers              | Smith (St. Clair) | Torbert  |
| Pierce   | Rozelle             | Solomon           | Trimmier |
| Powell   | Self                | Speaks            | Turner   |
| Ramey    | Sessions            | Sullivan          | Turnham  |
| Rast     |                     |                   |          |

—89

And the bill:

H. 544. To fix and provide for payment of the compensation of clerks and assistants of certain officers of Limestone County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 0.

#### Yeas:

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Mr. Speaker     | Copeland  | Hearn              | Phillips          |
| Adams (Houston) | Cornett   | Hocklander         | Pierce            |
| Albea           | Daniel    | Ingram             | Powell            |
| Avery           | Dickson   | Jenkins            | Ramey             |
| Bailey          | Edwards   | Johnson (Hardaway) | Rast              |
| Barnett         | Faulk     | Johnston (Leonard) | Roberts           |
| Bassett         | Franklin  | Jones (Covington)  | Rogers            |
| Bevill          | Gilchrist | Jones (Monroe)     | Rozelle           |
| Bishop          | Gilmer    | Lee                | Self              |
| Boyd            | Goodwyn   | Long (Lauderdale)  | Sessions          |
| Brannan         | Gordon    | Long (Perry)       | Shumate           |
| Branyon         | Grant     | McClendon (Chamb)  | Smith (Russell)   |
| Brewer          | Gross     | McCorquodale       | Smith (St. Clair) |
| Britton         | Guthrie   | McLendon (Bullock) | Solomon           |
| Broadfoot       | Hain      | Meade              | Speaks            |
| Brooks          | Hanby     | Merrill            | Sullivan          |
| Cabiness        | Hankins   | Morrow             | Torbert           |
| Camp            | Hardy     | Nettles            | Trimmier          |
| Casey           | Harris    | Nichols            | Turner            |
| Cates           | Harvey    | Owens              | Turnham           |
| Chambers        | Hawkins   | Perry              |                   |

—83

And the bill:

H. 556. To provide for the payment of expenses incurred by members of the Court of County Commissioners, Board of Revenue, or like governing body of Perry County which are incurred in the performance of their duties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 91; Nays 0.

#### Yeas:

|                 |           |          |           |
|-----------------|-----------|----------|-----------|
| Mr. Speaker     | Bishop    | Cabiness | Dickson   |
| Adams (Houston) | Boyd      | Camp     | Dodd      |
| Albea           | Brannan   | Casey    | Edwards   |
| Avery           | Branyon   | Cates    | Faulk     |
| Bailey          | Brewer    | Chambers | Ferguson  |
| Barnett         | Britton   | Copeland | Franklin  |
| Bassett         | Broadfoot | Cornett  | Gilchrist |
| Bevill          | Brooks    | Daniel   | Gilmer    |

|            |                    |                     |                   |
|------------|--------------------|---------------------|-------------------|
| Goodwyn    | Jenkins            | Morrow              | Self              |
| Gordon     | Johnson (Hardaway) | Nettles             | Sessions          |
| Grant      | Johnson (Leonard)  | Nichols             | Shumate           |
| Gross      | Jones (Covington)  | Oden                | Smith (Russell)   |
| Guthrie    | Jones (Monroe)     | Owens               | Smith (St. Clair) |
| Hain       | Lee                | Perry               | Solomon           |
| Hanby      | Locke              | Phillips            | Speaks            |
| Hankins    | Long (Lauderdale)  | Pierce              | Sullivan          |
| Hardy      | Long (Perry)       | Powell              | Taylor            |
| Harris     | McClendon (Chamb)  | Ramey               | Thomas            |
| Harvey     | McCorquodale       | Rast                | Torbert           |
| Hawkins    | McLendon (Bullock) | Reynolds (Chambers) | Trimmier          |
| Hearn      | Martin             | Roberts             | Turner            |
| Hocklander | Meade              | Rogers              | Turnham           |
| Ingram     | Merrill            | Rozelle             |                   |

—91

And the bill:

H. 557. To provide for appointment of an additional deputy by the sheriff of Perry County, and for the payment of his compensation.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

#### Yeas:

|                 |                |                          |                     |
|-----------------|----------------|--------------------------|---------------------|
| Mr. Speaker     | Dickson        | Jenkins                  | Pierce              |
| Adams (Houston) | Dodd           | Johnson (Hardaway)       | Powell              |
| <b>Aibea</b>    | <b>Edwards</b> | <b>Johnson (Leonard)</b> | <b>Ramey</b>        |
| Avery           | Faulk          | Jones (Covington)        | <b>Rast</b>         |
| Bailey          | Franklin       | Jones (Monroe)           | Reynolds (Chambers) |
| Barnett         | Gilchrist      | Lee                      | Roberts             |
| Bassett         | Gilmer         | Locke                    | Rogers              |
| Bevill          | Glass          | Long (Lauderdale)        | Rozelle             |
| Bishop          | Goodwyn        | Long (Perry)             | Self                |
| Boyd            | Gordon         | McClendon (Chamb)        | Sessions            |
| Brannan         | Grant          | McCorquodale             | Shumate             |
| Branyon         | Gross          | McLendon (Bullock)       | Smith (Russell)     |
| Brewer          | Guthrie        | Martin                   | Smith (St. Clair)   |
| Britton         | Hain           | Meade                    | Solomon             |
| Broadfoot       | Hanby          | Merrill                  | Speaks              |
| Brooks          | Hankins        | Morrow                   | Sullivan            |
| Camp            | Hardy          | Nettles                  | Taylor              |
| Casey           | Harris         | Nichols                  | Thomas              |
| Cates           | Harvey         | Oden                     | Torbert             |
| Chambers        | Hawkins        | Owens                    | Trimmier            |
| Copeland        | Hearn          | Perry                    | Turner              |
| Cornett         | Hocklander     | Phillips                 | Turnham             |
| Daniel          | Ingram         |                          |                     |

—90

And the bill:

S. 25. Relating to the public schools of Lowndes County; authorizing the county board of education to impose and provide for the collection of tuition charges or fees for the attendance of pupils at such schools.

Was read a third time at length and passed.

Yeas 85; Nays 0.



**Yeas:**

|                            |            |                               |                                |
|----------------------------|------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Edwards    | Johnson <sup>(Hardaway)</sup> | Powell                         |
| Adams <sup>(Houston)</sup> | Faulk      | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Albea                      | Ferguson   | Jones <sup>(Covington)</sup>  | Rast                           |
| Avery                      | Gilchrist  | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Gilmer     | Lee                           | Roberts                        |
| Barnett                    | Glass      | Locke                         | Rogers                         |
| Bassett                    | Goodwyn    | Long <sup>(Perry)</sup>       | Rozelle                        |
| Bevill                     | Gordon     | McClendon <sup>(Chamb)</sup>  | Self                           |
| Boyd                       | Grant      | McCorquodale                  | Sessions                       |
| Brannan                    | Gross      | McLendon <sup>(Bullock)</sup> | Shumate                        |
| Branyon                    | Guthrie    | Martin                        | Smith <sup>(Russell)</sup>     |
| Brewer                     | Hain       | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Hanby      | Merrill                       | Solomon                        |
| Brooks                     | Hardy      | Morrow                        | Speaks                         |
| Camp                       | Harris     | Nettles                       | Sullivan                       |
| Casey                      | Harvey     | Nichols                       | Taylor                         |
| Cates                      | Hawkins    | Oden                          | Thomas                         |
| Copeland                   | Hearn      | Owens                         | Torbert                        |
| Cornett                    | Hocklander | Perry                         | Trimmier                       |
| Daniel                     | Ingram     | Phillips                      | Turner                         |
| Dickson                    | Jenkins    | Pierce                        | Turnham                        |
| Dodd                       |            |                               |                                |

—85

And the bill:

S. 226. To alter, rearrange, and extend the boundary line of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Was read a third time at length and passed.

Yeas 90; Nays 0.

**Yeas:**

|                            |            |                               |                                |
|----------------------------|------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Daniel     | Ingram                        | Pierce                         |
| Adams <sup>(Houston)</sup> | Dickson    | Jenkins                       | Powell                         |
| Albea                      | Dodd       | Johnson <sup>(Hardaway)</sup> | Ramey                          |
| Avery                      | Edwards    | Johnston <sup>(Leonard)</sup> | Rast                           |
| Bailey                     | Ferguson   | Jones <sup>(Covington)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Franklin   | Jones <sup>(Monroe)</sup>     | Roberts                        |
| Bassett                    | Gilchrist  | Lee                           | Rogers                         |
| Bevill                     | Gilmer     | Locke                         | Rozelle                        |
| Bishop                     | Glass      | Long <sup>(Perry)</sup>       | Self                           |
| Boyd                       | Goodwyn    | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Brannan                    | Gordon     | McCorquodale                  | Shumate                        |
| Branyon                    | Grant      | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>     |
| Brewer                     | Gross      | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Guthrie    | Meade                         | Solomon                        |
| Broadfoot                  | Hain       | Merrill                       | Speaks                         |
| Brooks                     | Hanby      | Morrow                        | Sullivan                       |
| Cabiness                   | Hankins    | Nettles                       | Taylor                         |
| Callahan                   | Hardy      | Nichols                       | Thomas                         |
| Camp                       | Harris     | Oden                          | Torbert                        |
| Casey                      | Harvey     | Owens                         | Trimmier                       |
| Cates                      | Hawkins    | Perry                         | Turner                         |
| Copeland                   | Hearn      | Phillips                      | Turnham                        |
| Cornett                    | Hocklander |                               |                                |

—90

And the bill:

H. 523. To regulate further payment of compensation to deputy sheriffs by Chilton County; authorizing the court of county commis-

sioners, board of revenue, or other like governing body of the county to pay the compensation of deputy sheriffs from the county public highway and traffic fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

**Yeas:**

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Daniel    | Hocklander                    | Phillips                       |
| Adams <sup>(Houston)</sup> | Dickson   | Ingram                        | Pierce                         |
| Albea                      | Dodd      | Jenkins                       | Powell                         |
| Avery                      | Edwards   | Johnson <sup>(Hardaway)</sup> | Ramey                          |
| Bailey                     | Faulk     | Johnston <sup>(Leonard)</sup> | Rast                           |
| Barnett                    | Ferguson  | Jones <sup>(Covington)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Franklin  | Jones <sup>(Monroe)</sup>     | Roberts                        |
| Bevill                     | Gilchrist | Lee                           | Rogers                         |
| Bishop                     | Gilmer    | Locke                         | Rozelle                        |
| Boyd                       | Glass     | Long <sup>(Lauderdale)</sup>  | Self                           |
| Brannan                    | Goodwyn   | Long <sup>(Perry)</sup>       | Sessions                       |
| Branyon                    | Gordon    | McClendon <sup>(Chamb)</sup>  | Shumate                        |
| Brewer                     | Grant     | McCorquodale                  | Smith <sup>(Russell)</sup>     |
| Britton                    | Gross     | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Guthrie   | Martin                        | Solomon                        |
| Brooks                     | Hain      | Meade                         | Speaks                         |
| Cabiness                   | Hanby     | Merrill                       | Sullivan                       |
| Callahan                   | Hankins   | Morrow                        | Taylor                         |
| Camp                       | Hardy     | Nettles                       | Thomas                         |
| Casey                      | Harris    | Nichols                       | Torbert                        |
| Cates                      | Harvey    | Oden                          | Trimmier                       |
| Copeland                   | Hawkins   | Owens                         | Turner                         |
| Cornett                    | Hearn     | Perry                         | Turnham                        |

—92

And the bill:

H. 524. To permit any state bank having its principal place of business or a branch place of business or office in Chilton County to establish one or more branches, or additional offices or places of business, for the receipt of deposits, payment of checks, lending of money, and doing a general banking business, subject to the approval of the State Superintendent of Banks.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

**Yeas:**

|             |           |           |         |
|-------------|-----------|-----------|---------|
| Mr. Speaker | Brewer    | Daniel    | Gordon  |
| Albea       | Britton   | Dickson   | Gross   |
| Avery       | Broadfoot | Dodd      | Grouby  |
| Bailey      | Brooks    | Edwards   | Guthrie |
| Barnett     | Cabiness  | Faulk     | Hain    |
| Bassett     | Camp      | Ferguson  | Hanby   |
| Bevill      | Casey     | Franklin  | Hankins |
| Bishop      | Cates     | Gilchrist | Hardy   |
| Boyd        | Chambers  | Gilmer    | Harris  |
| Brannan     | Copeland  | Glass     | Harvey  |
| Branyon     | Cornett   | Goodwyn   | Hawkins |

|                    |                    |                     |                   |
|--------------------|--------------------|---------------------|-------------------|
| Hearn              | McClendon (Chamb)  | Phillips            | Shumate           |
| Hocklander         | McCorquodale       | Pierce              | Smith (Russell)   |
| Ingram             | McLendon (Bullock) | Powell              | Smith (St. Clair) |
| Jenkins            | Martin             | Pruitt              | Solomon           |
| Johnson (Hardaway) | Meade              | Ramey               | Speaks            |
| Johnston (Leonard) | Merrill            | Rast                | Sullivan          |
| Jones (Covington)  | Morrow             | Reynolds (Chambers) | Taylor            |
| Jones (Monroe)     | Nettles            | Roberts             | Thomas            |
| Lee                | Nichols            | Rogers              | Torbert           |
| Locke              | Oden               | Rozelle             | Trimmier          |
| Long (Lauderdale)  | Owens              | Self                | Turner            |
| Long (Perry)       | Perry              | Sessions            | Turnham           |

—92

And the bill:

H. 545. To require the Board of Revenue of Marion County to publish periodic statements relative to the income and expenditures of the County, and to prescribe the manner of such publication.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

#### Yeas:

|                 |            |                    |                     |
|-----------------|------------|--------------------|---------------------|
| Messrs.:        | Dickson    | Jenkins            | Powell              |
| Adams (Houston) | Dodd       | Johnson (Hardaway) | Pruitt              |
| Albea           | Edwards    | Johnston (Leonard) | Ramey               |
| Avery           | Faulk      | Jones (Covington)  | Rast                |
| Bailey          | Ferguson   | Lee                | Reynolds (Chambers) |
| Barnett         | Franklin   | Locke              | Roberts             |
| Bassett         | Gilchrist  | Long (Lauderdale)  | Rogers              |
| Bevill          | Gilmer     | Long (Perry)       | Rozelle             |
| Bishop          | Glass      | McClendon (Chamb)  | Self                |
| Boyd            | Goodwyn    | McCorquodale       | Sessions            |
| Brannan         | Gordon     | McLendon (Bullock) | Shumate             |
| Branyon         | Gross      | Martin             | Smith (Russell)     |
| Britton         | Guthrie    | Meade              | Smith (St. Clair)   |
| Broadfoot       | Hain       | Merrill            | Solomon             |
| Brooks          | Hankins    | Morrow             | Speaks              |
| Cabiness        | Hardy      | Nettles            | Sullivan            |
| Camp            | Harris     | Nichols            | Taylor              |
| Casey           | Harvey     | Oden               | Thomas              |
| Chambers        | Hawkins    | Owens              | Torbert             |
| Copeland        | Hearn      | Perry              | Trimmier            |
| Cornett         | Hocklander | Phillips           | Turner              |
| Daniel          | Ingram     | Pierce             | Turnham             |

—87

And the bill:

H. 559. To amend Act No. 173, H. 490, approved June 30, 1953, (Acts of Alabama 1953, page 217) which creates and establishes the Inferior Court of St. Clair County, so as to provide that fees of officers and State's witnesses in criminal cases docketed in such court in which the State fails to convict, or the cause is otherwise abated, withdrawn or dismissed or an order of nolle prosequi is entered by the State, shall be paid from the Fine and Forfeiture Fund of St. Clair County and such fund reimbursed therefor by the State.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                            |            |                               |                                |
|----------------------------|------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dodd       | Jenkins                       | Powell                         |
| Adams <sup>(Houston)</sup> | Edwards    | Johnson <sup>(Hardaway)</sup> | Pruitt                         |
| Albea                      | Faulk      | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Avery                      | Ferguson   | Jones <sup>(Covington)</sup>  | Rast                           |
| Bailey                     | Franklin   | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Gilchrist  | Lee                           | Roberts                        |
| Bassett                    | Gilmer     | Locke                         | Rogers                         |
| Bevill                     | Glass      | Long <sup>(Lauderdale)</sup>  | Rozelle                        |
| Bishop                     | Gordon     | Long <sup>(Perry)</sup>       | Self                           |
| Boyd                       | Grant      | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Brannan                    | Gross      | McCorquodale                  | Shumate                        |
| Branyon                    | Grouby     | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>     |
| Brewer                     | Guthrie    | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Hain       | Meade                         | Solomon                        |
| Brooks                     | Hanby      | Merrill                       | Speaks                         |
| Cabiness                   | Hankins    | Morrow                        | Sullivan                       |
| Camp                       | Hardy      | Nichols                       | Taylor                         |
| Casey                      | Harris     | Oden                          | Thomas                         |
| Chambers                   | Harvey     | Owens                         | Torbert                        |
| Copeland                   | Hawkins    | Perry                         | Trimmier                       |
| Cornett                    | Hearn      | Phillips                      | Turner                         |
| Daniel                     | Hocklander | Pierce                        | Turnham                        |
| Dickson                    | Ingram     |                               |                                |

—90

And the bill:

H. 558. Relating to and providing for the reidentification of voters in St. Clair County; directing the board of registrars to purge the lists of registered voters; and providing a penalty for anyone willfully making a false statement in connection with such reidentification.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Chambers  | Hankins                       | McCorquodale                   |
| Adams <sup>(Houston)</sup> | Copeland  | Hardy                         | McLendon <sup>(Bullock)</sup>  |
| Albea                      | Cornett   | Harris                        | Martin                         |
| Avery                      | Daniel    | Harvey                        | Meade                          |
| Bailey                     | Dickson   | Hawkins                       | Merrill                        |
| Barnett                    | Dodd      | Hearn                         | Morrow                         |
| Bassett                    | Edwards   | Hocklander                    | Nettles                        |
| Bishop                     | Faulk     | Ingram                        | Nichols                        |
| Boyd                       | Ferguson  | Jenkins                       | Oden                           |
| Brannan                    | Franklin  | Johnson <sup>(Hardaway)</sup> | Owens                          |
| Branyon                    | Gilchrist | Johnston <sup>(Leonard)</sup> | Perry                          |
| Britton                    | Glass     | Jones <sup>(Covington)</sup>  | Phillips                       |
| Broadfoot                  | Gordon    | Jones <sup>(Monroe)</sup>     | Pierce                         |
| Brooks                     | Grant     | Lee                           | Powell                         |
| Cabiness                   | Gross     | Locke                         | Ramey                          |
| Camp                       | Guthrie   | Long <sup>(Lauderdale)</sup>  | Rast                           |
| Casey                      | Hain      | Long <sup>(Perry)</sup>       | Reynolds <sup>(Chambers)</sup> |
| Cates                      | Hanby     | McClendon <sup>(Chamb)</sup>  | Roberts                        |

|          |                              |          |          |     |
|----------|------------------------------|----------|----------|-----|
| Rogers   | Shumate                      | Speaks   | Trimmier |     |
| Rozelle  | Smith <sup>(Russell)</sup>   | Sullivan | Turner   |     |
| Self     | Smith <sup>(St. Clair)</sup> | Taylor   | Turnham  |     |
| Sessions | Solomon                      | Torbert  |          | —87 |

And the bill:

H. 459 (with substitute). To amend further Section 254 of Title 13, Code of Alabama (1940), which relates to the appointment and compensation of deputy circuit solicitors of the thirteenth judicial circuit.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Section 254 of Title 13, Code of Alabama (1940), which relates to the appointment and compensation of deputy circuit solicitors of the thirteenth judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 254 of Title 13, Code of Alabama (1940), as amended, is amended further to read as follows:

"Section 254. The circuit solicitor of the thirteenth judicial circuit may appoint four deputies or assistant solicitors, who shall be appointed and serve in lieu of all other deputy circuit solicitors heretofore provided for by law. The four deputy circuit solicitors or assistants herein provided for shall serve at the pleasure of the circuit solicitor, and each shall be assigned a numbered position and receive compensation as follows:

"(a) Deputy No. 1 may serve either full time or part time, as the solicitor may determine. If the deputy serves full time he is entitled to an annual salary of eight thousand four hundred dollars, six thousand dollars of which shall be paid from the state treasury and the remainder shall be paid by the county; but if he only serves part time, he is entitled to an annual salary of six thousand dollars, all of which shall be paid from the state treasury.

"(b) Deputy No. 2 may serve either full time or part time, as the solicitor may determine. If the deputy serves full time he is entitled to an annual salary of seven thousand two hundred dollars, four thousand eight hundred dollars of which shall be paid from the state treasury and the remainder shall be paid by the county; but if he serves only part time, he is entitled to an annual salary of four thousand eight hundred dollars, all of which shall be paid from the state treasury.

"(c) Deputy No. 3 shall serve part time only and is entitled to a salary of three thousand six hundred dollars a year, of which three thousand dollars shall be payable from the state treasury and the remainder shall be paid by the county.

"(d) Deputy No. 4 shall serve part time only and is entitled to a salary of three thousand dollars a year, one thousand eight hundred dollars of which shall be paid from the state treasury and the remainder shall be paid by the county.

"The salaries of the deputy solicitors herein provided for shall be paid in equal monthly installments on warrants drawn in the manner prescribed by law. When any deputy of the solicitor serves part time only, he shall not be subject to the restrictions against practicing law prescribed by subsection 12 of Section 229 of this title."

Section 2. Provided that should the Circuit Solicitor of the Thirteenth Judicial Circuit elect to fill the positions of the Deputy Solicitor No. 1 and Deputy Solicitor No. 2 with full time deputy solicitors, then the position of deputy solicitor No. 4 shall not be filled, but shall remain vacant so long as both positions 1 and 2 are filled with full time men.

Section 3. This Act shall become effective on the first day of October, 1959.

And the substitute was adopted.

Yeas 92; Nays 0.

**Yeas:**

|                            |                  |                               |                              |
|----------------------------|------------------|-------------------------------|------------------------------|
| Mr. Speaker                | Copeland         | Hearn                         | Perry                        |
| Adams <sup>(Houston)</sup> | Cornett          | Hocklander                    | Phillips                     |
| Albea                      | Daniel           | Ingram                        | Pierce                       |
| Ashworth                   | Dickson          | Jenkins                       | Powell                       |
| Avery                      | Dodd             | Johnson <sup>(Hardaway)</sup> | Pruitt                       |
| Bailey                     | Edwards          | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Barnett                    | Faulk            | Jones <sup>(Covington)</sup>  | Rast                         |
| Bassett                    | Ferguson         | Jones <sup>(Monroe)</sup>     | Roberts                      |
| Bevill                     | Franklin         | Lee                           | Rogers                       |
| <b>Bishop</b>              | <b>Gilchrist</b> | <b>Locke</b>                  | <b>Rozeille</b>              |
| Boyd                       | Gilmer           | Long <sup>(Lauderdale)</sup>  | Self                         |
| Brannan                    | Glass            | Long <sup>(Perry)</sup>       | Sessions                     |
| Branyon                    | Gordon           | McClendon <sup>(Chamb)</sup>  | Shumate                      |
| Brewer                     | Grant            | McCorquodale                  | Smith <sup>(Russell)</sup>   |
| Britton                    | Gross            | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Guthrie          | Martin                        | Solomon                      |
| Brooks                     | Hain             | Meade                         | Speaks                       |
| Cabiness                   | Hanby            | Merrill                       | Sullivan                     |
| Callahan                   | Hankins          | Morrow                        | Taylor                       |
| Camp                       | Hardy            | Nettles                       | Torbert                      |
| Casey                      | Harris           | Nichols                       | Trimmier                     |
| Cates                      | Harvey           | Oden                          | Turner                       |
| Chambers                   | Hawkins          | Owens                         | Turnham                      |

—92

And said bill, H. 459, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|                            |           |          |          |
|----------------------------|-----------|----------|----------|
| Mr. Speaker                | Bevill    | Brooks   | Cornett  |
| Adams <sup>(Houston)</sup> | Bishop    | Cabiness | Daniel   |
| Albea                      | Boyd      | Callahan | Dickson  |
| Ashworth                   | Brannan   | Camp     | Dodd     |
| Avery                      | Branyon   | Casey    | Edwards  |
| Bailey                     | Brewer    | Cates    | Faulk    |
| Barnett                    | Britton   | Chambers | Ferguson |
| Bassett                    | Broadfoot | Copeland | Franklin |

|           |                    |                     |                   |
|-----------|--------------------|---------------------|-------------------|
| Gilchrist | Hocklander         | Morrow              | Rozelle           |
| Gilmer    | Ingram             | Nettles             | Self              |
| Glass     | Jenkins            | Nichols             | Sessions          |
| Gordon    | Johnson (Hardaway) | Oden                | Shumate           |
| Grant     | Johnston (Leonard) | Owens               | Smith (Russell)   |
| Gross     | Jones (Monroe)     | Perry               | Smith (St. Clair) |
| Guthrie   | Lee                | Phillips            | Speaks            |
| Hain      | Locke              | Pierce              | Sullivan          |
| Hanby     | Long (Lauderdale)  | Powell              | Taylor            |
| Hankins   | McClendon (Chamb)  | Pruitt              | Thomas            |
| Hardy     | McCorquodale       | Ramey               | Torbert           |
| Harris    | McLendon (Bullock) | Rast                | Trimmier          |
| Harvey    | Martin             | Reynolds (Chambers) | Turner            |
| Hawkins   | Meade              | Roberts             | Turnham           |
| Hearn     | Merrill            | Rogers              |                   |

—91

And the bill:

H. 638. To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the Corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Cornett   | Hocklander         | Pierce              |
| Adams (Houston) | Daniel    | Ingram             | Powell              |
| Albea           | Dickson   | Jenkins            | Ramey               |
| Ashworth        | Dodd      | Johnson (Hardaway) | Rast                |
| Avery           | Edwards   | Johnston (Leonard) | Reynolds (Chambers) |
| Bailey          | Faulk     | Jones (Monroe)     | Roberts             |
| Barnett         | Ferguson  | Lee                | Rogers              |
| Bassett         | Franklin  | Locke              | Rozelle             |
| Bevill          | Gilchrist | Long (Perry)       | Self                |
| Bishop          | Gilmer    | McClendon (Chamb)  | Sessions            |
| Boyd            | Glass     | McCorquodale       | Shumate             |
| Brannan         | Gordon    | McLendon (Bullock) | Smith (Russell)     |
| Branyon         | Grant     | Martin             | Smith (St. Clair)   |
| Brewer          | Gross     | Meade              | Solomon             |
| Britton         | Guthrie   | Merrill            | Speaks              |
| Broadfoot       | Hain      | Morrow             | Sullivan            |
| Brooks          | Hanby     | Nettles            | Taylor              |
| Cabiness        | Hankins   | Nichols            | Thomas              |
| Camp            | Hardy     | Oden               | Torbert             |
| Casey           | Harris    | Owens              | Trimmier            |
| Cates           | Harvey    | Perry              | Turner              |
| Chambers        | Hawkins   | Phillips           | Turnham             |
| Copeland        | Hearn     |                    |                     |

—90

And the bill:

H. 640. To withdraw jurisdiction of criminal cases from justices of the peace and notaries ex officio justice of the peace elected or appointed for precinct five, Choctaw County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 89; Nays 0.

**Yeas:**

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Copeland  | Hocklander                    | Pierce                         |
| Adams <sup>(Houston)</sup> | Cornett   | Ingram                        | Powell                         |
| Albea                      | Daniel    | Jenkins                       | Ramey                          |
| Ashworth                   | Dickson   | Johnson <sup>(Hardaway)</sup> | Rast                           |
| Avery                      | Dodd      | Johnston <sup>(Leonard)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Edwards   | Jones <sup>(Monroe)</sup>     | Roberts                        |
| Barnett                    | Faulk     | Lee                           | Rogers                         |
| Bassett                    | Ferguson  | Locke                         | Rozelle                        |
| Bevill                     | Franklin  | Long <sup>(Perry)</sup>       | Self                           |
| Bishop                     | Gilchrist | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Boyd                       | Glass     | McCorquodale                  | Shumate                        |
| Brannan                    | Gordon    | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>     |
| Branyon                    | Grant     | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Gross     | Meade                         | Solomon                        |
| Britton                    | Guthrie   | Merrill                       | Speaks                         |
| Broadfoot                  | Hain      | Morrow                        | Sullivan                       |
| Brooks                     | Hanby     | Nettles                       | Taylor                         |
| Cabiness                   | Hankins   | Nichols                       | Thomas                         |
| Camp                       | Hardy     | Oden                          | Torbert                        |
| Casey                      | Harris    | Owens                         | Trimmier                       |
| Cates                      | Harvey    | Perry                         | Turner                         |
| Chambers                   | Hearn     | Phillips                      | Turnham                        |
| Cook                       |           |                               |                                |

—89

And the bill:

**H. 642. Relating to and providing for the reidentification of electors in Choctaw County; directing the board of registrars to purge the lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.**

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                            |          |                               |                                |
|----------------------------|----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cates    | Hanby                         | Meade                          |
| Adams <sup>(Houston)</sup> | Chambers | Hankins                       | Merrill                        |
| Albea                      | Cook     | Hardy                         | Morrow                         |
| Ashworth                   | Copeland | Harris                        | Nettles                        |
| Avery                      | Cornett  | Harvey                        | Nichols                        |
| Bailey                     | Daniel   | Hawkins                       | Oden                           |
| Barnett                    | Dickson  | Hearn                         | Owens                          |
| Bassett                    | Dodd     | Hocklander                    | Perry                          |
| Bevill                     | Edwards  | Ingram                        | Phillips                       |
| Bishop                     | Faulk    | Jenkins                       | Pierce                         |
| Boyd                       | Ferguson | Johnson <sup>(Hardaway)</sup> | Powell                         |
| Brannan                    | Franklin | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Branyon                    | Gilmer   | Jones <sup>(Monroe)</sup>     | Rast                           |
| Brewer                     | Glass    | Lee                           | Reynolds <sup>(Chambers)</sup> |
| Britton                    | Gordon   | Locke                         | Roberts                        |
| Broadfoot                  | Grant    | Long <sup>(Perry)</sup>       | Rogers                         |
| Cabiness                   | Gross    | McClendon <sup>(Chamb)</sup>  | Rozelle                        |
| Callahan                   | Grouby   | McCorquodale                  | Self                           |
| Camp                       | Guthrie  | McLendon <sup>(Bullock)</sup> | Sessions                       |
| Casey                      | Hain     | Martin                        | Shumate                        |



|                              |          |          |         |     |
|------------------------------|----------|----------|---------|-----|
| Smith <sup>(Russell)</sup>   | Speaks   | Thomas   | Turner  |     |
| Smith <sup>(St. Clair)</sup> | Sullivan | Trimmier | Turnham |     |
| Solomon                      | Taylor   |          |         | —90 |

And the bill:

H. 643. To abolish the office of County Solicitor of Walker County, Alabama, and to create in lieu thereof the office of the Solicitor of the County Court of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his duties, powers and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time in which he shall take office and to relate that all general and local laws in conflict with the provisions of this Act are repealed in so far as they relate to said Walker County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Cornett   | Hearn                         | Phillips                     |
| Adams <sup>(Houston)</sup> | Daniel    | Hocklander                    | Pierce                       |
| Albea                      | Dickson   | Ingram                        | Powell                       |
| Ashworth                   | Dodd      | Jenkins                       | Ramey                        |
| Bailey                     | Edwards   | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Barnett                    | Faulk     | Johnston <sup>(Leonard)</sup> | Roberts                      |
| Bassett                    | Ferguson  | Jones <sup>(Monroe)</sup>     | Rogers                       |
| Bevill                     | Franklin  | Lee                           | Rozelle                      |
| Bishop                     | Gilchrist | Locke                         | Self                         |
| Boyd                       | Gilmer    | Long <sup>(Perry)</sup>       | Sessions                     |
| Brannan                    | Glass     | McClendon <sup>(Chamb)</sup>  | Shumate                      |
| Branyon                    | Gordon    | McCorquodale                  | Smith <sup>(Russell)</sup>   |
| Brewer                     | Grant     | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Britton                    | Gross     | Martin                        | Solomon                      |
| Broadfoot                  | Grouby    | Meade                         | Speaks                       |
| Brooks                     | Guthrie   | Merrill                       | Sullivan                     |
| Cabiness                   | Hain      | Morrow                        | Taylor                       |
| Callahan                   | Hanby     | Nettles                       | Thomas                       |
| Camp                       | Hankins   | Nichols                       | Torbert                      |
| Casey                      | Hardy     | Oden                          | Trimmier                     |
| Chambers                   | Harris    | Owens                         | Turner                       |
| Cook                       | Harvey    | Perry                         | Turnham                      |
| Copeland                   | Hawkins   |                               |                              |

—90

And the bill:

H. 644. Providing a more efficient system for the administration of the fiscal affairs and government of Clay County; abolishing the Court of County Commissioners of Clay County and creating and establishing in lieu thereof the Board of Commissioners of Clay County; providing for the organization, powers, jurisdiction, and duties of the Board of Commissioners, and for the qualifications, election, and compensation of its members; and further regulating the county's purchasing procedures and highway operations.

Was taken up.

Mr. Ingram offered the following amendment to the bill, H. 644:

Amend H. B. 644 as follows:

In Section 8, strike out the period at the end of the section, insert a comma, and add "or any department, board, or officer thereof, including the county board of education."

And the amendment was adopted.

Yeas 87; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Cook      | Harris                        | Perry                        |
| Adams <sup>(Houston)</sup> | Copeland  | Harvey                        | Phillips                     |
| Albea                      | Cornett   | Hearn                         | Pierce                       |
| Ashworth                   | Daniel    | Hocklander                    | Powell                       |
| Avery                      | Dickson   | Ingram                        | Roberts                      |
| Bailey                     | Dodd      | Jenkins                       | Rogers                       |
| Barnett                    | Edwards   | Johnson <sup>(Hardaway)</sup> | Rozelle                      |
| Bassett                    | Faulk     | Johnston <sup>(Leonard)</sup> | Self                         |
| Bevill                     | Ferguson  | Jones <sup>(Monroe)</sup>     | Sessions                     |
| Bishop                     | Franklin  | Lee                           | Shumate                      |
| Boyd                       | Gilchrist | Locke                         | Smith <sup>(Russell)</sup>   |
| Brannan                    | Gilmer    | Long <sup>(Perry)</sup>       | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Glass     | McClendon <sup>(Chamb)</sup>  | Solomon                      |
| Brewer                     | Gordon    | McCorquodale                  | Speaks                       |
| Britton                    | Grant     | McLendon <sup>(Bullock)</sup> | Sullivan                     |
| Brooks                     | Gross     | Martin                        | Taylor                       |
| Cabiness                   | Grouby    | Meade                         | Thomas                       |
| Callahan                   | Guthrie   | Merrill                       | Torbert                      |
| Camp                       | Hain      | Nettles                       | Trimmier                     |
| Casey                      | Hanby     | Nichols                       | Turner                       |
| Cates                      | Hankins   | Oden                          | Turnham                      |
| Chambers                   | Hardy     | Owens                         |                              |

—87

And said bill, H. 644, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                            |           |                               |                               |
|----------------------------|-----------|-------------------------------|-------------------------------|
| Mr. Speaker                | Cates     | Hain                          | McLendon <sup>(Bullock)</sup> |
| Adams <sup>(Houston)</sup> | Chambers  | Hanby                         | Martin                        |
| Albea                      | Cook      | Hankins                       | Meade                         |
| Ashworth                   | Copeland  | Hardy                         | Merrill                       |
| Bailey                     | Cornett   | Harris                        | Nettles                       |
| Barnett                    | Daniel    | Harvey                        | Nichols                       |
| Bassett                    | Dickson   | Hawkins                       | Oden                          |
| Bevill                     | Dodd      | Hearn                         | Owens                         |
| Bishop                     | Edwards   | Hocklander                    | Perry                         |
| Boyd                       | Faulk     | Ingram                        | Phillips                      |
| Brannan                    | Ferguson  | Jenkins                       | Pierce                        |
| Branyon                    | Franklin  | Johnson <sup>(Hardaway)</sup> | Powell                        |
| Brewer                     | Gilchrist | Johnston <sup>(Leonard)</sup> | Ramey                         |
| Britton                    | Gilmer    | Jones <sup>(Monroe)</sup>     | Rast                          |
| Brooks                     | Glass     | Lee                           | Roberts                       |
| Cabiness                   | Gordon    | Locke                         | Rogers                        |
| Callahan                   | Grant     | Long <sup>(Perry)</sup>       | Rozelle                       |
| Camp                       | Gross     | McClendon <sup>(Chamb)</sup>  | Self                          |
| Casey                      | Guthrie   | McCorquodale                  | Sessions                      |

Shumate  
Smith<sup>(Russell)</sup>  
Smith<sup>(St. Clair)</sup>

Solomon  
Speaks  
Sullivan

Taylor  
Thomas  
Torbert

Trimmier  
Turner  
Turnham

—88

And the bill:

H. 639. Regulating further the insuring of the property of public hospitals in all counties in this State having a population of not less than 19,200 nor more than 20,200, according to the last or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

Mr. Speaker  
Adams<sup>(Houston)</sup>  
Albea  
Ashworth  
Avery  
Bailey  
Barnett  
Bassett  
Bevill  
Bishop  
Boyd  
Brannan  
Branyon  
Brewer  
Britton  
Broadfoot  
Brooks  
Cabiness  
Callahan  
Camp  
Casey  
Cates  
Chambers

Cook  
Copeland  
Cornett  
Daniel  
Dickson  
Dodd  
Edwards  
Faulk  
Ferguson  
Franklin  
Gilchrist  
Gilmer  
Glass  
Gordon  
Grant  
Gross  
Guthrie  
Hain  
Hankins  
Hardy  
Harris  
Harvey  
Hawkins

Hearn  
Hocklander  
Ingram  
Jenkins  
Johnson<sup>(Hardaway)</sup>  
Johnston<sup>(Leonard)</sup>  
Jones<sup>(Monroe)</sup>  
Lee  
Locke  
Long<sup>(Lauderdale)</sup>  
Long<sup>(Perry)</sup>  
McClendon<sup>(Chamb)</sup>  
McCorquodale  
McLendon<sup>(Bullock)</sup>  
Martin  
Meade  
Merrill  
Morrow  
Nettles  
Nichols  
Oden  
Owens  
Perry  
Phillips  
Pierce  
Powell  
Ramey  
Rast  
Reynolds<sup>(Chambers)</sup>  
Roberts  
Rogers  
Rozelle  
Self  
Sessions  
Shumate  
Smith<sup>(Russell)</sup>  
Smith<sup>(St. Clair)</sup>  
Solomon  
Speaks  
Sullivan  
Taylor  
Thomas  
Trimmier  
Turner  
Turnham

—91

And the bill:

H. 645. To apply in all counties of this State having a population of not less than 94,000 and not more than 134,000 according to the latest or any subsequent Federal decennial census and to allow the Boards of Revenue or other like governing body of such counties to fix and set aside, by resolution, certain days of the week for the closing of the offices in the court house of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 0.

**Yeas:**

Mr. Speaker  
Adams<sup>(Houston)</sup>  
Albea  
Ashworth

Avery  
Bailey  
Barnett  
Bassett

Bevill  
Bishop  
Boyd  
Brannan

Branyon  
Brewer  
Britton  
Broadfoot

|           |                    |                    |                     |
|-----------|--------------------|--------------------|---------------------|
| Brooks    | Gordon             | Locke              | Reynolds (Chambers) |
| Cabiness  | Grant              | Long (Lauderdale)  | Reynolds (Madison)  |
| Callahan  | Gross              | Long (Perry)       | Roberts             |
| Camp      | Grouby             | McClendon (Chamb)  | Rogers              |
| Casey     | Guthrie            | McCorquodale       | Rozelle             |
| Cates     | Hain               | McLendon (Bullock) | Self                |
| Chambers  | Hanby              | Martin             | Sessions            |
| Cook      | Hankins            | Meade              | Shumate             |
| Copeland  | Hardy              | Merrill            | Smith (Russell)     |
| Cornett   | Harris             | Morrow             | Smith (St. Clair)   |
| Daniel    | Harvey             | Nettles            | Solomon             |
| Dickson   | Hawkins            | Nichols            | Speaks              |
| Dodd      | Hearn              | Oden               | Sullivan            |
| Edwards   | Hocklander         | Owens              | Taylor              |
| Faulk     | Ingram             | Perry              | Thomas              |
| Ferguson  | Jenkins            | Phillips           | Torbert             |
| Franklin  | Johnson (Hardaway) | Pierce             | Trimmier            |
| Gilchrist | Johnston (Leonard) | Powell             | Turner              |
| Gilmer    | Jones (Monroe)     | Ramey              | Turnham             |
| Glass     | Lee                | Rast               |                     |

—95

And the bill:

H. 646. Relating to St. Clair County; providing for the election of county commissioners from districts; prescribing the powers and duties of the court of county commissioners of St. Clair County, and the qualifications, term of office, compensation, and manner of election of the members thereof; and excepting the judge of probate, as the presiding judge of the court of county commissioners, from the operation of the Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 91; Nays 0.

#### Yeas:

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Copeland  | Hearn              | Pierce              |
| Adams (Houston) | Cornett   | Hocklander         | Powell              |
| Albea           | Daniel    | Ingram             | Ramey               |
| Ashworth        | Dickson   | Jenkins            | Rast                |
| Avery           | Dodd      | Johnson (Hardaway) | Reynolds (Chambers) |
| Bailey          | Edwards   | Johnston (Leonard) | Reynolds (Madison)  |
| Barnett         | Faulk     | Jones (Monroe)     | Roberts             |
| Bassett         | Ferguson  | Lee                | Rogers              |
| Bevill          | Franklin  | Locke              | Rozelle             |
| Bishop          | Gilchrist | Long (Lauderdale)  | Self                |
| Boyd            | Gilmer    | Long (Perry)       | Sessions            |
| Brannan         | Glass     | McClendon (Chamb)  | Shumate             |
| Branyon         | Gordon    | McCorquodale       | Smith (Russell)     |
| Brewer          | Grant     | McLendon (Bullock) | Smith (St. Clair)   |
| Britton         | Gross     | Martin             | Solomon             |
| Broadfoot       | Guthrie   | Meade              | Speaks              |
| Brooks          | Hain      | Merrill            | Sullivan            |
| Cabiness        | Hanby     | Morrow             | Taylor              |
| Camp            | Hankins   | Nettles            | Thomas              |
| Casey           | Hardy     | Oden               | Trimmier            |
| Cates           | Harris    | Owens              | Turner              |
| Chambers        | Harvey    | Perry              | Turnham             |
| Cook            | Hawkins   | Phillips           |                     |

—91

And the bill:

H. 647. To provide for and regulate the payment of a portion of the compensation of clerks in the offices of the tax assessor and tax collector of Autauga County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 93; Nays 0.

**Yeas:**

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cornett   | Hearn                         | Pierce                         |
| Adams <sup>(Houston)</sup> | Daniel    | Hocklander                    | Powell                         |
| Albea                      | Dickson   | Ingram                        | Ramey                          |
| Ashworth                   | Dodd      | Jenkins                       | Rast                           |
| Avery                      | Edwards   | Johnson <sup>(Hardaway)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Faulk     | Johnston <sup>(Leonard)</sup> | Reynolds <sup>(Madison)</sup>  |
| Barnett                    | Ferguson  | Lee                           | Roberts                        |
| Bassett                    | Franklin  | Locke                         | Rogers                         |
| Bevill                     | Gilchrist | Long <sup>(Lauderdale)</sup>  | Rozelle                        |
| Bishop                     | Gilmer    | Long <sup>(Perry)</sup>       | Self                           |
| Boyd                       | Glass     | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Brannan                    | Goodwyn   | McCorquodale                  | Shumate                        |
| Branyon                    | Gordon    | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>     |
| Brewer                     | Grant     | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Gross     | Meade                         | Solomon                        |
| Broadfoot                  | Guthrie   | Merrill                       | Speaks                         |
| Brooks                     | Hain      | Morrow                        | Sullivan                       |
| Cabiness                   | Hanby     | Nettles                       | Taylor                         |
| Callahan                   | Hankins   | Nichols                       | Thomas                         |
| Camp                       | Hardy     | Oden                          | Torbert                        |
| Casey                      | Harris    | Owens                         | Trimmier                       |
| Chambers                   | Harvey    | Perry                         | Turner                         |
| Cook                       | Hawkins   | Phillips                      | Turnham                        |
| Copeland                   |           |                               |                                |

—93

And the bill:

H. 648. To amend Sections 1 and 5 of Act No. 445, H. 858, approved August 23, 1947 (Local Acts of Alabama, 1947, p. 303), entitled "An Act To establish a Court of Common Pleas for Autauga County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said Court shall be open at all times for the trial of Cases and transactions of business; to provide the rules and procedure of said Court; to provide a fine and forfeiture fund for said Court; and to abolish the Civil and Criminal Court of Autauga County, Alabama, and the County Court of Autauga County, Alabama."

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 94; Nays 0.

**Yeas:**

|                            |         |         |           |
|----------------------------|---------|---------|-----------|
| Mr. Speaker                | Bailey  | Boyd    | Broadfoot |
| Adams <sup>(Houston)</sup> | Barnett | Brannan | Brooks    |
| Albea                      | Bassett | Branyon | Cabiness  |
| Ashworth                   | Bevill  | Brewer  | Camp      |
| Avery                      | Bishop  | Britton | Casey     |

|           |                    |                     |                    |
|-----------|--------------------|---------------------|--------------------|
| Cates     | Guthrie            | McClendon (Chamb)   | Reynolds (Madison) |
| Chambers  | Hain               | McCorquodale        | Roberts            |
| Cook      | Hanby              | McLendon (Bullock)  | Rogers             |
| Copeland  | Hankins            | Martin              | Rozelle            |
| Cornett   | Hardy              | Meade               | Self               |
| Daniel    | Harris             | Merrill             | Sessions           |
| Dickson   | Harvey             | Morrow              | Shumate            |
| Dodd      | Hawkins            | Nettles             | Smith (Russell)    |
| Edwards   | Hearn              | Nichols             | Smith (St. Clair)  |
| Faulk     | Hocklander         | Oden                | Solomon            |
| Ferguson  | Ingram             | Owens               | Speaks             |
| Gilchrist | Jenkins            | Perry               | Sullivan           |
| Gilmer    | Johnson (Hardaway) | Phillips            | Taylor             |
| Glass     | Johnston (Leonard) | Pierce              | Thomas             |
| Goodwyn   | Jones (Monroe)     | Powell              | Torbert            |
| Gordon    | Lee                | Ramey               | Trimmier           |
| Grant     | Locke              | Rast                | Turner             |
| Gross     | Long (Lauderdale)  | Reynolds (Chambers) | Turnham            |
| Grouby    | Long (Perry)       |                     |                    |

—94

And the bill:

H. 649. To fix the compensation of the coroner of Autauga County and provide for the payment thereof.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 94; Nays 0.

#### Yeas:

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Copeland  | Hocklander         | Powell              |
| Adams (Houston) | Cornett   | Ingram             | Pruitt              |
| Albea           | Daniel    | Jenkins            | Ramey               |
| Ashworth        | Dickson   | Johnson (Hardaway) | Rast                |
| Avery           | Dodd      | Johnston (Leonard) | Reynolds (Chambers) |
| Bailey          | Edwards   | Lee                | Reynolds (Madison)  |
| Barnett         | Ferguson  | Locke              | Roberts             |
| Bassett         | Gilchrist | Long (Lauderdale)  | Rogers              |
| Bevill          | Gilmer    | Long (Perry)       | Rozelle             |
| Bishop          | Glass     | McClendon (Chamb)  | Self                |
| Boyd            | Goodwyn   | McCorquodale       | Sessions            |
| Brannan         | Gordon    | McLendon (Bullock) | Shumate             |
| Branyon         | Grant     | Martin             | Smith (Russell)     |
| Brewer          | Gross     | Meade              | Smith (St. Clair)   |
| Britton         | Grouby    | Merrill            | Solomon             |
| Broadfoot       | Guthrie   | Morrow             | Speaks              |
| Brooks          | Hain      | Nettles            | Sullivan            |
| Cabiness        | Hanby     | Nichols            | Taylor              |
| Callahan        | Hankins   | Oden               | Thomas              |
| Camp            | Hardy     | Owens              | Torbert             |
| Casey           | Harris    | Perry              | Trimmier            |
| Cates           | Harvey    | Phillips           | Turner              |
| Chambers        | Hawkins   | Pierce             | Turnham             |
| Cook            | Hearn     |                    |                     |

—94

And the bill:

H. 650. Fixing the compensation of members of the board of education of Autauga County, and providing for the payment of expenses incurred by the members thereof in attending meetings and transacting business of the board.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 95; Nays 0.

**Yeas:**

|                    |                |                    |                     |
|--------------------|----------------|--------------------|---------------------|
| <b>Mr. Speaker</b> | <b>Cornett</b> | <b>Ingram</b>      | <b>Pruitt</b>       |
| Adams (Houston)    | Daniel         | Jenkins            | Ramey               |
| Albea              | Dickson        | Johnson (Hardaway) | Rast                |
| Ashworth           | Dodd           | Johnston (Leonard) | Reynolds (Chambers) |
| Avery              | Edwards        | Jones (Monroe)     | Reynolds (Madison)  |
| Bailey             | Ferguson       | Lee                | Roberts             |
| Barnett            | Franklin       | Locke              | Rogers              |
| Bassett            | Gilchrist      | Long (Lauderdale)  | Rozelle             |
| Bevill             | Gilmer         | Long (Perry)       | Salter              |
| Bishop             | Glass          | McClendon (Chamb)  | Self                |
| Boyd               | Goodwyn        | McCorquodale       | Sessions            |
| Branyon            | Gordon         | McLendon (Bullock) | Shumate             |
| Brewer             | Grant          | Martin             | Smith (Russell)     |
| Britton            | Gross          | Meade              | Smith (St. Clair)   |
| Broadfoot          | Grouby         | Merrill            | Solomon             |
| Brooks             | Guthrie        | Morrow             | Speaks              |
| Cabiness           | Hain           | Nettles            | Sullivan            |
| Callahan           | Hanby          | Nichols            | Taylor              |
| Camp               | Hankins        | Oden               | Thomas              |
| Casey              | Hardy          | Owens              | Torbert             |
| Cates              | Harris         | Perry              | Trimmier            |
| Chambers           | Hawkins        | Phillips           | Turner              |
| Cook               | Hearn          | Pierce             | Turnham             |
| Copeland           | Hocklander     | Powell             |                     |

—95

And the bill:

H. 655. To amend Act No. 335 of the 1955 Acts of the Legislature (Vol. II, p. 756) approved September 2, 1955, entitled An Act to Fix the Salary of the Stenographic Secretary to the Circuit Solicitor of the Sixth Judicial Circuit of Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 94; Nays 0.

**Yeas:**

|                    |                 |                    |                           |
|--------------------|-----------------|--------------------|---------------------------|
| <b>Mr. Speaker</b> | <b>Callahan</b> | <b>Goodwyn</b>     | <b>Johnston (Leonard)</b> |
| Adams (Houston)    | Camp            | Gordon             | Jones (Monroe)            |
| Albea              | Casey           | Grant              | Lee                       |
| Ashworth           | Cates           | Gross              | Locke                     |
| Avery              | Chambers        | Grouby             | Long (Lauderdale)         |
| Bailey             | Cook            | Guthrie            | Long (Perry)              |
| Barnett            | Copeland        | Hain               | McClendon (Chamb)         |
| Bassett            | Cornett         | Hanby              | McCorquodale              |
| Bevill             | Daniel          | Hankins            | McLendon (Bullock)        |
| Bishop             | Dickson         | Hardy              | Martin                    |
| Boyd               | Dodd            | Harris             | Meade                     |
| Branyon            | Edwards         | Hawkins            | Merrill                   |
| Brewer             | Faulk           | Hearn              | Morrow                    |
| Britton            | Ferguson        | Hocklander         | Nettles                   |
| Broadfoot          | Franklin        | Ingram             | Nichols                   |
| Brooks             | Gilmer          | Jenkins            | Oden                      |
| Cabiness           | Glass           | Johnson (Hardaway) | Owens                     |

|          |                                |                              |          |
|----------|--------------------------------|------------------------------|----------|
| Perry    | Reynolds <sup>(Chambers)</sup> | Sessions                     | Taylor   |
| Phillips | Reynolds <sup>(Madison)</sup>  | Smith <sup>(Russell)</sup>   | Thomas   |
| Pierce   | Roberts                        | Smith <sup>(St. Clair)</sup> | Torbert  |
| Powell   | Rogers                         | Solomon                      | Trimmier |
| Pruitt   | Rozelle                        | Speaks                       | Turner   |
| Ramey    | Salter                         | Sullivan                     | Turnham  |
| Rast     | Self                           |                              |          |

—94

And the bill:

H. 567. To alter and re-arrange the boundaries of the town of Centreville, Bibb County, so as to annex certain territory to the town.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 93; Nays 0.

#### Yeas:

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cornett   | Hawkins                       | Pierce                         |
| Adams <sup>(Houston)</sup> | Daniel    | Hearn                         | Powell                         |
| Albea                      | Dickson   | Hocklander                    | Pruitt                         |
| Ashworth                   | Dodd      | Ingram                        | Ramey                          |
| Avery                      | Edwards   | Jenkins                       | Rast                           |
| Bailey                     | Faulk     | Johnson <sup>(Hardaway)</sup> | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Ferguson  | Johnston <sup>(Leonard)</sup> | Reynolds <sup>(Madison)</sup>  |
| Bassett                    | Franklin  | Jones <sup>(Monroe)</sup>     | Roberts                        |
| Bevill                     | Gilchrist | Lee                           | Rogers                         |
| Bishop                     | Gilmer    | Locke                         | Rozelle                        |
| Boyd                       | Glass     | Long <sup>(Perry)</sup>       | Salter                         |
| Branyon                    | Goodwyn   | McClendon <sup>(Chamb)</sup>  | Self                           |
| Brewer                     | Gordon    | McCorquodale                  | Sessions                       |
| Britton                    | Grant     | Martin                        | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Gross     | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Grouby    | Merrill                       | Solomon                        |
| Cabiness                   | Guthrie   | Morrow                        | Speaks                         |
| Callahan                   | Hain      | Nettles                       | Sullivan                       |
| Camp                       | Hanby     | Nichols                       | Taylor                         |
| Casey                      | Hankins   | Oden                          | Thomas                         |
| Cates                      | Hardy     | Owens                         | Trimmier                       |
| Chambers                   | Harris    | Perry                         | Turner                         |
| Cook                       | Harvey    | Phillips                      | Turnham                        |
| Copeland                   |           |                               |                                |

—93

And the bill:

H. 573. To abolish the office of deputy solicitor for Clay County and to create in lieu thereof the office of county solicitor; to provide for the election, qualifications, and term of the county solicitor, prescribe his powers, authority, and duties, and fix his compensation; and to require the board of revenue, court of county commissioners, or other like governing body of Clay County to furnish the county solicitor with necessary office space, supplies, and equipment.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 96; Nays 0.

#### Yeas:



|                 |          |                    |                     |
|-----------------|----------|--------------------|---------------------|
| Mr. Speaker     | Cornett  | Hocklander         | Powell              |
| Adams (Houston) | Daniel   | Ingram             | Pruitt              |
| Albea           | Dickson  | Jenkins            | Ramey               |
| Ashworth        | Dodd     | Johnson (Hardaway) | Rast                |
| Avery           | Edwards  | Johnston (Leonard) | Reynolds (Chambers) |
| Bailey          | Faulk    | Jones (Monroe)     | Reynolds (Madison)  |
| Barnett         | Ferguson | Lee                | Roberts             |
| Bassett         | Franklin | Locke              | Rogers              |
| Bevill          | Gilmer   | Long (Lauderdale)  | Rozelle             |
| Bishop          | Glass    | Long (Perry)       | Salter              |
| Boyd            | Goodwyn  | McClendon (Chamb)  | Self                |
| Branyon         | Gordon   | McCorquodale       | Sessions            |
| Brewer          | Grant    | McLendon (Bullock) | Shumate             |
| Britton         | Gross    | Martin             | Smith (Russell)     |
| Broadfoot       | Grouby   | Meade              | Smith (St. Clair)   |
| Brooks          | Guthrie  | Merrill            | Solomon             |
| Cabiness        | Hain     | Morrow             | Speaks              |
| Callahan        | Hanby    | Nettles            | Sullivan            |
| Camp            | Hankins  | Nichols            | Taylor              |
| Casey           | Hardy    | Oden               | Thomas              |
| Cates           | Harris   | Owens              | Torbert             |
| Chambers        | Harvey   | Perry              | Trimmer             |
| Cook            | Hawkins  | Phillips           | Turner              |
| Copeland        | Hearn    | Pierce             | Turnham             |

—96

And the bill:

H. 574. To permit any bank having its principal place of business in Dale County to establish, maintain, and operate, within the corporate limits of any incorporated municipality in Dale County, one or more branches or additional offices or places of business, subject to the approval of the state superintendent of banks.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 97; Nays 0.

**Yeas:**

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Chambers  | Hanby              | Meade               |
| Adams (Houston) | Cook      | Hankins            | Merrill             |
| Albea           | Copeland  | Hardy              | Morrow              |
| Ashworth        | Cornett   | Harris             | Nettles             |
| Avery           | Daniel    | Harvey             | Nichols             |
| Bailey          | Dickson   | Hawkins            | Oden                |
| Barnett         | Dodd      | Hearn              | Owens               |
| Bassett         | Edwards   | Hocklander         | Perry               |
| Bevill          | Faulk     | Ingram             | Phillips            |
| Bishop          | Ferguson  | Jenkins            | Pierce              |
| Boyd            | Franklin  | Johnson (Hardaway) | Powell              |
| Branyon         | Gilchrist | Johnston (Leonard) | Pruitt              |
| Brewer          | Gilmer    | Jones (Monroe)     | Ramey               |
| Britton         | Glass     | Lee                | Rast                |
| Broadfoot       | Goodwyn   | Locke              | Reynolds (Chambers) |
| Brooks          | Gordon    | Long (Lauderdale)  | Reynolds (Madison)  |
| Cabiness        | Grant     | Long (Perry)       | Roberts             |
| Callahan        | Gross     | McClendon (Chamb)  | Rogers              |
| Camp            | Grouby    | McCorquodale       | Rozelle             |
| Casey           | Guthrie   | McLendon (Bullock) | Salter              |
| Cates           | Hain      | Martin             | Self                |

Sessions  
Shumate  
Smith<sup>(Russell)</sup>  
Smith<sup>(St. Clair)</sup>

Solomon  
Speaks  
Sullivan

Taylor  
Thomas  
Torbert

Trimmier  
Turner  
Turnham

—97

And the bill:

H. 575. To authorize the court of county commissioners, board of revenue or other like governing body of Dale County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Dale County public highway and traffic fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 0.

**Yeas:**

Mr. Speaker  
Adams<sup>(Houston)</sup>  
Albea  
Ashworth  
Avery  
Bailey  
Barnett  
Bassett  
Bevill  
Bishop  
Boyd  
Branyon  
Brewer  
Britton  
Broadfoot  
Brooks  
Cabiness  
Callahan  
Camp  
Casey  
Cates  
Chambers  
Cook  
Copeland

Cornett  
Daniel  
Dickson  
Dodd  
Edwards  
Faulk  
Ferguson  
Franklin  
Gilchrist  
Gilmer  
Glass  
Goodwyn  
Gordon  
Grant  
Gross  
Grouby  
Guthrie  
Hain  
Hanby  
Hankins  
Hardy  
Harris  
Harvey  
Hawkins

Hocklander  
Ingram  
Jenkins  
Johnson<sup>(Hardaway)</sup>  
Johnston<sup>(Leonard)</sup>  
Jones<sup>(Monroe)</sup>  
Lee  
Locke  
Long<sup>(Lauderdale)</sup>  
Long<sup>(Perry)</sup>  
McClendon<sup>(Chamb)</sup>  
McCorquodale  
McLendon<sup>(Bullock)</sup>  
Martin  
Meade  
Merrill  
Morrow  
Nettles  
Nichols  
Oden  
Owens  
Perry  
Phillips  
Pierce

Powell  
Ramey  
Rast  
Reynolds<sup>(Chambers)</sup>  
Reynolds<sup>(Madison)</sup>  
Roberts  
Rogers  
Rozelle  
Salter  
Self  
Sessions  
Shumate  
Smith<sup>(Russell)</sup>  
Smith<sup>(St. Clair)</sup>  
Solomon  
Speaks  
Sullivan  
Taylor  
Thomas  
Torbert  
Trimmier  
Turner  
Turnham

—95

And the bill:

H. 576. To provide a salary for the coroner of Dale County, and to prescribe the manner of payment thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

**Yeas:**

Mr. Speaker  
Adams<sup>(Houston)</sup>  
Albea  
Ashworth  
Avery  
Bailey

Barnett  
Bassett  
Bevill  
Bishop  
Boyd  
Branyon

Brewer  
Britton  
Broadfoot  
Brooks  
Cabiness  
Callahan

Camp  
Casey  
Cates  
Chambers  
Cook  
Copeland

|           |                    |                     |                   |
|-----------|--------------------|---------------------|-------------------|
| Cornett   | Hankins            | McLendon (Bullock)  | Rogers            |
| Daniel    | Hardy              | Martin              | Rozelle           |
| Dickson   | Harris             | Meade               | Salter            |
| Dodd      | Harvey             | Merrill             | Self              |
| Edwards   | Hawkins            | Morrow              | Sessions          |
| Faulk     | Hearn              | Nettles             | Shumate           |
| Franklin  | Hocklander         | Oden                | Smith (Russell)   |
| Gilchrist | Ingram             | Owens               | Smith (St. Clair) |
| Gilmer    | Jenkins            | Perry               | Solomon           |
| Glass     | Johnson (Hardaway) | Phillips            | Speaks            |
| Goodwyn   | Johnston (Leonard) | Pierce              | Sullivan          |
| Gordon    | Jones (Monroe)     | Powell              | Taylor            |
| Grant     | Lee                | Ramey               | Thomas            |
| Gross     | Locke              | Rast                | Torbert           |
| Grouby    | Long (Lauderdale)  | Reynolds (Chambers) | Trimmier          |
| Guthrie   | Long (Perry)       | Reynolds (Madison)  | Turner            |
| Hain      | McClendon (Chamb)  | Roberts             | Turnham           |
| Hanby     | McCorquodale       |                     |                   |

—94

And the bill:

H. 577. To authorize all cities in the State of Alabama having a population exceeding 20,000 and not exceeding 23,000 inhabitants, according to the 1950 or any succeeding regular decennial Federal Census, or which shall hereafter have such population according to any such census that may hereafter be taken, to enact ordinances to establish and maintain a general system of pensions and retirements, including allowances payable on retirement for age or disability, or benefits on separation from service, for the benefit of their regular employees whose salaries are paid on a monthly basis, with necessary classification and terms of admission; and providing that upon the establishment of any system of pensions and retirements such employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitation and restrictions as deemed expedient, to admission to such system; to authorize such ordinances to prescribe the manner in which the system may be conducted and its funds collected and distributed; to authorize such cities enacting such ordinances to establish such board for the administration of the fund as is deemed expedient, and to permit the governing body of the city to serve as such board; to require the participating employees and the city to contribute to the funds of such retirement system and to provide for the fixing of the rates of contribution; to require the board to have prepared annually actuarial valuation of the assets and liabilities of the system and to permit, on the basis of such valuation, increase or decrease in the rates of contribution; to require such pension or retirement system organized under the provisions of this act to create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under the ordinances, except that the provisions of this act shall not be applicable to any retirement system heretofore established by local act of the Alabama Legislature, on the basis of an interest rate not in excess of four per centum per annum, and mortality disability and other experience tables, or a similar group of employees; to authorize the reserves required in respect of service rendered or benefits granted prior to the date of the organization of such system under the provisions of this act to be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and the liabilities of the system within a period of not exceeding thirty years from the date of establishment of said system; to authorize the organization of a retirement system under this act to provide for the cessation, limitation or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system provided that any funds of such former system

transferred to the newly organized system shall be applied first to the payment of the benefits on account of which such funds were contributed; to require that the funds of such retirement system organized under the provisions of this act constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system and shall be held independently of the funds in the treasury of the city; to require that the ordinances provide for trustees, to invest and reinvest the funds of the system and the terms and restrictions in the manner of making such investments; to provide that the property of said system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system shall be exempt from taxation, attachment, execution or other process to satisfy any debt or liability of any employee of the system and any law relating to bankruptcy or insolvency; to provide that no assignment of any right in said funds or any benefits under the provisions of said ordinances shall be valid; to provide the time of taking effect of this act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 96; Nays 0.

**Yeas:**

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cornett   | Hocklander                    | Pierce                         |
| Adams <sup>(Houston)</sup> | Daniel    | Ingram                        | Powell                         |
| Albea                      | Dickson   | Jenkins                       | Ramey                          |
| Ashworth                   | Dodd      | Johnson <sup>(Hardaway)</sup> | Rast                           |
| Avery                      | Edwards   | Johnston <sup>(Leonard)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Faulk     | Jones <sup>(Covington)</sup>  | Reynolds <sup>(Madison)</sup>  |
| Barnett                    | Ferguson  | Jones <sup>(Monroe)</sup>     | Roberts                        |
| Bassett                    | Franklin  | Lee                           | Rogers                         |
| Bevill                     | Gilchrist | Locke                         | Rozelle                        |
| Bishop                     | Gilmer    | Long <sup>(Lauderdale)</sup>  | Salter                         |
| Boyd                       | Glass     | Long <sup>(Perry)</sup>       | Self                           |
| Branyon                    | Goodwyn   | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Brewer                     | Gordon    | McCorquodale                  | Shumate                        |
| Britton                    | Grant     | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Gross     | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Guthrie   | Meade                         | Solomon                        |
| Cabiness                   | Hain      | Merrill                       | Speaks                         |
| Callahan                   | Hanby     | Morrow                        | Sullivan                       |
| Camp                       | Hankins   | Nettles                       | Taylor                         |
| Casey                      | Hardy     | Nichols                       | Thomas                         |
| Cates                      | Harris    | Oden                          | Torbert                        |
| Chambers                   | Harvey    | Owens                         | Trimmier                       |
| Cook                       | Hawkins   | Perry                         | Turner                         |
| Copeland                   | Hearn     | Phillips                      | Turnham                        |

—96

And the bill:

H. 579. To repeal the local act approved July 29, 1955, entitled "An Act relating to Elmore County; changing the method of compensating certain county officers; placing such officers on a salary; and providing for their assistants, and the office space and equipment necessary for the conduct of their offices, (Act No. 171, H. 413, Acts 1955, vol. I, pp. 436-437).

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 92; Nays 0.

**Yeas:**

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Dickson   | Hocklander         | Phillips            |
| Adams (Houston) | Dodd      | Ingram             | Pierce              |
| Albea           | Edwards   | Jenkins            | Powell              |
| Ashworth        | Faulk     | Johnson (Hardaway) | Ramey               |
| Bailey          | Ferguson  | Johnston (Leonard) | Rast                |
| Barnett         | Franklin  | Jones (Covington)  | Reynolds (Chambers) |
| Bassett         | Gilchrist | Jones (Monroe)     | Reynolds (Madison)  |
| Bevill          | Gilmer    | Lee                | Roberts             |
| Bishop          | Glass     | Locke              | Rogers              |
| Boyd            | Goodwyn   | Long (Lauderdale)  | Rozelle             |
| Branyon         | Gordon    | Long (Perry)       | Salter              |
| Brewer          | Grant     | McClendon (Chamb)  | Self                |
| Britton         | Gross     | McCorquodale       | Sessions            |
| Broadfoot       | Grouby    | McLendon (Bullock) | Shumate             |
| Brooks          | Guthrie   | Martin             | Smith (Russell)     |
| Cabiness        | Hain      | Meade              | Smith (St. Clair)   |
| Camp            | Hanby     | Merrill            | Solomon             |
| Casey           | Hankins   | Morrow             | Speaks              |
| Cates           | Hardy     | Nettles            | Sullivan            |
| Chambers        | Harris    | Nichols            | Thomas              |
| Copeland        | Harvey    | Oden               | Trimmier            |
| Cornett         | Hawkins   | Owens              | Turner              |
| Daniel          | Hearn     | Perry              | Turnham             |

—92

And the bill:

H. 580. To amend Sections 1 and 3 of the act approved May 26, 1955, regulating the taking of fish from public streams and impounded waters in Elmore and Tallapoosa counties (Act No. 17, H. 93, Acts of Alabama 1955, Vol. I, pp. 229-231); prohibiting fishing with baskets and nets in the Coosa River or in the impounded waters thereof inside the boundaries of Elmore County, and making further provisions for the use of revenues derived from the sale of licenses in Elmore County.

Was taken up.

Mr. Johnson (Hardaway) offered the following amendment to the bill, H. 580:

**AMENDMENT TO H. B. 580**

Amend the paragraph beginning "Section 3." to read as follows:

"Section 3. All revenue heretofore accumulated or hereafter derived from the sale of licenses as provided in this Act in Tallapoosa County shall be used by the county for stocking streams and impounded waters in the county with game fish, or for feeding and cultivation of game fish, or for the enforcement of state laws and maintaining law and order on such streams and impounded waters and along the shores thereof in Tallapoosa County, or for aquatic recreational purposes as may be deemed proper by the court of county commissioners, board of revenue, or other like governing body of Tallapoosa County. All revenues heretofore accumulated or hereafter derived from the sale of licenses as provided in this Act in Elmore County shall be used for conservation purposes or for aquatic recreational purposes as may be deemed proper by the state department of conservation and the commissioners court of Elmore County, under the direction of the state department of conservation and

the commissioners court of Elmore County. Providing, the probate judge of the county where the license is issued may retain five percent of the revenue collected for issuing such license and collecting such taxes."

And the amendment was adopted.

Yeas 88; Nays 0.

**Yeas:**

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Copeland  | Harvey                        | Perry                          |
| Adams <sup>(Houston)</sup> | Cornett   | Hawkins                       | Phillips                       |
| Albea                      | Daniel    | Hocklander                    | Pierce                         |
| Ashworth                   | Dickson   | Ingram                        | Powell                         |
| Avery                      | Dodd      | Jenkins                       | Ramey                          |
| Bailey                     | Edwards   | Johnson <sup>(Hardaway)</sup> | Rast                           |
| Barnett                    | Faulk     | Johnston <sup>(Leonard)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Ferguson  | Jones <sup>(Covington)</sup>  | Rogers                         |
| Bevill                     | Franklin  | Jones <sup>(Monroe)</sup>     | Rozelle                        |
| Bishop                     | Gilchrist | Lee                           | Salter                         |
| Boyd                       | Gilmer    | Locke                         | Self                           |
| Branyon                    | Glass     | Long <sup>(Perry)</sup>       | Sessions                       |
| Brewer                     | Goodwyn   | McClendon <sup>(Chamb)</sup>  | Smith <sup>(Russell)</sup>     |
| Britton                    | Gordon    | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grant     | Martin                        | Solomon                        |
| Brooks                     | Gross     | Meade                         | Speaks                         |
| Cabiness                   | Grouby    | Merrill                       | Sullivan                       |
| Camp                       | Hain      | Morrow                        | Taylor                         |
| Casey                      | Hanby     | Nettles                       | Thomas                         |
| Cates                      | Hankins   | Nichols                       | Trimmier                       |
| Chambers                   | Hardy     | Oden                          | Turner                         |
| Cook                       | Harris    | Owens                         | Turnham                        |

—88

And said bill, H. 580, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

**Yeas:**

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Chambers  | Hankins                       | Merrill                        |
| Adams <sup>(Houston)</sup> | Cook      | Hardy                         | Morrow                         |
| Albea                      | Copeland  | Harris                        | Nettles                        |
| Ashworth                   | Cornett   | Harvey                        | Nichols                        |
| Avery                      | Daniel    | Hawkins                       | Oden                           |
| Bailey                     | Dickson   | Hearn                         | Owens                          |
| Barnett                    | Dodd      | Hocklander                    | Perry                          |
| Bassett                    | Edwards   | Ingram                        | Phillips                       |
| Bevill                     | Faulk     | Jenkins                       | Pierce                         |
| Bishop                     | Franklin  | Johnson <sup>(Hardaway)</sup> | Powell                         |
| Boyd                       | Gilchrist | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Branyon                    | Gilmer    | Jones <sup>(Covington)</sup>  | Rast                           |
| Brewer                     | Glass     | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Britton                    | Goodwyn   | Lee                           | Rogers                         |
| Broadfoot                  | Gordon    | Locke                         | Rozelle                        |
| Brooks                     | Grant     | Long <sup>(Perry)</sup>       | Salter                         |
| Cabiness                   | Gross     | McClendon <sup>(Chamb)</sup>  | Self                           |
| Camp                       | Grouby    | McLendon <sup>(Bullock)</sup> | Sessions                       |
| Casey                      | Hain      | Martin                        | Smith <sup>(Russell)</sup>     |
| Cates                      | Hanby     | Meade                         | Smith <sup>(St. Clair)</sup>   |

Solomon  
Speaks  
Sullivan

Taylor  
Thomas

Torbert  
Trimmier

Turner  
Turnham

—89

And the bill:

H. 581. To alter and re-arrange the boundary lines of the City of Brewton, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                            |            |                               |                                |
|----------------------------|------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Daniel     | Ingram                        | Phillips                       |
| Adams <sup>(Houston)</sup> | Dickson    | Jenkins                       | Pierce                         |
| Albea                      | Dodd       | Johnson <sup>(Hardaway)</sup> | Powell                         |
| Ashworth                   | Edwards    | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Avery                      | Faulk      | Jones <sup>(Covington)</sup>  | Rast                           |
| Bailey                     | Ferguson   | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Franklin   | Lee                           | Rogers                         |
| Bassett                    | Gilchrist  | Locke                         | Rozelle                        |
| Bevill                     | Gilmer     | Long <sup>(Lauderdale)</sup>  | Salter                         |
| Bishop                     | Glass      | Long <sup>(Perry)</sup>       | Self                           |
| Boyd                       | Goodwyn    | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Branyon                    | Gordon     | McCorquodale                  | Smith <sup>(Russell)</sup>     |
| Brewer                     | Grant      | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Gross      | Martin                        | Solomon                        |
| Broadfoot                  | Grouby     | Meade                         | Speaks                         |
| Brooks                     | Hain       | Merrill                       | Sullivan                       |
| Cabiness                   | Hanby      | Morrow                        | Taylor                         |
| Camp                       | Hankins    | Nettles                       | Thomas                         |
| Casey                      | Hardy      | Nichols                       | Torbert                        |
| Chambers                   | Harris     | Oden                          | Trimmier                       |
| Cook                       | Hawkins    | Owens                         | Turner                         |
| Copeland                   | Hearn      | Perry                         | Turnham                        |
| Cornett                    | Hocklander |                               |                                |

—90

And the bill:

H. 582. To vacate and annul the dedication to public use, prescribed in a deed to the City of Brewton from John R. Downing, as trustee for R. M. Jernigan, John R. Downing, and Thomas E. McMillan, then owners of Lincoln Park Subdivision, in the City of Brewton, to that certain parcel or tract of land hereinafter described by metes and bounds which is a part of that tract, lot or parcel of land designated as "Park" on the map of such subdivision on record in Map Book 3, at page 31 in the probate records of Escambia County, and more particularly described in the above mentioned deed, recorded in Deed Book 96 at page 562, probate records of Escambia County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 93; Nays 0.

**Yeas:**

|                            |          |         |         |
|----------------------------|----------|---------|---------|
| Mr. Speaker                | Ashworth | Barnett | Bishop  |
| Adams <sup>(Houston)</sup> | Avery    | Bassett | Boyd    |
| Albea                      | Bailey   | Bevill  | Branyon |

|           |                    |                    |                     |
|-----------|--------------------|--------------------|---------------------|
| Brewer    | Glass              | Jones (Covington)  | Powell              |
| Britton   | Goodwyn            | Jones (Monroe)     | Ramey               |
| Broadfoot | Gordon             | Lee                | Rast                |
| Brooks    | Grant              | Locke              | Reynolds (Chambers) |
| Cabiness  | Gross              | Long (Lauderdale)  | Rogers              |
| Camp      | Grouby             | Long (Perry)       | Rozelle             |
| Casey     | Guthrie            | McClendon (Chamb)  | Salter              |
| Cates     | Hain               | McCorquodale       | Self                |
| Chambers  | Hanby              | McLendon (Bullock) | Sessions            |
| Cook      | Hankins            | Martin             | Shumate             |
| Copeland  | Hardy              | Meade              | Smith (St. Clair)   |
| Cornett   | Harris             | Merrill            | Solomon             |
| Daniel    | Harvey             | Morrow             | Speaks              |
| Dickson   | Hawkins            | Nettles            | Sullivan            |
| Dodd      | Hearn              | Nichols            | Taylor              |
| Edwards   | Hocklander         | Oden               | Thomas              |
| Faulk     | Ingram             | Owens              | Torbert             |
| Ferguson  | Jenkins            | Perry              | Trimmier            |
| Franklin  | Johnson (Hardaway) | Phillips           | Turner              |
| Gilchrist | Johnston (Leonard) | Pierce             | Turnham             |
| Gilmer    |                    |                    |                     |

—93

And the bill:

H. 588. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama; to provide for the composition of said board; to provide for a secretary-treasurer of said board; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 94; Nays 0.

#### Yeas:

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Cates     | Guthrie            | McClendon (Chamb)   |
| Adams (Houston) | Chambers  | Hain               | McCorquodale        |
| Albea           | Cook      | Hanby              | McLendon (Bullock)  |
| Ashworth        | Copeland  | Hankins            | Martin              |
| Avery           | Cornett   | Hardy              | Meade               |
| Bailey          | Daniel    | Harris             | Merrill             |
| Barnett         | Dickson   | Harvey             | Morrow              |
| Bassett         | Dodd      | Hawkins            | Nettles             |
| Bevill          | Edwards   | Hearn              | Nichols             |
| Bishop          | Faulk     | Hocklander         | Oden                |
| Boyd            | Ferguson  | Ingram             | Owens               |
| Branyon         | Franklin  | Jenkins            | Perry               |
| Brewer          | Gilchrist | Johnson (Hardaway) | Phillips            |
| Britton         | Gilmer    | Johnston (Leonard) | Pierce              |
| Broadfoot       | Glass     | Jones (Covington)  | Powell              |
| Brooks          | Goodwyn   | Jones (Monroe)     | Ramey               |
| Cabiness        | Gordon    | Lee                | Rast                |
| Callahan        | Grant     | Locke              | Reynolds (Chambers) |
| Camp            | Gross     | Long (Lauderdale)  | Rogers              |
| Casey           | Grouby    | Long (Perry)       | Rozelle             |



|          |                   |         |          |
|----------|-------------------|---------|----------|
| Salter   | Smith (St. Clair) | Taylor  | Trimmier |
| Self     | Solomon           | Thomas  | Turner   |
| Sessions | Speaks            | Torbert | Turnham  |
| Shumate  | Sullivan          |         |          |

—94

And the bill:

H. 589. To amend Sections 3 and 4 of an act approved June 29, 1951, providing for the construction and maintenance of the roads and bridges in Greene County on a county-unit basis (Act No. 149, H. 441, Acts 1951, p. 383), in relation to the compensation of the chairman and members of the court of county commissioners.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Cornett   | Hearn              | Perry               |
| Adams (Houston) | Daniel    | Hocklander         | Phillips            |
| Albea           | Dickson   | Jenkins            | Pierce              |
| Ashworth        | Dodd      | Johnson (Hardaway) | Powell              |
| Avery           | Edwards   | Johnston (Leonard) | Rast                |
| Bailey          | Faulk     | Jones (Covington)  | Reynolds (Chambers) |
| Barnett         | Ferguson  | Jones (Monroe)     | Rogers              |
| Bassett         | Franklin  | Lee                | Rozelle             |
| Bevill          | Gilchrist | Locke              | Salter              |
| Bishop          | Gilmer    | Long (Lauderdale)  | Self                |
| Boyd            | Glass     | Long (Perry)       | Sessions            |
| Branyon         | Goodwyn   | McClendon (Chamb)  | Shumate             |
| Brewer          | Gordon    | McCorquodale       | Smith (St. Clair)   |
| Britton         | Grant     | McLendon (Bullock) | Solomon             |
| Broadfoot       | Gross     | Martin             | Speaks              |
| Brooks          | Grouby    | Meade              | Sullivan            |
| Cabiness        | Guthrie   | Merrill            | Taylor              |
| Camp            | Hain      | Morrow             | Thomas              |
| Casey           | Hanby     | Nettles            | Torbert             |
| Cates           | Hankins   | Nichols            | Trimmier            |
| Chambers        | Hardy     | Oden               | Turner              |
| Cook            | Harris    | Owens              | Turnham             |
| Copeland        | Harvey    |                    |                     |

—90

And the bill:

H. 590. To fix the compensation of the deputy solicitor of Greene County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 95; Nays 0.

**Yeas:**

|                 |         |           |          |
|-----------------|---------|-----------|----------|
| Mr. Speaker     | Bassett | Broadfoot | Chambers |
| Adams (Houston) | Bevill  | Brooks    | Cook     |
| Albea           | Bishop  | Cabiness  | Copeland |
| Ashworth        | Boyd    | Callahan  | Cornett  |
| Avery           | Branyon | Camp      | Daniel   |
| Bailey          | Brewer  | Casey     | Dickson  |
| Barnett         | Britton | Cates     | Dodd     |

|           |                    |                     |                   |
|-----------|--------------------|---------------------|-------------------|
| Edwards   | Harris             | Martin              | Rozelle           |
| Faulk     | Harvey             | Meade               | Salter            |
| Ferguson  | Hawkins            | Merrill             | Self              |
| Franklin  | Hearn              | Morrow              | Sessions          |
| Gilchrist | Hocklander         | Nettles             | Shumate           |
| Gilmer    | Jenkins            | Nichols             | Smith (Russell)   |
| Glass     | Johnson (Hardaway) | Oden                | Smith (St. Clair) |
| Goodwyn   | Johnston (Leonard) | Owens               | Solomon           |
| Gordon    | Jones (Covington)  | Perry               | Speaks            |
| Grant     | Jones (Monroe)     | Phillips            | Sullivan          |
| Gross     | Lee                | Pierce              | Taylor            |
| Grouby    | Locke              | Powell              | Thomas            |
| Guthrie   | Long (Lauderdale)  | Ramey               | Torbert           |
| Hain      | Long (Perry)       | Rast                | Trimmier          |
| Hanby     | McClendon (Chamb)  | Reynolds (Chambers) | Turner            |
| Hankins   | McCorquodale       | Roberts             | Turnham           |
| Hardy     | McLendon (Bullock) | Rogers              |                   |

—95

And the bill:

H. 593. To alter, re-arrange and extend the boundaries of the Town of Kinsey in Houston County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

#### Yeas:

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Daniel    | Hearn              | Phillips            |
| Adams (Houston) | Dickson   | Hocklander         | Pierce              |
| Albea           | Dodd      | Jenkins            | Powell              |
| Ashworth        | Edwards   | Johnson (Hardaway) | Ramey               |
| Avery           | Faulk     | Johnston (Leonard) | Rast                |
| Bailey          | Ferguson  | Jones (Covington)  | Reynolds (Chambers) |
| Barnett         | Franklin  | Jones (Monroe)     | Roberts             |
| Bassett         | Gilchrist | Lee                | Rogers              |
| Bevill          | Gilmer    | Locke              | Rozelle             |
| Bishop          | Glass     | Long (Lauderdale)  | Salter              |
| Boyd            | Goodwyn   | Long (Perry)       | Self                |
| Branyon         | Gordon    | McClendon (Chamb)  | Sessions            |
| Brewer          | Grant     | McCorquodale       | Shumate             |
| Britton         | Gross     | McLendon (Bullock) | Smith (Russell)     |
| Broadfoot       | Grouby    | Martin             | Smith (St. Clair)   |
| Brooks          | Guthrie   | Meade              | Speaks              |
| Cabiness        | Hain      | Merrill            | Sullivan            |
| Callahan        | Hanby     | Morrow             | Taylor              |
| Camp            | Hankins   | Nettles            | Thomas              |
| Casey           | Hardy     | Nichols            | Torbert             |
| Cates           | Harris    | Oden               | Trimmier            |
| Cook            | Harvey    | Owens              | Turner              |
| Copeland        | Hawkins   | Perry              | Turnham             |
| Cornett         |           |                    |                     |

—93

And the bill:

H. 597. To authorize the court of county commissioners or like governing body of Lee County to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies, and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Lee County; to authorize the court of county commissioners or like governing body of Lee County to collect the tax and to distribute

among the incorporated municipalities within the county their pro rata share of the proceeds; to authorize the court of county commissioners to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 93; Nays 0.

**Yeas:**

|                |           |                   |                    |
|----------------|-----------|-------------------|--------------------|
| Mr. Speaker    | Cornett   | Hearn             | Phillips           |
| Adams(Houston) | Daniel    | Hocklander        | Pierce             |
| Albea          | Dickson   | Jenkins           | Powell             |
| Ashworth       | Dodd      | Johnson(Hardaway) | Ramey              |
| Avery          | Edwards   | Johnston(Leonard) | Rast               |
| Bailey         | Faulk     | Jones(Covington)  | Reynolds(Chambers) |
| Barnett        | Ferguson  | Jones(Monroe)     | Roberts            |
| Bassett        | Franklin  | Lee               | Rogers             |
| Bevill         | Gilchrist | Locke             | Rozelle            |
| Bishop         | Gilmer    | Long(Lauderdale)  | Salter             |
| Boyd           | Glass     | Long(Perry)       | Self               |
| Branyon        | Goodwyn   | McClendon(Chamb)  | Sessions           |
| Brewer         | Gordon    | McCorquodale      | Shumate            |
| Britton        | Grant     | McLendon(Bullock) | Smith(Russell)     |
| Broadfoot      | Gross     | Martin            | Smith(St. Clair)   |
| Brooks         | Grouby    | Meade             | Speaks             |
| Cabiness       | Hain      | Merrill           | Sullivan           |
| Callahan       | Hanby     | Morrow            | Taylor             |
| Camp           | Hankins   | Nettles           | Thomas             |
| Casey          | Hardy     | Nichols           | Torbert            |
| Cates          | Harris    | Oden              | Trimmier           |
| Chambers       | Harvey    | Owens             | Turner             |
| Cook           | Hawkins   | Perry             | Turnham            |
| Copeland       |           |                   |                    |

—93

And the bill:

H. 598. Relating to Lee County; providing for the compensation of the deputies to the sheriff of Lee County, and repealing conflicting laws.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                |          |           |                   |
|----------------|----------|-----------|-------------------|
| Mr. Speaker    | Cabiness | Gilchrist | Harvey            |
| Adams(Houston) | Callahan | Gilmer    | Hawkins           |
| Albea          | Camp     | Glass     | Hearn             |
| Ashworth       | Casey    | Goodwyn   | Hocklander        |
| Bailey         | Cates    | Gordon    | Jenkins           |
| Barnett        | Chambers | Grant     | Johnson(Hardaway) |
| Bassett        | Cook     | Gross     | Johnston(Leonard) |
| Bevill         | Copeland | Grouby    | Jones(Covington)  |
| Bishop         | Cornett  | Guthrie   | Jones(Monroe)     |
| Boyd           | Daniel   | Hain      | Lee               |
| Branyon        | Dodd     | Hanby     | Locke             |
| Brewer         | Edwards  | Hankins   | Long(Lauderdale)  |
| Britton        | Ferguson | Hardy     | Long(Perry)       |
| Broadfoot      | Franklin | Harris    | McClendon(Chamb)  |

|                               |                                |                              |          |
|-------------------------------|--------------------------------|------------------------------|----------|
| McCorquodale                  | Owens                          | Rogers                       | Speaks   |
| McLendon <sup>(Bullock)</sup> | Perry                          | Rozelle                      | Sullivan |
| Martin                        | Phillips                       | Salter                       | Taylor   |
| Meade                         | Pierce                         | Self                         | Thomas   |
| Merrill                       | Powell                         | Sessions                     | Torbert  |
| Morrow                        | Ramey                          | Shumate                      | Trimmier |
| Nettles                       | Rast                           | Smith <sup>(Russell)</sup>   | Turner   |
| Nichols                       | Reynolds <sup>(Chambers)</sup> | Smith <sup>(St. Clair)</sup> | Turnham  |
| Oden                          | Roberts                        |                              |          |

—90

And the bill:

H. 599. To amend Section 4 of Act No. 220, H. 679, approved July 12, 1949 (Acts of Alabama 1949, p. 312), entitled "An Act Creating the office of county solicitor of Lee County; providing the method of filling the office; and fixing the compensation and defining the duties of such solicitor," by fixing the compensation of the county solicitor.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 92; Nays 0.

#### Yeas:

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cornett   | Hearn                         | Perry                          |
| Adams <sup>(Houston)</sup> | Daniel    | Hocklander                    | Phillips                       |
| Albea                      | Dickson   | Ingram                        | Pierce                         |
| Ashworth                   | Dodd      | Jenkins                       | Powell                         |
| Avery                      | Edwards   | Johnson <sup>(Hardaway)</sup> | Ramey                          |
| Bailey                     | Faulk     | Johnston <sup>(Leonard)</sup> | Rast                           |
| Barnett                    | Ferguson  | Jones <sup>(Covington)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Franklin  | Jones <sup>(Monroe)</sup>     | Roberts                        |
| Bevill                     | Gilchrist | Lee                           | Rogers                         |
| Bishop                     | Gilmer    | Locke                         | Rozelle                        |
| Boyd                       | Goodwyn   | Long <sup>(Lauderdale)</sup>  | Salter                         |
| Branyon                    | Gordon    | Long <sup>(Perry)</sup>       | Self                           |
| Brewer                     | Grant     | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Britton                    | Gross     | McCorquodale                  | Shumate                        |
| Broadfoot                  | Grouby    | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>     |
| Brooks                     | Guthrie   | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Cabiness                   | Hain      | Meade                         | Speaks                         |
| Camp                       | Hanby     | Merrill                       | Sullivan                       |
| Casey                      | Hankins   | Morrow                        | Thomas                         |
| Cates                      | Hardy     | Nettles                       | Torbert                        |
| Chambers                   | Harris    | Nichols                       | Trimmier                       |
| Cook                       | Harvey    | Oden                          | Turner                         |
| Copeland                   | Hawkins   | Owens                         | Turnham                        |

—92

And the bill:

H. 600. Relating to and providing for the reidentification of electors in Lee County; directing the board of registrars to purge the lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 93; Nays 0.

**Yeas:**

|                |           |                    |                     |
|----------------|-----------|--------------------|---------------------|
| Mr. Speaker    | Daniel    | Hearn              | Perry               |
| Adams(Houston) | Dickson   | Hocklander         | Phillips            |
| Albea          | Dodd      | Ingram             | Pierce              |
| Ashworth       | Edwards   | Jenkins            | Powell              |
| Avery          | Faulk     | Johnson (Hardaway) | Ramey               |
| Bailey         | Ferguson  | Johnston (Leonard) | Rast                |
| Barnett        | Franklin  | Jones (Covington)  | Reynolds (Chambers) |
| Bassett        | Gilchrist | Jones (Monroe)     | Roberts             |
| Bevill         | Gilmer    | Lee                | Rogers              |
| Bishop         | Glass     | Locke              | Rozelle             |
| Boyd           | Goodwyn   | Long (Lauderdale)  | Salter              |
| Branyon        | Gordon    | Long (Perry)       | Self                |
| Brewer         | Grant     | McClendon (Chamb)  | Sessions            |
| Britton        | Gross     | McCorquodale       | Smith (Russell)     |
| Broadfoot      | Grouby    | McLendon (Bullock) | Smith (St. Clair)   |
| Brooks         | Guthrie   | Martin             | Speaks              |
| Cabiness       | Hain      | Meade              | Sullivan            |
| Camp           | Hanby     | Merrill            | Taylor              |
| Casey          | Hankins   | Morrow             | Thomas              |
| Cates          | Hardy     | Nettles            | Torbert             |
| Chambers       | Harris    | Nichols            | Trimmier            |
| Cook           | Harvey    | Oden               | Turner              |
| Copeland       | Hawkins   | Owens              | Turnham             |
| Cornett        |           |                    |                     |

—93

And the bill:

H. 601. To amend further Act No. 242, H. 678, approved July 15, 1949, (Acts of Alabama 1949, page 361), which created and established the Court of Common Pleas of Lee County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                |           |                    |                     |
|----------------|-----------|--------------------|---------------------|
| Mr. Speaker    | Daniel    | Hearn              | Pierce              |
| Adams(Houston) | Dickson   | Hocklander         | Powell              |
| Albea          | Dodd      | Ingram             | Ramey               |
| Ashworth       | Edwards   | Jenkins            | Rast                |
| Bailey         | Faulk     | Johnson (Hardaway) | Reynolds (Chambers) |
| Barnett        | Ferguson  | Johnston (Leonard) | Roberts             |
| Bassett        | Franklin  | Jones (Covington)  | Rogers              |
| Bevill         | Gilchrist | Jones (Monroe)     | Rozelle             |
| Bishop         | Gilmer    | Long (Lauderdale)  | Salter              |
| Boyd           | Glass     | Long (Perry)       | Self                |
| Branyon        | Goodwyn   | McClendon (Chamb)  | Sessions            |
| Brewer         | Gordon    | McCorquodale       | Shumate             |
| Britton        | Grant     | McLendon (Bullock) | Smith (Russell)     |
| Broadfoot      | Gross     | Martin             | Smith (St. Clair)   |
| Brooks         | Grouby    | Meade              | Speaks              |
| Cabiness       | Guthrie   | Merrill            | Sullivan            |
| Camp           | Hain      | Morrow             | Taylor              |
| Casey          | Hankins   | Nettles            | Thomas              |
| Cates          | Hardy     | Oden               | Torbert             |
| Chambers       | Harris    | Owens              | Trimmier            |
| Cook           | Harvey    | Perry              | Turner              |
| Cornett        | Hawkins   | Phillips           | Turnham             |

—88

And the bill:

H. 603. To amend further Section 4 of the act approved September 25, 1947 (Act No. 470, H. 899, Local Acts 1947, p. 329) relating to the office of chief clerk to the circuit solicitor of the Twenty-third Judicial Circuit.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|                |            |                   |                    |
|----------------|------------|-------------------|--------------------|
| Mr. Speaker    | Daniel     | Ingram            | Pierce             |
| Adams(Houston) | Dickson    | Jenkins           | Powell             |
| Albea          | Dodd       | Johnson(Hardaway) | Ramey              |
| Ashworth       | Edwards    | Johnston(Leonard) | Rast               |
| Avery          | Faulk      | Jones(Covington)  | Reynolds(Chambers) |
| Bailey         | Ferguson   | Jones(Monroe)     | Reynolds(Madison)  |
| Barnett        | Franklin   | Lee               | Roberts            |
| Bassett        | Gilmer     | Locke             | Rogers             |
| Bevill         | Glass      | Long(Lauderdale)  | Rozelle            |
| Bishop         | Goodwyn    | Long(Perry)       | Salter             |
| Boyd           | Gordon     | McClendon(Chamb)  | Self               |
| Branyon        | Grant      | McCorquodale      | Sessions           |
| Brewer         | Gross      | McLendon(Bullock) | Shumate            |
| Britton        | Grouby     | Martin            | Smith(Russell)     |
| Broadfoot      | Guthrie    | Meade             | Smith(St. Clair)   |
| Brooks         | Hain       | Merrill           | Speaks             |
| Cabiness       | Hankins    | Morrow            | Sullivan           |
| Camp           | Hardy      | Nettles           | Taylor             |
| Casey          | Harris     | Nichols           | Thomas             |
| Cates          | Harvey     | Oden              | Trimmier           |
| Chambers       | Hawkins    | Owens             | Turner             |
| Cook           | Hearn      | Perry             | Turnham            |
| Cornett        | Hocklander | Phillips          |                    |

—91

And the bill:

H. 605. Relating to Macon County; regulating further the practice of cosmetology in Macon County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                |          |           |                   |
|----------------|----------|-----------|-------------------|
| Mr. Speaker    | Brooks   | Gilchrist | Hearn             |
| Adams(Houston) | Cabiness | Gilmer    | Hocklander        |
| Albea          | Camp     | Glass     | Ingram            |
| Ashworth       | Casey    | Goodwyn   | Jenkins           |
| Avery          | Chambers | Gordon    | Johnson(Hardaway) |
| Bailey         | Cook     | Grant     | Johnston(Leonard) |
| Barnett        | Cornett  | Gross     | Jones(Covington)  |
| Bassett        | Daniel   | Grouby    | Jones(Monroe)     |
| Bevill         | Dickson  | Hain      | Lee               |
| Bishop         | Dodd     | Hankins   | Locke             |
| Boyd           | Edwards  | Hardy     | Long(Lauderdale)  |
| Branyon        | Faulk    | Harris    | Long(Perry)       |
| Brewer         | Ferguson | Harvey    | McClendon(Chamb)  |
| Britton        | Franklin | Hawkins   | McCorquodale      |

# REGULAR SESSION

1001

|                    |                     |                   |          |
|--------------------|---------------------|-------------------|----------|
| McLendon (Bullock) | Perry               | Rogers            | Speaks   |
| Martin             | Phillips            | Rozelle           | Sullivan |
| Meade              | Pierce              | Salter            | Taylor   |
| Merrill            | Powell              | Self              | Thomas   |
| Morrow             | Ramey               | Sessions          | Torbert  |
| Nettles            | Rast                | Shumate           | Trimmier |
| Nichols            | Reynolds (Chambers) | Smith (Russell)   | Turner   |
| Oden               | Reynolds (Madison)  | Smith (St. Clair) | Turnham  |
| Owens              | Roberts             |                   |          |

—90

And the bill:

H. 610. To amend Section 24 of Act No. 813, S. 662, approved September 11, 1951, (Acts of Alabama 1950-1951, pages 1426-1447), which relates to providing for and prescribing the form of government for all cities of Alabama having a population of not less than 75,000 nor more than 125,000 inhabitants according to the preliminary count of the 1950 federal census or any subsequent regular decennial federal census by more particularly defining the employees covered thereunder.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 93; Nays 0.

## Yeas:

|                 |            |                    |                     |
|-----------------|------------|--------------------|---------------------|
| Mr. Speaker     | Dickson    | Ingram             | Pierce              |
| Adams (Houston) | Dodd       | Jenkins            | Powell              |
| Albea           | Edwards    | Johnson (Hardaway) | Ramey               |
| Ashworth        | Faulk      | Johnston (Leonard) | Rast                |
| Avery           | Ferguson   | Jones (Covington)  | Reynolds (Chambers) |
| Bailey          | Franklin   | Jones (Monroe)     | Reynolds (Madison)  |
| Barnett         | Gilchrist  | Lee                | Roberts             |
| Bassett         | Gilmer     | Locke              | Rogers              |
| Bevill          | Glass      | Long (Lauderdale)  | Rozelle             |
| Bishop          | Goodwyn    | Long (Perry)       | Salter              |
| Boyd            | Gordon     | McClendon (Chamb)  | Self                |
| Branyon         | Grant      | McCorquodale       | Sessions            |
| Brewer          | Gross      | McLendon (Bullock) | Shumate             |
| Britton         | Grouby     | Martin             | Smith (Russell)     |
| Broadfoot       | Guthrie    | Meade              | Smith (St. Clair)   |
| Brooks          | Hain       | Merrill            | Speaks              |
| Cabiness        | Hankins    | Morrow             | Sullivan            |
| Camp            | Hardy      | Nettles            | Taylor              |
| Casey           | Harris     | Nichols            | Thomas              |
| Cates           | Harvey     | Oden               | Torbert             |
| Chambers        | Hawkins    | Owens              | Trimmier            |
| Cook            | Hearn      | Perry              | Turner              |
| Cornett         | Hocklander | Phillips           | Turnham             |
| Daniel          |            |                    |                     |

—93

And the bill:

H. 612. To extend the boundary lines of the City of Decatur in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 93; Nays 0.

**Yeas:**

|                 |            |                    |                     |
|-----------------|------------|--------------------|---------------------|
| Mr. Speaker     | Dickson    | Jenkins            | Powell              |
| Adams (Houston) | Dodd       | Johnson (Hardaway) | Ramey               |
| Albea           | Edwards    | Johnston (Leonard) | Rast                |
| Ashworth        | Faulk      | Jones (Covington)  | Reynolds (Chambers) |
| Avery           | Ferguson   | Jones (Monroe)     | Reynolds (Madison)  |
| Bailey          | Franklin   | Lee                | Roberts             |
| Barnett         | Gilchrist  | Locke              | Rogers              |
| Bassett         | Gilmer     | Long (Lauderdale)  | Rozelle             |
| Bevill          | Glass      | Long (Perry)       | Salter              |
| Bishop          | Goodwyn    | McClendon (Chamb)  | Self                |
| Boyd            | Gordon     | McCorquodale       | Sessions            |
| Branyon         | Grant      | McLendon (Bullock) | Shumate             |
| Brewer          | Gross      | Martin             | Smith (Russell)     |
| Britton         | Grouby     | Meade              | Smith (St. Clair)   |
| Broadfoot       | Guthrie    | Merrill            | Solomon             |
| Brooks          | Hain       | Morrow             | Speaks              |
| Cabiness        | Hankins    | Nettles            | Sullivan            |
| Camp            | Hardy      | Nichols            | Taylor              |
| Casey           | Harris     | Oden               | Thomas              |
| Cates           | Harvey     | Owens              | Torbert             |
| Chambers        | Hawkins    | Perry              | Trimmier            |
| Cook            | Hocklander | Phillips           | Turner              |
| Cornett         | Ingram     | Pierce             | Turnham             |
| Daniel          |            |                    |                     |

—93

And the bill:

H. 614. To regulate the compensation of deputy sheriffs, other than the chief deputy sheriff, of Pike County; amending Section 1 of Act No. 634, H. 1057, as amended, approved July 10, 1940, (Local Acts of Alabama 1939, p. 366) and Section 2 of Act No. 165, H. 574, approved June 28, 1949, (Acts of Alabama 1949, p. 193).

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 92; Nays 0.

**Yeas:**

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Chambers  | Hankins            | Martin              |
| Adams (Houston) | Cook      | Hardy              | Meade               |
| Albea           | Cornett   | Harris             | Merrill             |
| Ashworth        | Daniel    | Harvey             | Morrow              |
| Avery           | Dickson   | Hawkins            | Nettles             |
| Bailey          | Dodd      | Hearn              | Nichols             |
| Barnett         | Edwards   | Hocklander         | Oden                |
| Bassett         | Faulk     | Ingram             | Owens               |
| Bevill          | Ferguson  | Jenkins            | Perry               |
| Bishop          | Franklin  | Johnson (Hardaway) | Phillips            |
| Boyd            | Gilchrist | Johnston (Leonard) | Pierce              |
| Branyon         | Gilmer    | Jones (Covington)  | Powell              |
| Brewer          | Glass     | Jones (Monroe)     | Rast                |
| Britton         | Goodwyn   | Lee                | Reynolds (Chambers) |
| Broadfoot       | Gordon    | Locke              | Reynolds (Madison)  |
| Brooks          | Grant     | Long (Lauderdale)  | Roberts             |
| Cabiness        | Gross     | Long (Perry)       | Rogers              |
| Camp            | Grouby    | McClendon (Chamb)  | Rozelle             |
| Casey           | Guthrie   | McCorquodale       | Salter              |
| Cates           | Hain      | McLendon (Bullock) | Self                |



|                 |                   |          |          |
|-----------------|-------------------|----------|----------|
| Sessions        | Smith (St. Clair) | Sullivan | Trimmier |
| Shumate         | Solomon           | Taylor   | Turner   |
| Smith (Russell) | Speaks            | Torbert  | Turnham  |

—92

And the bill:

H. 613. Proposing an amendment to the Constitution of Alabama relating to Uniontown in Perry County, and ordering an election thereon.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|                 |            |                    |                     |
|-----------------|------------|--------------------|---------------------|
| Mr. Speaker     | Daniel     | Ingram             | Powell              |
| Adams (Houston) | Dickson    | Jenkins            | Ramey               |
| Albea           | Dodd       | Johnson (Hardaway) | Rast                |
| Ashworth        | Edwards    | Johnston (Leonard) | Reynolds (Chambers) |
| Avery           | Faulk      | Jones (Covington)  | Reynolds (Madison)  |
| Bailey          | Ferguson   | Jones (Monroe)     | Roberts             |
| Barnett         | Franklin   | Lee                | Rogers              |
| Bassett         | Gilchrist  | Long (Lauderdale)  | Rozelle             |
| Bevill          | Gilmer     | Long (Perry)       | Salter              |
| Bishop          | Glass      | McClendon (Chamb)  | Self                |
| Boyd            | Goodwyn    | McCorquodale       | Sessions            |
| Branyon         | Gordon     | McLendon (Bullock) | Shumate             |
| Brewer          | Grant      | Martin             | Smith (Russell)     |
| Britton         | Gross      | Meade              | Smith (St. Clair)   |
| Broadfoot       | Grouby     | Merrill            | Solomon             |
| Brooks          | Hain       | Morrow             | Speaks              |
| Cabiness        | Hankins    | Nettles            | Sullivan            |
| Camp            | Hardy      | Nichols            | Taylor              |
| Casey           | Harris     | Oden               | Torbert             |
| Cates           | Harvey     | Owens              | Trimmier            |
| Chambers        | Hawkins    | Perry              | Turner              |
| Cook            | Hearn      | Phillips           | Turnham             |
| Cornett         | Hocklander | Pierce             |                     |

—91

And the bill:

H. 621. To provide for the feeding and care of certain county prisoners of Russell County employed or used on the construction, repair, and maintenance of county roads and bridges, or other such road work; to authorize a daily tobacco allowance for such prisoners; to provide hospital and medical care and treatment for any of such prisoners who are injured or become ill while engaged in such road work; to prescribe the powers, duties, and authority of the sheriff and the governing body of Russell County in carrying out the provisions of this Act; and giving certain portions of the Act retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                 |          |         |         |
|-----------------|----------|---------|---------|
| Mr. Speaker     | Ashworth | Barnett | Bishop  |
| Adams (Houston) | Avery    | Bassett | Boyd    |
| Albea           | Bailey   | Bevill  | Branyon |

|           |                    |                    |                     |
|-----------|--------------------|--------------------|---------------------|
| Brewer    | Goodwyn            | Long (Lauderdale)  | Reynolds (Chambers) |
| Britton   | Gordon             | Long (Perry)       | Reynolds (Madison)  |
| Brooks    | Grant              | McClendon (Chamb)  | Roberts             |
| Cabiness  | Gross              | McCorquodale       | Rogers              |
| Camp      | Grouby             | McLendon (Bullock) | Rozelle             |
| Casey     | Hain               | Martin             | Salter              |
| Cates     | Hankins            | Meade              | Self                |
| Chambers  | Hardy              | Merrill            | Sessions            |
| Cook      | Harris             | Morrow             | Shumate             |
| Cornett   | Harvey             | Nettles            | Smith (Russell)     |
| Daniel    | Hearn              | Nichols            | Solomon             |
| Dickson   | Hocklander         | Oden               | Speaks              |
| Dodd      | Ingram             | Owens              | Sullivan            |
| Edwards   | Jenkins            | Perry              | Taylor              |
| Faulk     | Johnson (Hardaway) | Phillips           | Thomas              |
| Ferguson  | Johnston (Leonard) | Pierce             | Torbert             |
| Franklin  | Jones (Covington)  | Powell             | Trimmier            |
| Gilchrist | Jones (Monroe)     | Ramey              | Turner              |
| Gilmer    | Lee                | Rast               | Turnham             |
| Glass     | Locke              |                    |                     |

—90

And the bill:

H. 622. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Shelby County.

Was taken up.

Mr. Cates offered the following amendment to the bill, H. 622:

At the end of paragraph two in Section 1, H. B. 622, add the following:

and the governing body of said county may appropriate money from the general fund to pay (1) the salaries of persons employed in the offices of each of said officials, and (2) all other legal expenses incurred by said officials in the performance of their duties including the purchase and maintenance of motor vehicles by the sheriff."

And the amendment was adopted.

Yeas 88; Nays 0.

#### Yeas:

|                 |           |                    |                    |
|-----------------|-----------|--------------------|--------------------|
| Mr. Speaker     | Cates     | Guthrie            | Long (Perry)       |
| Adams (Houston) | Chambers  | Hain               | McClendon (Chamb)  |
| Albea           | Cook      | Hankins            | McCorquodale       |
| Ashworth        | Daniel    | Hardy              | McLendon (Bullock) |
| Avery           | Dickson   | Harris             | Martin             |
| Bailey          | Dodd      | Harvey             | Meade              |
| Barnett         | Edwards   | Hawkins            | Merrill            |
| Bassett         | Faulk     | Hearn              | Morrow             |
| Bevill          | Ferguson  | Hocklander         | Nettles            |
| Bishop          | Franklin  | Ingram             | Nichols            |
| Boyd            | Gilchrist | Jenkins            | Oden               |
| Branyon         | Gilmer    | Johnson (Hardaway) | Owens              |
| Brewer          | Glass     | Johnston (Leonard) | Perry              |
| Britton         | Goodwyn   | Jones (Covington)  | Phillips           |
| Broadfoot       | Gordon    | Jones (Monroe)     | Pierce             |
| Brooks          | Grant     | Lee                | Powell             |
| Cabiness        | Gross     | Locke              | Fruitt             |
| Casey           | Grouby    | Long (Lauderdale)  | Ramey              |

|                                |         |          |          |
|--------------------------------|---------|----------|----------|
| Rast                           | Rogers  | Sessions | Taylor   |
| Reynolds <sup>(Chambers)</sup> | Rozelle | Shumate  | Thomas   |
| Reynolds <sup>(Madison)</sup>  | Salter  | Solomon  | Trimmier |
| Roberts                        | Self    | Sullivan | Turner   |

—88

And said bill, H. 622, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                            |            |                               |                                |
|----------------------------|------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dodd       | Jenkins                       | Powell                         |
| Adams <sup>(Houston)</sup> | Edwards    | Johnson <sup>(Hardaway)</sup> | Pruitt                         |
| Albea                      | Faulk      | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Ashworth                   | Ferguson   | Jones <sup>(Covington)</sup>  | Rast                           |
| Avery                      | Franklin   | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Gilchrist  | Lee                           | Reynolds <sup>(Madison)</sup>  |
| Barnett                    | Gilmer     | Locke                         | Roberts                        |
| Bassett                    | Glass      | Long <sup>(Perry)</sup>       | Rogers                         |
| Bevill                     | Goodwyn    | McClendon <sup>(Chamb)</sup>  | Rozelle                        |
| Bishop                     | Gordon     | McCorquodale                  | Salter                         |
| Boyd                       | Grant      | McLendon <sup>(Bullock)</sup> | Self                           |
| Branyon                    | Gross      | Martin                        | Sessions                       |
| Brewer                     | Grouby     | Meade                         | Shumate                        |
| Britton                    | Guthrie    | Merrill                       | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hain       | Morrow                        | Solomon                        |
| Brooks                     | Hankins    | Nettles                       | Speaks                         |
| Cabiness                   | Hardy      | Nichols                       | Sullivan                       |
| Casey                      | Harris     | Oden                          | Taylor                         |
| Cates                      | Harvey     | Owens                         | Thomas                         |
| Chambers                   | Hawkins    | Perry                         | Trimmier                       |
| Cook                       | Hearn      | Phillips                      | Turner                         |
| Daniel                     | Hocklander | Pierce                        | Turnham                        |
| Dickson                    | Ingram     |                               |                                |

—90

And the bill:

H. 625. To amend an act approved August 16, 1957 entitled "An Act to alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama" (Act No. 286, H. 828, Acts 1957 Reg. Sess., p. 365) so as to exclude certain territory annexed to the city by said act.

Was read a third time at length and passed, and ordered sent forth with to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|                            |           |           |         |
|----------------------------|-----------|-----------|---------|
| Mr. Speaker                | Boyd      | Cook      | Glass   |
| Adams <sup>(Houston)</sup> | Branyon   | Daniel    | Goodwyn |
| Albea                      | Brewer    | Dickson   | Gordon  |
| Ashworth                   | Britton   | Dodd      | Grant   |
| Avery                      | Broadfoot | Edwards   | Gross   |
| Bailey                     | Brooks    | Faulk     | Grouby  |
| Barnett                    | Cabiness  | Ferguson  | Guthrie |
| Bassett                    | Casey     | Franklin  | Hain    |
| Bevill                     | Cates     | Gilchrist | Hankins |
| Bishop                     | Chambers  | Gilmer    | Hardy   |

|                    |                    |                     |                   |
|--------------------|--------------------|---------------------|-------------------|
| Harris             | Long (Perry)       | Phillips            | Sessions          |
| Harvey             | McClendon (Chamb)  | Pierce              | Shumate           |
| Hawkins            | McCorquodale       | Powell              | Smith (St. Clair) |
| Hearn              | McLendon (Bullock) | Pruitt              | Solomon           |
| Hocklander         | Martin             | Ramey               | Speaks            |
| Ingram             | Meade              | Rast                | Sullivan          |
| Jenkins            | Merrill            | Reynolds (Chambers) | Taylor            |
| Johnson (Hardaway) | Morrow             | Reynolds (Madison)  | Thomas            |
| Johnston (Leonard) | Nettles            | Roberts             | Torbert           |
| Jones (Covington)  | Nichols            | Rogers              | Trimmier          |
| Jones (Monroe)     | Oden               | Rozelle             | Turner            |
| Lee                | Owens              | Salter              | Turnham           |
| Locke              | Perry              | Self                |                   |

—91

And the bill:

H. 626. To amend an act approved August 16, 1957 entitled "An Act to alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama" (Act No. 288, H. 830, Acts 1957 Reg. Sess., p. 367) so as to exclude certain territory annexed to the city by said act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 92; Nays 0.

**Yeas:**

|                 |            |                    |                     |
|-----------------|------------|--------------------|---------------------|
| Mr. Speaker     | Dickson    | Ingram             | Powell              |
| Adams (Houston) | Dodd       | Jenkins            | Pruitt              |
| Albea           | Edwards    | Johnson (Hardaway) | Ramey               |
| Ashworth        | Faulk      | Johnston (Leonard) | Rast                |
| Avery           | Ferguson   | Jones (Covington)  | Reynolds (Chambers) |
| Bailey          | Franklin   | Jones (Monroe)     | Reynolds (Madison)  |
| Barnett         | Gilchrist  | Lee                | Roberts             |
| Bassett         | Gilmer     | Locke              | Rogers              |
| Bevill          | Glass      | Long (Perry)       | Rozelle             |
| Bishop          | Goodwyn    | McClendon (Chamb)  | Salter              |
| Boyd            | Gordon     | McCorquodale       | Self                |
| Branyon         | Grant      | McLendon (Bullock) | Sessions            |
| Brewer          | Gross      | Martin             | Shumate             |
| Britton         | Grouby     | Meade              | Smith (St. Clair)   |
| Broadfoot       | Guthrie    | Merrill            | Solomon             |
| Brooks          | Hain       | Morrow             | Speaks              |
| Cabiness        | Hankins    | Nettles            | Sullivan            |
| Camp            | Hardy      | Nichols            | Taylor              |
| Casey           | Harris     | Oden               | Thomas              |
| Cates           | Harvey     | Owens              | Torbert             |
| Chambers        | Hawkins    | Perry              | Trimmier            |
| Cook            | Hearn      | Phillips           | Turner              |
| Daniel          | Hocklander | Pierce             | Turnham             |

—92

And the bill:

H. 632. To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or other like governing body of all counties having a population of not less than 17,650 nor more than 18,000, according to the last or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 92; Nays 0.

**Yeas:**

|                            |            |                               |                                |
|----------------------------|------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dickson    | Ingram                        | Powell                         |
| Adams <sup>(Houston)</sup> | Dodd       | Jenkins                       | Pruitt                         |
| Albea                      | Edwards    | Johnson <sup>(Hardaway)</sup> | Ramey                          |
| Ashworth                   | Faulk      | Johnston <sup>(Leonard)</sup> | Rast                           |
| Avery                      | Ferguson   | Jones <sup>(Covington)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Franklin   | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Madison)</sup>  |
| Barnett                    | Gilchrist  | Lee                           | Roberts                        |
| Bassett                    | Gilmer     | Locke                         | Rogers                         |
| Bevill                     | Glass      | Long <sup>(Perry)</sup>       | Rozelle                        |
| Bishop                     | Goodwyn    | McClendon <sup>(Chamb)</sup>  | Salter                         |
| Boyd                       | Gordon     | McCorquodale                  | Self                           |
| Branyon                    | Grant      | McLendon <sup>(Bullock)</sup> | Sessions                       |
| Brewer                     | Gross      | Martin                        | Shumate                        |
| Britton                    | Grouby     | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Guthrie    | Merrill                       | Solomon                        |
| Brooks                     | Hain       | Morrow                        | Speaks                         |
| Cabiness                   | Hankins    | Nettles                       | Sullivan                       |
| Casey                      | Hardy      | Nichols                       | Taylor                         |
| Cates                      | Harris     | Oden                          | Thomas                         |
| Chambers                   | Harvey     | Owens                         | Torbert                        |
| Cook                       | Hawkins    | Perry                         | Trimmier                       |
| Cornett                    | Hearn      | Phillips                      | Turner                         |
| Daniel                     | Hocklander | Pierce                        | Turnham                        |

—92

And the bill:

H. 637. To apply in all counties having a population of not less than 25,725 nor more than 25,875, according to the last or any subsequent federal decennial census; providing for the compensation of the chief clerk of the judge of probate in every such county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 92; Nays 0.

**Yeas:**

|                            |           |                               |                               |
|----------------------------|-----------|-------------------------------|-------------------------------|
| Mr. Speaker                | Camp      | Gordon                        | Jones <sup>(Monroe)</sup>     |
| Adams <sup>(Houston)</sup> | Casey     | Grant                         | Lee                           |
| Albea                      | Casey     | Gross                         | Locke                         |
| Ashworth                   | Chambers  | Grouby                        | Long <sup>(Lauderdale)</sup>  |
| Avery                      | Cook      | Hain                          | Long <sup>(Perry)</sup>       |
| Bailey                     | Cornett   | Hankins                       | McClendon <sup>(Chamb)</sup>  |
| Barnett                    | Daniel    | Hardy                         | McCorquodale                  |
| Bassett                    | Dickson   | Harris                        | McLendon <sup>(Bullock)</sup> |
| Bevill                     | Dodd      | Harvey                        | Martin                        |
| Bishop                     | Edwards   | Hawkins                       | Meade                         |
| Boyd                       | Faulk     | Hearn                         | Merrill                       |
| Branyon                    | Ferguson  | Hocklander                    | Morrow                        |
| Brewer                     | Franklin  | Ingram                        | Nettles                       |
| Britton                    | Gilchrist | Jenkins                       | Nichols                       |
| Broadfoot                  | Gilmer    | Johnson <sup>(Hardaway)</sup> | Oden                          |
| Brooks                     | Glass     | Johnston <sup>(Leonard)</sup> | Owens                         |
| Cabiness                   | Goodwyn   | Jones <sup>(Covington)</sup>  | Perry                         |

|          |                                |                              |          |
|----------|--------------------------------|------------------------------|----------|
| Phillips | Reynolds <sup>(Chambers)</sup> | Self                         | Taylor   |
| Pierce   | Reynolds <sup>(Madison)</sup>  | Sessions                     | Thomas   |
| Powell   | Roberts                        | Smith <sup>(St. Clair)</sup> | Torbert  |
| Pruitt   | Rogers                         | Solomon                      | Trimmier |
| Ramey    | Rozelle                        | Speaks                       | Turner   |
| Rast     | Salter                         | Sullivan                     | Turnham  |

—92

And the bill:

H. 595. Relating to the municipality of the City of Graysville in Jefferson County: To alter, rearrange, and extend the boundaries and corporate limits of the City of Graysville.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

#### Yeas:

|                            |            |                               |                                |
|----------------------------|------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dodd       | Jenkins                       | Pierce                         |
| Adams <sup>(Houston)</sup> | Edwards    | Johnson <sup>(Hardaway)</sup> | Powell                         |
| Albea                      | Faulk      | Johnston <sup>(Leonard)</sup> | Pruitt                         |
| Ashworth                   | Ferguson   | Jones <sup>(Covington)</sup>  | Ramey                          |
| Avery                      | Franklin   | Jones <sup>(Monroe)</sup>     | Rast                           |
| Bailey                     | Gilchrist  | Lee                           | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Gilmer     | Locke                         | Roberts                        |
| Bassett                    | Glass      | Long <sup>(Lauderdale)</sup>  | Rogers                         |
| Bevill                     | Goodwyn    | Long <sup>(Perry)</sup>       | Rozelle                        |
| Bishop                     | Gordon     | McClendon <sup>(Chamb)</sup>  | Salter                         |
| Boyd                       | Grant      | McCorquodale                  | Self                           |
| Branyon                    | Gross      | McLendon <sup>(Bullock)</sup> | Sessions                       |
| Brewer                     | Grouby     | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Hain       | Meade                         | Solomon                        |
| Broadfoot                  | Hankins    | Merrill                       | Speaks                         |
| Brooks                     | Hardy      | Morrow                        | Sullivan                       |
| Cabiness                   | Harris     | Nettles                       | Taylor                         |
| Casey                      | Harvey     | Nichols                       | Thomas                         |
| Cates                      | Hawkins    | Oden                          | Torbert                        |
| Chambers                   | Hearn      | Owens                         | Trimmier                       |
| Cook                       | Hocklander | Perry                         | Turner                         |
| Daniel                     | Ingram     | Phillips                      | Turnham                        |
| Dickson                    |            |                               |                                |

—89

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Harvey to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 413, was adopted.

And the bill:

H. 413 (with substitute). Relating to the Alabama Polytechnic Institute, a public corporation; changing the name of such institution to Auburn University.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Education, said committee substitute being as follows:

## EDUCATION COMMITTEE SUBSTITUTE FOR H. B. 413

A BILL  
TO BE ENTITLED  
AN ACT

Relating to The Alabama Polytechnic Institute, a public corporation; changing the name of such institution to Auburn University.

**Be It Enacted by the Legislature of Alabama:**

Section 1. The Alabama Polytechnic Institute, formerly called the Agricultural and Mechanical College, a public corporation established pursuant to Section 266, Article 14, Constitution 1901, and Chapter 25, Title 52, Code 1940, is hereby renamed and designated Auburn University.

Section 2. None of the powers, authority, or functions of the corporation provided for in Chapter 25 of Title 52, Code 1940, shall be abated or impaired by this Act. Only the name of the institution shall be changed by this Act. Auburn University shall continue to be the land grant institution of the State established to carry into effect the purposes and intent of the Congress of the United States in the grant of lands by the act of July 2, 1862, and subsequent acts of the Congress relating thereto or which may be enacted; and the trustees constituting the Corporation shall have and exercise control of Auburn University to the extent provided by Section 266 of the Constitution of 1901 and Chapter 25 of Title 52, Code of Alabama 1940. Wherever the term "The Alabama Polytechnic Institute" appears in the constitution and the laws of the State of Alabama, the same shall be considered to refer to Auburn University.

Section 3. This Act shall take effect January 1, 1960.

And the substitute was adopted.

Yeas 90; Nays 0.

**Yeas:**

|                 |                    |                    |                     |
|-----------------|--------------------|--------------------|---------------------|
| Mr. Speaker     | Dodd               | Jones (Covington)  | Ramey               |
| Adams (Houston) | Edwards            | Jones (Monroe)     | Rast                |
| Albea           | Faulk              | Lee                | Reynolds (Chambers) |
| Ashworth        | Ferguson           | Locke              | Reynolds (Madison)  |
| Avery           | Franklin           | Long (Lauderdale)  | Roberts             |
| Bailey          | Gilchrist          | Long (Perry)       | Rogers              |
| Barnett         | Glass              | McClendon (Chamb)  | Rozelle             |
| Bassett         | Goodwyn            | McCorquodale       | Salter              |
| Bevill          | Gordon             | McLendon (Bullock) | Self                |
| Bishop          | Grant              | Martin             | Sessions            |
| Boyd            | Gross              | Meade              | Shumate             |
| Branyon         | Grouby             | Merrill            | Smith (Russell)     |
| Brewer          | Guthrie            | Morrow             | Smith (St. Clair)   |
| Britton         | Hankins            | Nettles            | Solomon             |
| Broadfoot       | Harris             | Nichols            | Speaks              |
| Cabiness        | Harvey             | Oden               | Sullivan            |
| Callahan        | Hawkins            | Owens              | Taylor              |
| Casey           | Hearn              | Perry              | Thomas              |
| Cates           | Hocklander         | Phillips           | Torbert             |
| Chambers        | Ingram             | Pierce             | Trimmier            |
| Cook            | Jenkins            | Powell             | Turner              |
| Cornett         | Johnson (Hardaway) | Pruitt             | Turnham             |
| Daniel          | Johnston (Leonard) |                    |                     |

And said bill, H. 413, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                 |                    |                    |                     |
|-----------------|--------------------|--------------------|---------------------|
| Mr. Speaker     | Dodd               | Jones (Covington)  | Ramey               |
| Adams (Houston) | Edwards            | Jones (Monroe)     | Rast                |
| Albea           | Faulk              | Lee                | Reynolds (Chambers) |
| Ashworth        | Ferguson           | Locke              | Reynolds (Madison)  |
| Avery           | Franklin           | Long (Lauderdale)  | Roberts             |
| Bailey          | Gilchrist          | Long (Perry)       | Rogers              |
| Barnett         | Glass              | McClendon (Chamb)  | Rozelle             |
| Bassett         | Goodwyn            | McCorquodale       | Salter              |
| Bevill          | Gordon             | McLendon (Bullock) | Self                |
| Bishop          | Grant              | Martin             | Sessions            |
| Boyd            | Gross              | Meade              | Shumate             |
| Branyon         | Grouby             | Merrill            | Smith (Russell)     |
| Brewer          | Guthrie            | Morrow             | Smith (St. Clair)   |
| Britton         | Hankins            | Nettles            | Solomon             |
| Broadfoot       | Harris             | Nichols            | Speaks              |
| Cabiness        | Harvey             | Oden               | Sullivan            |
| Callahan        | Hawkins            | Owens              | Taylor              |
| Casey           | Hearn              | Perry              | Thomas              |
| Cates           | Hocklander         | Phillips           | Torbert             |
| Chambers        | Ingram             | Pierce             | Trimmier            |
| Cook            | Jenkins            | Powell             | Turner              |
| Cornett         | Johnson (Hardaway) | Pruitt             | Turnham             |
| Daniel          | Johnston (Leonard) |                    |                     |

—90

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Cates to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 345, was adopted.

And the bill:

H. 345. To amend Section 380, Title 51, Code of Alabama 1940, in relation to the recognition of gain or loss for state income tax purposes on property involuntarily converted as a result of condemnation; giving the amendment retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

**Yeas:**

|                 |           |           |            |
|-----------------|-----------|-----------|------------|
| Mr. Speaker     | Brewer    | Dickson   | Gross      |
| Adams (Houston) | Britton   | Dodd      | Grouby     |
| Albea           | Broadfoot | Edwards   | Guthrie    |
| Ashworth        | Brooks    | Faulk     | Hain       |
| Avery           | Cabiness  | Ferguson  | Hankins    |
| Bailey          | Callahan  | Franklin  | Hardy      |
| Barnett         | Casey     | Gilchrist | Harris     |
| Bassett         | Cates     | Gilmer    | Harvey     |
| Bevill          | Chambers  | Glass     | Hawkins    |
| Bishop          | Cook      | Goodwyn   | Hearn      |
| Boyd            | Cornett   | Gordon    | Hocklander |
| Branyon         | Daniel    | Grant     | Ingram     |



|                    |          |                     |                   |
|--------------------|----------|---------------------|-------------------|
| Jenkins            | Martin   | Powell              | Smith (Russell)   |
| Johnson (Hardaway) | Meade    | Pruitt              | Smith (St. Clair) |
| Johnston (Leonard) | Merrill  | Rast                | Solomon           |
| Jones (Covington)  | Morrow   | Reynolds (Chambers) | Speaks            |
| Jones (Monroe)     | Nettles  | Reynolds (Madison)  | Sullivan          |
| Lee                | Nichols  | Roberts             | Taylor            |
| Locke              | Oden     | Rogers              | Thomas            |
| Long (Lauderdale)  | Owens    | Rozelle             | Torbert           |
| Long (Perry)       | Perry    | Salter              | Trimmier          |
| McClendon (Chamb)  | Phillips | Self                | Turner            |
| McCorquodale       | Pierce   | Sessions            | Turnham           |
| McLendon (Bullock) |          |                     |                   |

—93

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Martin to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 591 and H. 592, was adopted.

And the bill:

H. 591. To permit the use of facsimile signatures on bonds, warrants, notes and certificates issued by any county, municipality, board of education, or public corporation in this state, the use of facsimile signatures thereon in any instance where authentication, certification of validation or registration, or other certification is required or permitted to be recorded thereon, and the reproduction in facsimile of any seal required or permitted to be affixed or impressed thereon.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 89; Nays 0.

**Yeas:**

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Daniel    | Hocklander         | Powell              |
| Adams (Houston) | Dickson   | Ingram             | Pruitt              |
| Albea           | Dodd      | Jenkins            | Ramey               |
| Ashworth        | Edwards   | Johnson (Hardaway) | Rast                |
| Avery           | Faulk     | Johnston (Leonard) | Reynolds (Chambers) |
| Bailey          | Ferguson  | Jones (Monroe)     | Reynolds (Madison)  |
| Barnett         | Franklin  | Lee                | Roberts             |
| Bassett         | Gilchrist | Locke              | Rogers              |
| Bevill          | Gilmer    | Long (Lauderdale)  | Rozelle             |
| Bishop          | Glass     | Long (Perry)       | Self                |
| Boyd            | Grant     | McClendon (Chamb)  | Sessions            |
| Branyon         | Gross     | McCorquodale       | Shumate             |
| Brewer          | Grouby    | McLendon (Bullock) | Smith (Russell)     |
| Britton         | Guthrie   | Martin             | Smith (St. Clair)   |
| Broadfoot       | Hain      | Merrill            | Solomon             |
| Brooks          | Hanby     | Morrow             | Sullivan            |
| Cabiness        | Hankins   | Nettles            | Taylor              |
| Callahan        | Hardy     | Nichols            | Thomas              |
| Casey           | Harris    | Oden               | Torbert             |
| Cates           | Harvey    | Perry              | Trimmier            |
| Chambers        | Hawkins   | Phillips           | Turner              |
| Cook            | Hearn     | Pierce             | Turnham             |
| Cornett         |           |                    |                     |

—89

And the Bill:

H. 592. To Amend Section 107 of Title 12 of the Code of Alabama of 1940 so as to provide for the execution of counties by any two or

more officers designated for that purpose by the governing body of the county, and so as to permit the use of facsimile signatures and seals in the execution of such bonds.

Was taken up.

Mr. Martin offered the following amendment to the bill, H. 592:

Amend the Title to H. B. 592 by adding after the words "execution of" the words "bonds of".

And the amendment was adopted.

Yeas 88; Nays 0.

**Yeas:**

|                            |            |                               |                                |
|----------------------------|------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Daniel     | Ingram                        | Powell                         |
| Adams <sup>(Houston)</sup> | Dickson    | Jenkins                       | Pruitt                         |
| Albea                      | Dodd       | Johnson <sup>(Hardaway)</sup> | Ramey                          |
| Ashworth                   | Edwards    | Johnston <sup>(Leonard)</sup> | Rast                           |
| Avery                      | Faulk      | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Ferguson   | Lee                           | Reynolds <sup>(Madison)</sup>  |
| Barnett                    | Franklin   | Locke                         | Roberts                        |
| Bassett                    | Gilchrist  | Long <sup>(Lauderdale)</sup>  | Rogers                         |
| Bevill                     | Gilmer     | Long <sup>(Perry)</sup>       | Rozelle                        |
| Bishop                     | Glass      | McClendon <sup>(Chamb)</sup>  | Self                           |
| Boyd                       | Goodwyn    | McCorquodale                  | Sessions                       |
| Branyon                    | Grant      | McLendon <sup>(Bullock)</sup> | Shumate                        |
| Brewer                     | Gross      | Martin                        | Smith <sup>(Russell)</sup>     |
| Britton                    | Grouby     | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Guthrie    | Merrill                       | Solomon                        |
| Brooks                     | Hain       | Morrow                        | Sullivan                       |
| Cabiness                   | Hanby      | Nettles                       | Taylor                         |
| Casey                      | Hardy      | Nichols                       | Thomas                         |
| Cates                      | Harris     | Oden                          | Torbert                        |
| Chambers                   | Harvey     | Perry                         | Trimmier                       |
| Cook                       | Hawkins    | Phillips                      | Turner                         |
| Cornett                    | Hocklander | Pierce                        | Turnham                        |

—88

And said bill, H. 592, as thus amended, was read a third time at length and passed.

Yeas 84; Nays 0.

**Yeas:**

|                            |          |                               |                              |
|----------------------------|----------|-------------------------------|------------------------------|
| Mr. Speaker                | Cabiness | Grouby                        | Lee                          |
| Adams <sup>(Houston)</sup> | Casey    | Guthrie                       | Locke                        |
| Albea                      | Cates    | Hain                          | Long <sup>(Lauderdale)</sup> |
| Ashworth                   | Cook     | Hanby                         | Long <sup>(Perry)</sup>      |
| Avery                      | Cornett  | Hankins                       | McClendon <sup>(Chamb)</sup> |
| Bailey                     | Daniel   | Hardy                         | McCorquodale                 |
| Barnett                    | Dickson  | Harris                        | Martin                       |
| Bassett                    | Dodd     | Harvey                        | Meade                        |
| Bevill                     | Edwards  | Hawkins                       | Merrill                      |
| Bishop                     | Faulk    | Hearn                         | Morrow                       |
| Boyd                       | Ferguson | Hocklander                    | Nettles                      |
| Branyon                    | Franklin | Ingram                        | Nichols                      |
| Brewer                     | Gilmer   | Jenkins                       | Perry                        |
| Britton                    | Glass    | Johnson <sup>(Hardaway)</sup> | Phillips                     |
| Broadfoot                  | Grant    | Johnston <sup>(Leonard)</sup> | Pierce                       |
| Brooks                     | Gross    | Jones <sup>(Monroe)</sup>     | Powell                       |

|                    |          |                   |          |
|--------------------|----------|-------------------|----------|
| Pruitt             | Rogers   | Smith (Russell)   | Thomas   |
| Ramey              | Rozelle  | Smith (St. Clair) | Torbert  |
| Rast               | Self     | Solomon           | Trimmier |
| Reynolds (Madison) | Sessions | Sullivan          | Turner   |
| Roberts            | Shumate  | Taylor            | Turnham  |

—84

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Edwards to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 336, was adopted.

And the bill:

H. 336. To amend further Section 42 of Title 22, Code of Alabama 1940, in relation to the certification and search of vital records.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 68; Nays 15.

**Yeas:**

|                 |           |                    |                    |
|-----------------|-----------|--------------------|--------------------|
| Mr. Speaker     | Daniel    | Hearn              | Powell             |
| Adams (Houston) | Dickson   | Hocklander         | Pruitt             |
| Albea           | Dodd      | Ingram             | Ramey              |
| Ashworth        | Edwards   | Johnson (Hardaway) | Rast               |
| Bailey          | Faulk     | Jones (Monroe)     | Reynolds (Madison) |
| Bassett         | Ferguson  | McCorquodale       | Roberts            |
| Bevill          | Franklin  | McLendon (Bullock) | Rogers             |
| Boyd            | Gilchrist | Martin             | Sessions           |
| Branyon         | Gilmer    | Meade              | Smith (Russell)    |
| Brewer          | Gordon    | Merrill            | Smith (St. Clair)  |
| Britton         | Grant     | Morrow             | Solomon            |
| Brooks          | Gross     | Nettles            | Speaks             |
| Callahan        | Guthrie   | Nichols            | Sullivan           |
| Casey           | Hain      | Owens              | Thomas             |
| Chambers        | Hardy     | Perry              | Torbert            |
| Cook            | Harvey    | Phillips           | Turner             |
| Cornett         | Hawkins   | Pierce             | Turnham            |

—68

**Nays:**

|           |          |                    |                     |
|-----------|----------|--------------------|---------------------|
| Messrs.:  | Cabiness | Jenkins            | Reynolds (Chambers) |
| Barnett   | Hanby    | Johnston (Leonard) | Self                |
| Bishop    | Hankins  | Jones (Covington)  | Shumate             |
| Broadfoot | Harris   | Long (Perry)       | Trimmier            |

—15

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Pruitt to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 133, was adopted.

And the bill:

H. 133 (with amendment): Relating to Department of Revenue, to authorize and direct the Commissioner of the Department of Revenue to allow a discount of two per cent (2%) on the first \$5,000.00 of tax paid to the state and of one per cent (1%) on all amounts of tax paid in excess of \$5,000.00, not exceeding \$200.00 in any one calendar month to

licensed and bonded refiners, storers, distributors or wholesalers of motor fuel who collect gasoline or motor fuel taxes under the provisions of Section 648 of Title 51, Code of Alabama, 1940.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

#### WAYS AND MEANS COMMITTEE AMENDMENT TO H. B. 133

In Section 1, add the following at the end thereof: Whoever defaults in reporting and paying such taxes when the same become due and payable to the state shall not be allowed a discount under this Act.

And the amendment was adopted.

Yeas 89; Nays 0.

#### Yeas:

|                 |            |                    |                     |
|-----------------|------------|--------------------|---------------------|
| Mr. Speaker     | Dodd       | Ingram             | Pruitt              |
| Adams (Houston) | Edwards    | Jenkins            | Ramey               |
| Albea           | Faulk      | Johnson (Hardaway) | Rast                |
| Ashworth        | Ferguson   | Johnston (Leonard) | Reynolds (Chambers) |
| Avery           | Franklin   | Jones (Covington)  | Reynolds (Madison)  |
| Bailey          | Gilchrist  | Jones (Monroe)     | Roberts             |
| Barnett         | Gilmer     | Lee                | Rogers              |
| Bassett         | Glass      | Locke              | Rozelle             |
| Bevill          | Goodwyn    | Long (Perry)       | Salter              |
| Bishop          | Gordon     | McClendon (Chamb)  | Self                |
| Boyd            | Grant      | McCorquodale       | Sessions            |
| Branyon         | Gross      | McLendon (Bullock) | Shumate             |
| Brewer          | Grouby     | Martin             | Smith (Russell)     |
| Britton         | Guthrie    | Meade              | Smith (St. Clair)   |
| Cabiness        | Hain       | Merrill            | Solomon             |
| Callahan        | Hanby      | Morrow             | Speaks              |
| Casey           | Hankins    | Nettles            | Sullivan            |
| Cates           | Hardy      | Nichols            | Taylor              |
| Chambers        | Harvey     | Perry              | Thomas              |
| Cook            | Hawkins    | Phillips           | Torbert             |
| Copeland        | Hearn      | Pierce             | Trimmier            |
| Cornett         | Hocklander | Powell             | Turner              |
| Daniel          |            |                    |                     |

—89

And said bill, H. 133, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 3.

#### Yeas:

|                 |           |           |         |
|-----------------|-----------|-----------|---------|
| Mr. Speaker     | Boyd      | Daniel    | Gordon  |
| Adams (Houston) | Branyon   | Dodd      | Grant   |
| Albea           | Britton   | Edwards   | Gross   |
| Ashworth        | Broadfoot | Faulk     | Grouby  |
| Avery           | Cabiness  | Ferguson  | Guthrie |
| Bailey          | Casey     | Franklin  | Hanby   |
| Barnett         | Cates     | Gilchrist | Hankins |
| Bassett         | Chambers  | Gilmer    | Hardy   |
| Bevill          | Cook      | Glass     | Harvey  |
| Bishop          | Cornett   | Goodwyn   | Hearn   |

|                    |          |                     |                     |
|--------------------|----------|---------------------|---------------------|
| Hocklander         | Martin   | Rast                | Smith (Russell)     |
| Jenkins            | Merrill  | Reynolds (Chambers) | Smith (St. Clair) * |
| Johnson (Hardaway) | Nettles  | Reynolds (Madison)  | Solomon             |
| Johnston (Leonard) | Nichols  | Roberts             | Speaks              |
| Jones (Covington)  | Perry    | Rogers              | Sullivan            |
| Jones (Monroe)     | Phillips | Rozelle             | Taylor              |
| Lee                | Pierce   | Salter              | Thomas              |
| McClendon (Chamb)  | Powell   | Self                | Trimmier            |
| McCorquodale       | Pruitt   | Sessions            | Turner              |
| McLendon (Bullock) | Ramey    | Shumate             | Turnham             |

—80

**Nays:** Messrs. Copeland, Ingram and Oden.

—3

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Smith (Russell) to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 228, was adopted.

Yeas 87; Nays 5.

**Yeas:**

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Dodd      | Hocklander         | Pruitt              |
| Adams (Houston) | Edwards   | Ingram             | Ramey               |
| Albea           | Faulk     | Jenkins            | Rast                |
| Ashworth        | Ferguson  | Johnson (Hardaway) | Reynolds (Chambers) |
| Avery           | Franklin  | Johnston (Leonard) | Reynolds (Madison)  |
| Bailey          | Gilchrist | Jones (Monroe)     | Roberts             |
| Barnett         | Gilmer    | Lee                | Rogers              |
| Bassett         | Glass     | Locke              | Rozelle             |
| Bevill          | Goodwyn   | Long (Perry)       | Self                |
| Bishop          | Gordon    | McClendon (Chamb)  | Sessions            |
| Boyd            | Grant     | McCorquodale       | Shumate             |
| Branyon         | Gross     | McLendon (Bullock) | Smith (Russell)     |
| Brewer          | Grouby    | Martin             | Smith (St. Clair)   |
| Britton         | Guthrie   | Meade              | Solomon             |
| Broadfoot       | Hain      | Merrill            | Speaks              |
| Callahan        | Hanby     | Morrow             | Sullivan            |
| Casey           | Hankins   | Nettles            | Thomas              |
| Cates           | Hardy     | Nichols            | Torbert             |
| Chambers        | Harris    | Perry              | Trimmier            |
| Cook            | Harvey    | Phillips           | Turner              |
| Cornett         | Hawkins   | Pierce             | Turnham             |
| Daniel          | Hearn     | Powell             |                     |

—87

**Nays:** Messrs. Brooks, Cabiness, Copeland, Dickson and Jones (Covington).

—5

And said bill:

H. 228. To amend the following laws relating to the running of prison sentences in order to incorporate therein provisions authorizing certain sentences to imprisonment on two or more convictions to run concurrently and others consecutively and prescribing when such sentences begin and end: Section 32, as amended, Title 45, Code of Alabama, 1940, which relates to the serving of two or more sentences to the penitentiary; Section 83 of this same title, which relates to the serving of two or more sentences to hard labor for the county; and Section 1 of Act No. 534, approved July 9, 1943 (Acts of Alabama 1943, page 508) as amended (now set out in Section 253 of the Pocket Supplement to the Code of

Alabama, 1940), which authorizes deductions from prison sentences for good conduct in prison and prescribes the manner of computing such deductions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 2.

**Yeas:**

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Cornett   | Hocklander         | Pruitt              |
| Adams (Houston) | Daniel    | Ingram             | Ramey               |
| Albea           | Dickson   | Jenkins            | Rast                |
| Ashworth        | Dodd      | Johnson (Hardaway) | Reynolds (Chambers) |
| Avery           | Faulk     | Johnston (Leonard) | Reynolds (Madison)  |
| Bailey          | Ferguson  | Jones (Monroe)     | Roberts             |
| Barnett         | Franklin  | Lee                | Rogers              |
| Bassett         | Gilchrist | Locke              | Rozelle             |
| Bevill          | Gilmer    | Long (Lauderdale)  | Self                |
| Bishop          | Glass     | Long (Perry)       | Sessions            |
| Boyd            | Goodwyn   | McClendon (Chamb)  | Shumate             |
| Branyon         | Gordon    | McCorquodale       | Smith (Russell)     |
| Brewer          | Gross     | McLendon (Bullock) | Smith (St. Clair)   |
| Britton         | Grouby    | Martin             | Solomon             |
| Broadfoot       | Guthrie   | Meade              | Speaks              |
| Brooks          | Hain      | Merrill            | Sullivan            |
| Cabiness        | Hanby     | Nettles            | Taylor              |
| Callahan        | Hankins   | Nichols            | Thomas              |
| Casey           | Hardy     | Oden               | Torbert             |
| Cates           | Harris    | Phillips           | Trimmier            |
| Chambers        | Harvey    | Pierce             | Turner              |
| Cook            | Hearn     | Powell             | Turnham             |
| Copeland        |           |                    |                     |

—89

Nays: Messrs. Jones (Covington) and Perry.

—2

**CERTIFICATE OF CLERK**

To The House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hours named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:10 A.M. On September 18, 1959

H. 112  
H. 138  
H. 427  
H. 435  
H. 441  
H. 444  
H. 456  
H. 472  
H. J. R. 59  
H. 7  
H. 158  
H. 323  
H. 68  
H. 478  
H. 482  
H. 483

H. 484  
H. 485  
H. 486  
H. 497  
H. 499  
H. 506  
H. 507  
H. 10  
H. 208  
H. 412  
H. 477  
H. 492  
H. 86

Delivered to the Secretary of State at 10:16 A. M. On September 18, 1959  
H. 193

Delivered to the Governor at 10:25 A. M. On September 18, 1959  
H. J. R. 58

OAKLEY MELTON, JR.,  
Clerk.

#### ADJOURNMENT

Mr. Lee moved that the House adjourn until Tuesday, September 22, 1959, at eleven o'clock A.M.

Mr. Bishop offered as a substitute motion, a motion that the House adjourn until Tuesday, September 22, 1959, at one o'clock P.M., and said motion was adopted.

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#### TWENTY-FIRST DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, September 22, 1959

The House met pursuant to adjournment.

#### PRAYER

The session was opened with prayer by the Reverend Arnold F. McRae, Pastor, Cloverdale Baptist Church, Montgomery, Alabama.

#### ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                            |           |          |             |
|----------------------------|-----------|----------|-------------|
| Mr. Speaker:               | Branyon   | Cook     | Goldthwaite |
| Adams <sup>(Houston)</sup> | Brewer    | Copeland | Goodwyn     |
| Albea                      | Britton   | Cornett  | Gordon      |
| Avery                      | Broadfoot | Daniel   | Grant       |
| Bailey                     | Brooks    | Dickson  | Gross       |
| Barnett                    | Cabiness  | Dodd     | Grouby      |
| Bassett                    | Callahan  | Edwards  | Guthrie     |
| Bevill                     | Camp      | Faulk    | Hain        |
| Bishop                     | Casey     | Ferguson | Hanby       |
| Boyd                       | Cates     | Franklin | Hankins     |
| Brannan                    | Chambers  | Glass    | Hardy       |

|                     |                   |                     |                   |
|---------------------|-------------------|---------------------|-------------------|
| Harris              | Long (Perry)      | Perry               | Shumate           |
| Harvey              | McClendon (Chamb) | Phillips            | Smith (Russell)   |
| Hawkins             | McCorquodale      | Pierce              | Smith (St. Clair) |
| Hearn               | Martin            | Powell              | Solomon           |
| Hocklander          | Meade             | Ramey               | Speaks            |
| Ingram              | Merrill           | Rast                | Steagall          |
| Jenkins             | Morrow            | Ray                 | Sullivan          |
| Johnson (Hardaway)  | Murphy            | Reynolds (Chambers) | Taylor            |
| Johnson (J. T. Tom) | Nettles           | Roberts             | Thomas            |
| Johnston (Leonard)  | Nichols           | Rogers              | Torbert           |
| Jones (Covington)   | Oakley            | Rozelle             | Trimmier          |
| Jones (Monroe)      | Oden              | Self                | Turner            |
| Lee                 | Owens             | Sessions            | Turnham           |
| Locke               |                   |                     |                   |

—97

A quorum was present.

#### LEAVE OF ABSENCE

On motion of Mr. Smith (Russell) leave of absence was granted to Mr. Salter because of illness in his family.

#### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twentieth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Smith (Russell), the reading at length of the Journal of the House for the twentieth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twentieth legislative day was approved.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 592. To Amend Section 107 of Title 12 of the Code of Alabama of 1940 so as to provide for the execution of bonds of counties by any two or more officers designated for that purpose by the governing body of the county, and so as to permit the use of facsimile signatures and seals in the execution of such bonds.

CHAS. C. ADAMS,  
Chairman.

The above and foregoing report of the Standing Committee on Rules was concurred in and adopted.

#### MESSAGE FROM THE SENATE



Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 64. Relative to congratulating Miss Lynda Lee Mead on her being selected Miss America of 1960, and inviting her to attend a session of the Legislature.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 63. Relative to accepting the Biennial Report of the Sixth Legislative Council, and the filing and printing of same.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 309. To provide additional compensation for the register of the circuit court of Butler County, to be paid from the general fund of the county.

Also:

H. 493. To authorize and direct the Board of Revenue and Road Commissioners of Mobile County to make available to the sheriff of the county an annual allowance for the purchase of uniforms for deputies sheriff; and to regulate expenditures from such allowance.

Also:

H. 88. To amend further Section 460 of Title 51, Code of Alabama 1940, in relation to the amount of the annual privilege license payable by attorneys.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Mr. Robison:

S. 296. To make appropriations for each of the fiscal years ending

September 30, 1960 and September 30, 1961, to the state department of health for its dental program.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 296. Ways and Means

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Farmer, Webb, Berryman, Moses, Crawford, Wilson and Givhan:

S. 160. Relating to cooperative agricultural associations: To amend Section 105 of Title 2 of the Code of Alabama of 1940 which relates to the use of the word "cooperative" in the name of agricultural cooperative associations.

Also:

By Messrs. Farmer, Webb, Berryman, Moses, Crawford, Wilson and Givhan:

S. 161. Relating to cooperative agricultural associations: To amend Sections 116, 117 and 118 of Title 2 of the Code of Alabama of 1940 which relate to the organization and management of agricultural cooperative associations such amendments to prescribe the procedure whereby said organizations may amend its declarations of incorporation, by-laws and fill vacancies occurring on boards of directors.

Also:

By Messrs. Farmer, Webb, Berryman, Moses, Crawford, Wilson and Givhan:

S. 162. Relating to cooperative agricultural associations: To amend Section 76 of Title 2 of the Code of Alabama of 1940 to authorize Boards of Directors of Agricultural cooperative associations to mortgage real estate owned by such cooperative associations.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 160. Agriculture

S. 161. Agriculture

S. 162. Agriculture

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and sends same herewith to the House:

By Mr. Andrews:

S. 53. To amend further Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama 1949, p. 601), entitled "An Act To provide for absentee voting in primary, general, special and municipal elections: Prescribing penalties for violations of the Act and repealing conflicting laws," so as to provide for absentee voting only by certain electors.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 53. Constitution and Elections

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Roberts:

S. 305. To alter, extend, and rearrange the boundary lines and corporate limits of the city of Fayette in Fayette County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To alter, extend, and rearrange the boundary lines and corporate limits of the city of Fayette in Fayette County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the city of Fayette in Fayette County, Alabama, are hereby altered, extended, and rearranged so that in addition to the territory presently embraced therein, all of the lands described herein will lie and be within the boundaries and corporate limits of such city:

The northwest quarter (NW $\frac{1}{4}$ ) of Section 18, Township 16, Range 12, west; the north half of the southeast quarter (N $\frac{1}{2}$  of SE $\frac{1}{4}$ ), the south half of the northeast quarter (S $\frac{1}{2}$  of NE $\frac{1}{4}$ ) and the northwest quarter of the northeast quarter (NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ), all in Section 12, Township 16, Range 13, west; the west half of the east half (W $\frac{1}{2}$  of E $\frac{1}{2}$ ) of Section 1, Township 16, Range 13, west; the southeast quarter

(SE $\frac{1}{4}$ ), the southeast quarter of the northwest quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ), and the south half of the northeast quarter (S $\frac{1}{2}$  of NE $\frac{1}{4}$ ) all in Section 36, Township 15, Range 13, west; the south half of the northwest quarter (S $\frac{1}{2}$  of NW $\frac{1}{4}$ ) and the northeast quarter (NE $\frac{1}{4}$ ) of Section 31, Township 15, Range 12, west; the west half of the northwest quarter (W $\frac{1}{2}$  of NW $\frac{1}{4}$ ) of Section 32, Township 15, Range 12, west; the southwest quarter (SW $\frac{1}{4}$ ), the southeast quarter (SE $\frac{1}{4}$ ), the southeast quarter of the northwest quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) and the south half of the northeast quarter (S $\frac{1}{2}$  of NE $\frac{1}{4}$ ) all in Section 29, Township 15, Range 12, west.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA,  
FAYETTE COUNTY

Personally appeared the undersigned who, being duly sworn, says he is the Publisher of the Fayette County Times, a newspaper published and printed each Thursday in Fayette, Alabama, in said County and State, and that the notice hereto attached was published in said newspaper for four successive weeks on to-wit: June 25, July 2, July 9, July 16, 1959.

S. V. MITCHELL.

Sworn to and subscribed to me this 17th day of August, 1959.

ILA M. MITCHELL,  
Notary Public.

Also:

By Messrs. Cooper and Archer:

S. 264. To make an appropriation to the board of trustees of Alabama Polytechnic Institute for capital outlays at certain branch experiment stations.

Also:

By Mr. Berryman:

S. 145. Relating to accounts of deceased persons in a Savings and Loan Association. To whom and how paid.

Also:

By Mr. Berryman:

S. 149. Relating to definitions of savings and loan associations; amending Section 211, Title 5, Code of Alabama, 1940, and in clarification of Section 250, Title 5, Code of Alabama, 1940.

J. E. SPEIGHT,  
Secretary.

SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 305. Local Legislation No. 1

S. 264. Ways and Means

S. 145. Business and Labor

S. 149. Business and Labor

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 62. Relative to expressing appreciation and thanks to the Alabama Cattlemen's Association for the beef barbecue given September 9.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolution, your signature thereto is requested:

S. 4. To amend Title 12, Section 4, Code of Alabama, 1940, as amended, pertaining to reports and remittances by tax collectors.

Also:

S. J. R. 21. Extending the Mental Health Committees time to report.

J. E. SPEIGHT,  
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolution, the titles to which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 22. Commending State Superintendent, Dr. J. S. Tarwater and the superintendents and staffs of the three state mental health institutions.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title to which is set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 25. Relating to the public schools of Lowndes County; authorizing the county board of education to impose and provide for the collection of tuition charges or fees for the attendance of pupils at such schools.

Also:

S. 226. To alter, rearrange, and extend the boundary line of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

#### RESOLUTION

The following resolution was introduced:

By Messrs. Pierce, Goodwyn and Bailey:

H. R. 65. RESOLVED BY THE HOUSE, that we extend our heartiest congratulations and best wishes to our colleague, Mr. Goldthwaite, of Montgomery, and his charming wife on the advent, recently, of a scion and heir. We rejoice with the father and mother on this exceedingly happy event.

On motion of Mr. Pierce the rules were suspended and H. R. 65 was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Robison:

S. 312. To create within any county in this state having a population of not less than 125,000 nor more than 225,000, according to the last or any subsequent federal decennial census, a domestic relations division of the circuit court of such county; defining its jurisdiction and authority; providing it with officers, and prescribing their duties, authority, and compensation; regulating its procedure; abolishing the juvenile court or any other special court having jurisdiction only of juveniles and domestic relations.

Also:

By Mr. Rutledge:

S. 342. Proposing an amendment to the Constitution of Alabama providing for a special tax in Winston County for school purposes.

Also:

By Mr. Eddins:

S. 329. To amend further Section 11 of Act No. 311, H. 904, approved September 19, 1923 (Local Acts of Alabama 1923, p. 188), entitled "An Act To establish a Board of Revenue for Marengo County, and for the abolishment of the Court of County Commissioners of said County."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARENGO

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Section 11 of Act No. 311, H. 904, approved September 19, 1923 (Local Acts of Alabama 1923, p. 188), entitled "An Act To Establish a Board of Revenue for Marengo County, and for the abolishment of the Court of County Commissioners of said County."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Act No. 311, H. 904, approved September 19, 1923 (Local Acts of Alabama 1923, p. 188), entitled "An Act To establish a Board of Revenue for Marengo County, and for the abolishment of the Court of County Commissioners of said County," as amended, is amended further to read as follows:

"Section 11. The president and members of the Board of Revenue shall each receive a salary of two thousand four hundred dollars (\$2,400) per annum, payable in equal monthly installments out of any funds in the county treasury not otherwise appropriated. In addition, the president and members of the board shall each receive an allowance of one hundred dollars (\$100) per month as reimbursement for travel and other expenses incurred by them in the performance of their official duties, which allowance shall be in lieu of all mileage, per diem,

or other such expenses provided for the president and members of the Board of Revenue of Marengo County under any general or local law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MARENGO

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ben G. George, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Demopolis Times, a newspaper of general circulation published in Marengo County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 23, July 30, August 6, and August 13, all in the year 1959.

BEN G. GEORGE.

Sworn to and subscribed before me August 21, 1959.

FLORENCE B. FLOWERS,  
Notary Public.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate were severally read one time and referred to appropriate Standing Committees as follows:

S. 312. Local Legislation No. 1

S. 342. Was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1

S. 329. Local Legislation No. 1

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Green:

S. 327. To fix the compensation of the county solicitor of Sumter County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICES



## NOTICE

STATE OF ALABAMA  
COUNTY OF SUMTER

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To fix the compensation of the county solicitor of Sumter County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the county solicitor of Sumter County, Alabama, shall be the sum of One Thousand Eight Hundred and No/100 Dollars (\$1,800.00) per annum, payable in equal monthly installments out of the general fund of the county treasury at the end of each month.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

4 TC-SH-7-30-McC

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared DeWitt Smith, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Our Southern Home, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 30, August 5, August 12, and August 19, all in the year 1959.

DeWITT SMITH

Sworn to and subscribed before me August 20, 1959.

MARCUS E. McCONNELL, JR.  
Notary Public State at Large, Ala.

Also:

By Mr. Green:

S. 343. To provide a chief clerk for the Tax Assessor of Sumter County, Alabama, to regulate and fix his or her compensation and provide for the payment thereof and define his or her duties, and to repeal conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

### NOTICE

#### STATE OF ALABAMA, COUNTY OF SUMTER

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To provide a chief clerk for the Tax Assessor of Sumter County, Alabama, to regulate and fix his or her compensation and provide for the payment thereof and define his or her duties, and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor of Sumter County, Alabama is hereby authorized and empowered to appoint one chief clerk whose salary shall not exceed \$1,500.00 per annum to be paid in equal monthly installments, to be fixed by the Board of Commissioners of Sumter County, Alabama.

Section Two: The said Chief clerk for said Tax Assessor shall serve at the pleasure of said Tax Assessor and his or her salary shall be paid from the general fund of Sumter County, Alabama upon separate warrants drawn in the manner provided for the payment of other employees of said county.

Section 3: The duties of said Chief Clerk shall be those delegated to him or her by the Tax Assessor.

Section 4: In the event that there becomes a vacancy in said office of Tax Assessor of Sumter County or in case said Tax Assessor becomes incapacitated for any cause, then and in that event, the said Chief Clerk shall assume all duties and authority now invested in the Tax Assessor, and shall remain in every sense the Tax Assessor until a Tax Assessor is elected or appointed as provided by law.

Section 5: The provisions of this act are severable and if any part of this act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 6: All laws or parts of laws which conflict with this act are repealed.

Section 7: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Dick Smith, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor-Publisher of the SUMTER COUNTY JOURNAL, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 16, July 23, July 30, and August 6, all in the year 1959.

DICK SMITH

Sworn to and subscribed before me August 7, 1959.

W. E. DEARMAN,  
Judge of Probate  
Sumter County, Alabama.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 327. Local Legislation No. 1

S. 343. Local Legislation No. 1

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Mr. Cooper:

S. 330. To amend further Section 46 of Title 36 Code of Alabama 1940, as amended, so as to provide that parking lights may exhibit an amber light as well as a white light.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 330. Transportation

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 422. Relating to Cullman County; providing further for the government of the county by abolishing the Cullman County Commission and creating in lieu thereof a board of revenue; providing for the organization, powers, duties, and authority of the board of revenue; prescribing the powers, duties, and authority of the chairman and members of the board, and providing for their election, tenure, qualifications, and compensation; repealing conflicting laws.

J. E. SPEIGHT,  
Secretary.

### SENATE MESSAGE

On motion of Mr. Guthrie the House concurred in and adopted the Senate amendment to the bill, H. 422, said Senate amendment being as follows:

### AMENDMENT TO H. B. 422

In Section 2, lines 10, 11, and 12, strike out “, and at the time of their election or appointment shall be high school graduates and shall be not less than thirty-five (35) nor more than sixty-five (65) years of age”.

Yeas 89; Nays 0.

#### Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Daniel      | Hocklander                     | Perry                        |
| Adams <sup>(Houston)</sup> | Dickson     | Ingram                         | Phillips                     |
| Albea                      | Dodd        | Jenkins                        | Pierce                       |
| Bailey                     | Edwards     | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Barnett                    | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Bassett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Bevill                     | Franklin    | Jones <sup>(Covington)</sup>   | Ray                          |
| Bishop                     | Glass       | Jones <sup>(Monroe)</sup>      | Rogers                       |
| Boyd                       | Goldthwaite | Lee                            | Rozelle                      |
| Brannan                    | Gordon      | Locke                          | Self                         |
| Branyon                    | Grant       | Long <sup>(Perry)</sup>        | Shumate                      |
| Brewer                     | Gross       | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>   |
| Britton                    | Grouby      | McCorquodale                   | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Guthrie     | Martin                         | Solomon                      |
| Brooks                     | Hain        | Meade                          | Speaks                       |
| Cabiness                   | Hanby       | Merrill                        | Steagall                     |
| Camp                       | Hankins     | Morrow                         | Sullivan                     |
| Casey                      | Hardy       | Nettles                        | Taylor                       |
| Cates                      | Harris      | Nichols                        | Thomas                       |
| Chambers                   | Harvey      | Oakley                         | Trimmier                     |
| Cook                       | Hawkins     | Oden                           | Turner                       |
| Copeland                   | Hearn       | Owens                          | Turnham                      |
| Cornett                    |             |                                |                              |

—89

And said bill, H. 422, as amended by the Senate amendment, was again read at length and passed.

Yeas 90; Nays 0.

#### Yeas:

|                            |         |        |         |
|----------------------------|---------|--------|---------|
| Mr. Speaker:               | Bailey  | Bevill | Brannan |
| Adams <sup>(Houston)</sup> | Barnett | Bishop | Branyon |
| Albea                      | Bassett | Boyd   | Brewer  |

|             |                                |                              |                                |
|-------------|--------------------------------|------------------------------|--------------------------------|
| Britton     | Goodwyn                        | Jones <sup>(Covington)</sup> | Rast                           |
| Broadfoot   | Gordon                         | Jones <sup>(Monroe)</sup>    | Ray                            |
| Brooks      | Grant                          | Lee                          | Reynolds <sup>(Chambers)</sup> |
| Cabiness    | Gross                          | Locke                        | Roberts                        |
| Camp        | Grouby                         | Long <sup>(Perry)</sup>      | Rogers                         |
| Casey       | Guthrie                        | McClendon <sup>(Chamb)</sup> | Rozelle                        |
| Cates       | Hain                           | McCorquodale                 | Self                           |
| Chambers    | Hanby                          | Meade                        | Shumate                        |
| Cook        | Hankins                        | Merrill                      | Smith <sup>(Russell)</sup>     |
| Copeland    | Hardy                          | Morrow                       | Smith <sup>(St. Clair)</sup>   |
| Cornett     | Harris                         | Nettles                      | Solomon                        |
| Daniel      | Harvey                         | Oakley                       | Speaks                         |
| Dickson     | Hawkins                        | Oden                         | Steagall                       |
| Dodd        | Hearn                          | Owens                        | Sullivan                       |
| Edwards     | Hocklander                     | Perry                        | Taylor                         |
| Faulk       | Ingram                         | Phillips                     | Thomas                         |
| Ferguson    | Jenkins                        | Pierce                       | Trimmier                       |
| Franklin    | Johnson <sup>(Hardaway)</sup>  | Powell                       | Turner                         |
| Glass       | Johnson <sup>(J. T. Tom)</sup> | Ramey                        | Turnham                        |
| Goldthwaite | Johnston <sup>(Leonard)</sup>  |                              |                                |

—90

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Graham, Golson and Wyatt:

S. J. R. 23. RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Honorable Bill Simmons, of Jackson, Mississippi, is cordially invited to present the TV Citizens Council Forum of America to an assembly of the members on Friday, September 25, 1959; that there shall be a joint meeting of the two houses to convene at eleven o'clock a.m., Friday, September 25, for the above stated purpose.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Hain the rules were suspended and the House concurred in and adopted the S. J. R. 23 set out in the above and foregoing Message from the Senate.

## BILLS ON SECOND READING

Mr. Solomon, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 172. Relating to commercial fertilizer and fertilizer material: To re-enact Section 292 of Title 2 of the Code of Alabama of 1940 heretofore repealed by Act No. 71 of the Legislature of 1951, approved June 6, 1951, said Section as re-enacted to require persons selling and shipping commercial fertilizer and fertilizer materials to notify the Commissioner of Agriculture and Industries of such sales and shipments for regulatory, control and statistical purposes.

Mr. Hardy, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 708. (with amendment) To appropriate to the Department of Alabama, United Spanish War Veterans, the funds remaining in Treasury Account No. 885 known as the SPANISH AMERICAN RELIEF TRUST FUND pursuant to Act No. 134, Regular Session 1931, approved June 30, 1931, and repeal said Act No. 134.

Mr. Hardy, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 235. To amend the caption and Section 2 of Act No. 308, S. 193, approved August 26, 1955 (Acts of Alabama, 1955, p. 707), entitled "An Act To provide for the issuance of distinctive motor vehicle license plates or tags to members of the National Guard and Air National Guard of Alabama upon the payment of an additional sum of \$1.00 for use by such persons upon their personally-owned, private, passenger vehicles in lieu of the standard license plate or tag now required; and for the use of such distinctive plates by the State Military Department," by providing further for the issuance of such distinctive motor vehicle license plates.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 690. Relating to the purchase of supplies, materials, equipment, and contractual services, and the sale or exchange of property, by or for Autauga County; providing for competitive bidding on certain contracts, purchases, sales, and exchanges; prescribing penalties.

H. 691. To regulate the compensation of the solicitor of Autauga County; amending Section 5 of Act No. 77, H. 325, approved July 7, 1947 (Local Acts 1947, p. 55).

H. 692. To provide for the repair, maintenance, and servicing of motor vehicles, automotive equipment, and machinery used in the construction and maintenance of public roads and bridges in Autauga County.

H. 693. To amend further Section 5 of Act No. 222, H. 317, approved February 27, 1879 (Acts of Alabama, 1878, p. 248), entitled "An Act To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue," by providing further for the compensation of the chairman and members of the board of revenue.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 698. (with substitute) Relating to and providing for purgation of voter lists in Coffee County; requiring the reidentification of qualified electors of the county; imposing certain duties in this respect on voters, the registrars of the county, the probate judge, the county governing body, election officials, and persons who are required by law to prepare and file death certificates; prescribing penalties

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 704. To alter and re-arrange the boundary lines of the City of Brewton, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

H. 707. To levy county sales and use taxes for public school purposes in Greene County; to provide for the collection of such taxes by the state department of revenue, and for the distribution and use of the proceeds thereof; to provide for the enforcement of the Act; to provide penalties for violations of the Act; to supersede and repeal Act No. 24, H. 15, approved February 19, 1959.

H. 706. Proposing an amendment to the Constitution of Alabama relating to the industrial development of Franklin County and the municipalities therein.

The above bill was read a second time at length as required by the Constitution.

H. 715. Proposing an amendment to the Constitution of Alabama (1901) relative to the election of a chief of police of the City of Scottsboro, in Jackson County.

The above bill was read a second time at length as required by the Constitution.

H. 718. Directing the court of county commissioners, board of revenue, or like governing body of Marion County to provide for the installation and use of voting machines in that county.

H. 735. Relating to counties having a population of not less than 50,000 nor more than 60,000 inhabitants, according to the last or any subsequent federal decennial census who elect to come under the provisions of this Act as hereinafter provided; providing a more convenient and efficient method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, and the transfer of ownership of motor vehicles; creating a motor vehicle license department in each county to which this Act is made to apply as herein provided and providing for the appointment, qualification, terms, compensation, powers, duties, and authority of the director and deputy director thereof; transferring to the motor vehicle license department, and the director thereof, all the powers, duties, responsibilities, liabilities and authority of the tax assessor, tax collector, and judge of probate relative to the registration, assessment for taxes, collection of ad valorem taxes, sale and distribution of tags for motor vehicles, the issuance of motor vehicle

drivers licenses and temporary instruction permits, the transfer of ownership of motor vehicles, and the distribution of the fees, charges and commissions collected and received therefrom; providing an additional and alternative method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles; providing for clerical assistance, office space, equipment, supplies, and other conveniences necessary of the efficient operation and conduct of the motor vehicle license department; providing for the method by which a county to which this Act applies can elect to come within the provisions of said Act and the effective date thereof; providing the method by which a county may withdraw from the provisions of this Act and the effective date of withdrawal; and the abolishing of all laws and parts of laws in conflict with said Act.

H. 736. To Amend further Act No. 415, H. 665, approved September 24, 1919, as amended and revised by Act No. 66, H. 261 (Local Acts of Alabama, 1947, page 46) and as thereafter further amended, which established the Morgan County Court in order to authorize the judge of such court to fix, within a prescribed maximum, the salary of the reporter for such court and to give the Act retroactive effect.

H. 737. To amend further Section 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), which placed the judge of probate of Morgan County on a salary, prescribed certain duties of the judge of probate, and provided for clerical assistance, office space, supplies, and equipment necessary for the operation of his office; providing further for the clerk-hire allowance of the judge of probate.

~~H. 738. To amend further Act No. 457, H. 667, approved August 17, 1951 (Acts of Alabama, 1951, page 789) as amended, which fixes the compensation of members of the Board of Revenue and Control of Morgan County.~~

H. 739. To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama.

H. 740. To amend further Act No. 415, H. 665, approved September 24, 1919, the act that established the county court for Morgan County (Local Acts 1919, p. 194), in relation to the compensation of the register of the circuit court of Morgan County for ex officio services performed in said court.

H. 741. To amend further Sections 1 and 3 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor.

H. 742. To alter, rearrange, and redefine the boundaries of the four subdivisions of Morgan County heretofore designated as districts for certain purposes prescribed by law.

H. 743. To amend further Sections 1 and 3 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, P. 278), which fixed the compensation or salary to be paid the tax collector of Morgan County, provided clerical assistance, supplies and equipment for the conduct of his office, and prescribed certain duties of the tax collector.



S. 286. Relating to municipalities having a population of not less than 40,000 nor more than 50,000, according to the last or any subsequent federal decennial census; providing optional forms of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt such an optional form of municipal government.

S. 311. To amend further Section 1 of Act No. 311, S. 411, approved July 31, 1951, an act regulating the office of sheriff in counties of more than 96,000 population and less than 140,000 population, according to the last or any subsequent federal decennial census (Acts 1951 Regular Session. Vol. I, p. 606), in relation to the employment of deputies, clerks, wardens, jailers, and other assistants by the sheriffs of such counties.

Mr. Perry, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the followings bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 710. To authorize the Health Officer of any county of this state having a population of 500,000 or more according to the last or any subsequent federal census to obtain, perform or require an autopsy on or internal examination of the body of any person whose death the said Health Officer has reason to believe was caused by communicable disease or other cause related to the protection of the public health; to authorize the said Health Officer to make all necessary and reasonable orders to secure and facilitate the making of such autopsy or internal examination; to provide that it shall be a misdemeanor for any person to impede, interfere with or obstruct the said Health Officer in his making or performing any such autopsy or examination, or to impede, interfere with or obstruct any other person in making or performing such autopsy or examination at the request of the said Health Officer; and to provide for the payment of expenses relating to said autopsy or internal examination.

H. 711. To provide for the relief of Lula Braxton, out of the general funds of the City of Birmingham, a municipality, Jefferson County, Alabama.

H. 712. To amend Section 797, Title 37, of the 1940 Code of the State of Alabama, as amended by Act No. 421 of the 1949 Regular Session of the Legislature of Alabama (General Acts, 1949, p. 597).

#### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Grouby (with notice and proof):

H. 772. Relating to the municipality of Prattville in Autauga County: To alter and rearrange the boundaries of the City.

Local Legislation No. 1.

Notice and Proof H. 772:

STATE OF ALABAMA  
COUNTY OF AUTAUGA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to the municipality of Prattville in Autauga County: To alter and rearrange the boundaries of the City.

**Be It Enacted by the Legislature of Alabama:**

Section 1. The boundary lines of the municipality of Prattville in Autauga County are hereby altered and rearranged to include within the corporate limits of the city the following described land lying and being in Township 17, Range 16, Autauga County:

Commencing at the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 3, Township 17, Range 16, thence West along the North line of Section 3, Section 4 and Section 5 of Township 17, Range 16, 7,920 feet to the point where the City Limits of the City of Prattville crosses the North line of Section 5 at the Northwest corner of the Northeast Quarter of the Northeast Quarter, of said Section, Township 17, Range 16, thence South along the present City Limits line to a point where same turns East thence East along said City Limits line to where same turns South, Thence South along said City Limits line to where same turns East, which point is the mutual corner of Section 4, 5, 8 and 9, Township 17, Range 16, thence East along said City Limits line to point where same turns South, thence South along said City Limits line to point where same turns East, thence East along said City Limits line to a point where same turns Northwesterly, thence Northerly along said City Limits line to a point where same turns Easterly, thence West along the South line of said City Limits to the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 3, Township 17, Range 16, thence north along the East line of the West Half of the West half of Section 3, 5,280 feet to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. 27A4c.

**PROOF OF PUBLICATION**

**STATE OF ALABAMA  
COUNTY OF AUTAUGA**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. H. M. Doster, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the The Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 27, Sept. 3, Sept. 10, and Sept. 17, all in the year 1959.

MRS. H. M. DOSTER,  
Publisher.

Sworn to and subscribed before me Sept. 22, 1959.

LESSIE M. KREIS,  
Notary Public.

By Mr. Brannan:

H. 773. Proposing an amendment of the Constitution of 1901 authorizing the levying of special taxes for public hospital purposes.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Mr. Lee:

H. 774. To make an appropriation to the Water Resources Study Commission for each of the two fiscal years ending September 30, 1960 and September 30, 1961 for expenditure by said Commission in the performance of its duties.

Ways and Means.

By Messrs. Merrill and Thomas:

H. 775. To amend Section 125 of Title 12, Code of Alabama 1940, which relates to the interest rate and maturity of temporary loans made by county governing bodies in anticipation of taxes.

Judiciary.

By Mr. Speaks:

H. 776. To provide for and authorize the introduction in evidence in any court in Alabama, when relevant and material, certified copies of hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, clinical, hospital, occupational, disease, injury and disability histories, X-Rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as employees of such hospital, forming a part of such hospital records, as to the health, physical and mental condition, state, sickness, disease, mental and physical disorders, damages, duration and character of disabilities, diagnosis, prognosis, progress, operations, incisions, injuries, wounds, cuts, lacerations, contusions, bruises, breaks, fractures, sprains, dislocations and the adjustment and treatment thereof, dismemberments, amputations, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, treatment and care and charge sheets and the costs expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, when the custodian of such hospital records certifies and affirms in writing that the same are an exact, full, true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but they shall not affect their admissibility; and to provide for such certificate and substantial form thereof and for the cost and the taxing thereof for said copy and certificate and affirmation in writing thereto and the filing of said copy with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

Judiciary.

By Mr. Owens:

H. 777. To provide further for enforcement of highway traffic control laws and rules of the road by deputy sheriffs in counties having

a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Local Legislation No. 1.

By Messrs. Hanby and Copeland:

H. 778. To validate elections held in Etowah County in the year 1958, under provisions of Articles 6 and 7 Chapter 10, Title 52, Code of Alabama (1940), and Section 216 Article 11 Constitution of Alabama.

Local Legislation No. 1.

By Messrs. Cabiness and Speaks:

H. 779. To exempt certain war veterans from hunting and fishing license requirements under specified conditions; prescribing penalties.

Conservation.

By Mr. Oden:

H. 780. To authorize the state highway department to expend the proceeds of a county's portion of the state gasoline tax levied by Title 51, Section 647, Alabama Code of 1940, as amended, and distributed to such county pursuant to Sections 655 and 657, Alabama Code of 1940, as amended, for construction and maintenance of streets within the corporate limits of any municipality in such county when the state highway department has assumed responsibility for the construction, repair, or maintenance of all county roads and bridges in such county.

Local Government.

By Messrs. Perry, Edwards, Hawkins, Rast, Locke, Morrow and Sessions (with notice and proof):

H. 781. For the relief of V. Chambliss authorizing the County Commission of Jefferson County, Alabama, to make an appropriation from the County Treasury to compensate V. Chambliss for certain damages.

Local Legislation No. 2.

Notice and Proof H. 781:

#### NOTICE OF INTENTION TO APPLY FOR ADOPTION OF LOCAL ACT

Notice is hereby given that at the regular session of the Legislature of Alabama of 1959, which will reconvene on or about September 8, 1959, application will be made to the Legislature of Alabama for the adoption of a local act applicable to Jefferson County, Alabama, which will provide as follows:

Section 1. That the County Commission of Jefferson County, Alabama, is hereby authorized and empowered to appropriate from the County Treasury One Thousand Thirty-Five and 48/100 Dollars (\$1,035.48) for the relief of V. Chambliss to compensate him for damages done in 1958 to a well situated on lands owned by him, as a consequence of the construction by Jefferson County, Alabama, of Patton's Creek Trunk Sanitary Sewer, Section 3, and Patton's Creek Sewage Treatment Plant, under such circumstances that the County is morally obligated to pay the damages but the said Chambliss has no recourse at law to recover the same. If the County Commission concludes that the said County, in compensating the said Chambliss for the damages as aforesaid, can save money by purchasing in the name of the County

any equipment or material required to be installed, or by entering into any contract in the name of the County for work or material secured to compensate Chambliss for the said damages as aforesaid, the County shall be authorized to do so; provided, however, that the total amount spent by the County, including any amount paid by the County on any such contract and the amount paid directly to said Chambliss, shall not exceed the said sum of One Thousand Thirty-Five and 48/100 Dollars (\$1,035.48).

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

##### STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Eleanor Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of Aug. 29, Sept. 5, 12, 19, 1959, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE,  
Publisher.

Sworn and subscribed to on this the 21st day of September, 1959.

SARA WHEELER,  
Notary Public.

By Messrs. Locke, Edwards, Hawkins, Rast, Sessions, Morrow and Perry:

H. 782. To apply in, but only in, counties which have a population of 500,000 or more, according to the last or any subsequent Federal Census, and which counties are Wet Counties under Section 68 of Title 29 of the 1940 Code of Alabama; and to require the payment to such counties of a license tax, in addition to all other taxes and licenses required by law, of ten cents on each quantity of less than one half pint, and twenty-five cents on each one half pint or more of alcoholic, spirituous vinous or fermented liquor sold, distributed, delivered, stored, or taken out of storage within such counties; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this Act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act.

Local Legislation No. 2.

By Messrs. Morrow, Hawkins, Sessions, Perry, Locke, Edwards and Rast:

H. 783. To amend Section 4 of Act No. 929 of the regular session of the Legislature of Alabama of 1951 approved September 12, 1951 (Acts 1951, page 1579) as amended by Act No. 194 of the 1955 session of the Legislature of Alabama (Acts 1955, page 478) entitled "AN ACT to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more

inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

Local Legislation No. 2.

By Messrs. Perry, Hawkins, Edwards, Rast, Locke, Morrow and Sessions (with notice and proof):

H. 784. For the relief of Mrs. E. H. Golden and L. L. Tryon, authorizing the County Commission of Jefferson County, Alabama, to make an appropriation from the County Treasury to compensate the said Golden and Tryon for certain damages.

Local Legislation No. 2.

Notice and Proof H. 784:

NOTICE OF INTENTION TO APPLY  
FOR ADOPTION OF LOCAL ACT

Notice is hereby given that at the regular session of the Legislature of Alabama of 1959, which will reconvene on or about September 8, 1959, application will be made to the Legislature of Alabama for the adoption of a local act applicable to Jefferson County, Alabama, which will provide as follows:

Section 1. That the County Commission of Jefferson County, Alabama, is hereby authorized and empowered to appropriate from the County Treasury a sum not to exceed Two Thousand Dollars (\$2,000.00) for the relief of Mrs. E. H. Golden and L. L. Tryon to compensate them for damages done in 1958 to wells situated on lands owned by them, as a consequence of the construction by Jefferson County, Alabama, of Patton's Creek Trunk Sanitary Sewer, Section 3, and Patton's Creek ewage Treatment Plant, under such circumstances that the County is morally obligated to pay the damages but the said Golden and Tryon have no recourse at law to recover the same. If the County Commission concludes that the said County, in compensating the said Golden and Tryon for the damages as aforesaid, can save money by purchasing in the name of the County any equipment or material required to be installed, or by entering into any contract in the name of the County for work or material secured to compensate Golden and Tryon for the said damages as aforesaid, the County shall be authorized to do so; provided, however, that the total amount spent by the County, including any amount paid by the County on any such contract and the amount paid directly to said Golden and Tryon, shall not exceed the said sum of Two Thousand Dollars (\$2,000.00).

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Eleanor Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of Aug. 29, Sept. 5, 12, 19, 1959, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE,  
Publisher.

Sworn and subscribed to on this the 21st day of September, 1959.

SARA WHEELER,  
Notary Public.

By Mr. Dodd (with notice and proof):

H. 785. Relating to game and fish in Lawrence County; to prohibit the use of gill nets, hoop nets, and trammel nets in taking, capturing, or killing fish in public waters anywhere in Lawrence County; prescribing penalties.

Local Legislation No. 1.

Notice and Proof H. 785:

STATE OF ALABAMA  
COUNTY OF LAWRENCE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to game and fish in Lawrence County; to prohibit the use of gill nets, hoop nets, and trammel nets in taking, capturing, or killing fish in public waters anywhere in Lawrence County; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1, Whoever takes, captures, or kills any fish in public waters anywhere in Lawrence County by means of a gill net, hoop net, or a trammel net is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred dollars or a term at hard labor for the county not exceeding six months, or both. And it shall be unlawful for any person to use a gill net, hoop net, or trammel net in commercial fishing operations in public waters lying within Lawrence County, notwithstanding the fact that such person may hold a commercial fishing gear license issued pursuant to law or under the rules and regulations of the state department of conservation. The department of conservation shall see to it that this law is enforced.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its otherwise becoming a law.

STATE OF ALABAMA,  
LAWRENCE COUNTY.

Before me a Notary Public, in and for said State and County, personally appeared Arthur F. Slaton, publisher of The Moulton Advertiser, a newspaper published in said State and County, who being sworn according to law, deposes and says that, the legal notice, copy of which is herewith attached, was duly published in The Moulton Advertiser for 4 consecutive weekly issues beginning with the issue of August 27, 1959 and ending with the issue of Sept. 17, 1959.

ARTHUR F. SLATON.

Subscribed and sworn to before me, this the 21 day of September, 1959 at Moulton, Alabama.

BETTY S. DYAR,  
Notary Public.

My commission expires 5/29/63.

By Messrs. Locke, Cates, Cabiness, Rast, Edwards, Perry, Morrow and Sessions:

H. 786. To amend further Section 718 of Title 51, Code of Alabama 1940, in relation to liability for collection and payment of the tax on tobacco and tobacco products.

Ways and Means.

By Messrs. Turnham, Torbert and Phillips:

H. 787. To provide for administrative consultants to certain county officers, and prescribe their qualifications, duties, compensation, and tenure.

Local Government.

By Mr. Roberts:

H. 788. To amend Section 24 of "The Motor Vehicle Safety-Responsibility Act" (Act No. 704, H. 475, approved September 5, 1951), in relation to proof of title and value of real estate when any party desires to furnish proof of financial responsibility by bond with individual sureties.

Judiciary.

By Messrs. Broadfoot, Bishop and Hankins:

H. 789. To provide that all paid firemen in cities or towns with a population of fifteen thousand or more shall not be required to work in excess of 56 hours for any average week throughout the calendar year; and to provide for payment of double compensation for time worked in excess of 56 hours per average week.

Local Government.

By Messrs. Broadfoot and Bishop:

H. 790. For the purpose of safeguarding persons and property and promoting the welfare of the public; creating an Electrical Administrative Board of the State of Alabama and prescribing its duties;



establishing standards for electrical equipment and for its installation; authorizing political subdivisions of the State of Alabama to provide for electrical inspection; providing for the appointment of an Electrical Engineer and deputy state inspectors and prescribing their duties, rights and authority; making it unlawful to undertake the installation of electrical equipment without a permit therefor, except as otherwise provided; providing that no person shall serve as an electrical inspector without first obtaining an inspector's certificate of qualification from the Electrical Administrative Board; providing penalties for the violation of this act; making an appropriation; and repealing all statutes and parts of statutes which conflict with this act.

Business and Labor.

By Mr. Hocklander (with notice and proof):

H. 791. To fix the compensation of the clerk of the Inferior Civil Court of Mobile County.

Local Legislation No. 1.

Notice and Proof H. 791:

#### LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of the State of Alabama and application for its passage and enactment will be made, to wit:

#### A BILL TO BE ENTITLED AN ACT

To fix the compensation of the clerk of the Inferior Civil Court of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. That the salary of the ex-officio clerk of the Inferior Civil Court in Mobile County is hereby fixed at twelve hundred (\$1,200) dollars per annum, payable in twelve monthly installments out of the Treasury of Mobile County.

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall go into effect upon its passage and approval of the governor.

A. A. Johnson being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register 8-27, 9-3, 10, 17, 1959.

A. A. JOHNSON.

Sworn to and subscribed before me This 21st day of September, 1959.

GREG L. KENNY,  
Notary Public.

By Mr. Murphy (with notice and proof):

H. 792. To require and to regulate the administration of a school construction program by the Board of School Commissioners of Mobile County; to require the Board of School Commissioners of Mobile County to make an additional annual appropriation for capital outlay purposes; to require a portion of such appropriation to be used as cash outlay and a portion thereof to be used to retire the principal of and interest on capital outlay bonds or warrants to be issued by such board; and to prescribe certain priorities and conditions in accordance with which the construction program shall be undertaken.

Local Legislation No. 1.

Notice and Proof H. 792:

#### LEGAL NOTICE

STATE OF ALABAMA,  
COUNTY OF MOBILE.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To require and to regulate the administration of a school construction program by the Board of School Commissioners of Mobile County; to require the Board of School Commissioners of Mobile County to make an additional annual appropriation for capital outlay purposes; to require a portion of such appropriation to be used as cash outlay and a portion thereof to be used to retire the principal of and interest on capital outlay bonds or warrants to be issued by such board; and to prescribe certain priorities and conditions in accordance with which the construction program shall be undertaken.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of School Commissioners of Mobile County shall expend annually the sum of two million five hundred thousand dollars (\$2,500,000) over and above (or in addition to) the sum now applied to debt service by such board, to finance needed school construction in the county; and such board shall continue to make the appropriation of the additional sum herein required until, in its discretion, the needs of the county for school construction shall have been adequately met. The additional sum herein required to be appropriated each year for purposes of capital outlay shall be appropriated from funds other than state funds apportioned and allocated to Mobile County under any program of state school aid provided for by law.

Section 2. Of the additional sum of two million five hundred thousand dollars (\$2,500,000) required by this act to be appropriated annually for capital outlay purposes, the sum of one million dollars (\$1,000,000) shall be used by the board each year to retire capital outlay bonds, or warrants which the board shall issue, in accordance with the provisions of law relative thereto, in a principal amount which, along with the interest thereon, may be retired by such annual appropriation of one million dollars (\$1,000,000). The remaining one million

five hundred thousand dollars (\$1,500,000) of the additional appropriation herein required to be made for purposes of capital outlay, shall be used by the board as cash outlay each year for erecting, purchasing, altering, enlarging, improving, repairing, and equipping school buildings and school playgrounds, and for acquiring sites therefor. The proceeds of any bonds or warrants issued under the authority of this act shall be used by the board for the purposes herein provided for the amount expended as cash outlay.

Section 3. The Board of School Commissioners of Mobile County shall undertake the school building program provided for herein in accordance with the following priorities: First, additions and alterations to existing schools, whenever possible or practicable, to relieve crowded conditions causing the operation of schools in double sessions; second, new grade schools and replacements or substitutions for buildings now in use that are not an integral part of the main school building; third, new senior high schools; and fourth, other new school buildings. None of the appropriation required by this act to be made each year by the Board of School Commissioners of Mobile County for cash outlay, and none of the proceeds of any bonds or warrants issued hereunder for purposes of capital outlay, shall be expended by the board for gymnasiums, auditoriums, or other auxiliary buildings, except in connection with the construction of new senior high schools. The construction of all buildings constructed under the building program provided for by this act shall be of the most economical materials and methods compatible with the safety and welfare of the occupants. In the event any proration of state funds causes a reduction in the amount of state school funds apportioned and allocable to Mobile County, the Board of School Commissioners of Mobile County may reduce the amount herein required to be appropriated each year as cash outlay for school construction by the amount of the reduction in state funds receivable by the county caused by the proration of such state schools funds.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; and shall apply to the fiscal year commencing on October 1, 1959, and each fiscal year thereafter, until the additional appropriation contemplated herein ceases to be made, as provided in this act.

Press, Aug. 18, 25, Sept. 1, 8

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared A. A. Johnson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Comptroller of the Mobile Press Register, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug 18, Aug 25, Sept 1, and Sept 8, all in the year 1959.

A. A. JOHNSON.

Sworn to and subscribed before me September 8th, 1959.

GREG L. KENNY,  
Notary Public.

By Mr. Goodwyn:

H. 793. To amend Section 293 of Title 26 of the Code of Alabama 1940, as amended, relating to Workmen's Compensation.

Judiciary.

By Mr. Goodwyn:

H. 794. To amend Section 262 of Title 26 of the Code of Alabama 1940 as last amended.

Judiciary.

By Mr. Goodwyn:

H. 795. To amend Section 263 of Title 26 of the Code of Alabama of 1940 as last amended to permit the voluntary election by exempted employments to come within coverage of the Workmen's Compensation Law.

Judiciary.

By Messrs. Brewer and Gilchrist (with notice and proof):

H. 796. To permit any bank now or hereafter having a combined or paid-in capital and paid-in or earned surplus of more than \$500,000 and having an authorized office or place of business in Decatur, Alabama, to establish, maintain and operate additional offices or places of business in such city or the police jurisdiction thereof, with the approval of the Superintendent of Banks.

Local Legislation No. 1.

Notice and Proof H. 796:

Notice is hereby given that at the present session of the Legislature of Alabama a bill, substantially as follows, will be introduced and application for its enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To permit any bank now or hereafter having a combined or paid-in capital and paid-in or earned surplus of more than \$500,000 and having an authorized office or place of business in Decatur, Alabama, to establish, maintain and operate additional offices or places of business in such city or the police jurisdiction thereof, with the approval of the Superintendent of Banks.

**Be It Enacted by the Legislature of Alabama:**

Section 1. That from and after the approval of this Act any bank authorized to engage in the banking business in Decatur, Alabama, now or hereafter having a combined paid-in capital and paid-in or earned surplus of more than \$500,000, and having an office or place of business in Decatur, Alabama, shall have power to establish, maintain and operate within the limits of such city or the police jurisdiction thereof, one or more branches or additional offices or places of business, provided that such bank, before the establishment of any such branch or additional office or additional place of business shall first secure the written consent thereto of the Superintendent of Banks of the State of Alabama.

Section 2. This Act shall take effect immediately.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 28, Sept. 4, 11, and 18, all in the year 1959.

B. C. SHELTON.

Sworn to and subscribed before me Sept. 18, 1959.

R. H. JERVIS,  
Notary Public.

By Messrs. Smith (Russell) and Adams (Tallapoosa):

H. 797. To revise Article I of Chapter I of Title 23 of the Code of Alabama of 1940 as amended, in relation to Highways, Roads, Bridges and Ferrys by amending Section 23 and Section 35.

Ways and Means.

By Mr. Harvey:

H. 798. To provide for the licensing and operation of privately owned shooting preserves; to provide the Director of Conservation with the authority to regulate the operation of such preserves; to provide for the cost of the privilege licenses for operating such preserves; to provide for the distribution of all monies accruing to the State under the provisions of this Act and to provide a penalty for the violation of the provisions of this Act.

Conservation.

By Messrs. Johnson (J. T. Tom), Torbert, Turnham and Adams (Tallapoosa):

H. 799. To provide an allowance to each official court reporter of the circuit courts in the Fifth Judicial Circuit payable by the counties composing said circuit to reimburse him for expenses incurred in the performance of his official duties.

Ways and Means.

By Messrs. Ferguson and Callahan:

H. 800. To direct the State Comptroller to pay over to the board of trustees of the University of Alabama, for the benefit of the Medical College of Alabama, the unexpended balance of the appropriation made for payment of expenses of the Medical College Building Commission by section four of an act approved June 2, 1943 (Act No. 89, S. 35, General Acts 1943, p. 89).

Ways and Means.

By Messrs. Ferguson, Callahan, Turnham, and Torbert:

H. 801. Relating to State Educational Institutions: Proposing an amendment to the Constitution of Alabama authorizing certain State

educational institutions to pledge certain existing revenues for the acquisition or improvement of facilities.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Ferguson, Callahan, and Turnham:

H. 802. To authorize the state board of education and the boards of trustees of all state institutions to make investments of endowment funds and other funds held for investment in the same manner as the Teachers Retirement System of Alabama is authorized to make.

Ways and Means.

By Messrs. Ferguson and Callahan (with notice and proof):

H. 803. To amend Sections 1, 3, and 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session, 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County; altering, modifying, and changing the rates of tax provided for therein and extending the applicability of such taxes to certain sales and to the storage, use, or other consumption of certain property within Tuscaloosa County heretofore exempt, and redefining certain terms.

Local Legislation No. 1.

Notice and Proof H. 803:

#### NOTICE OF PROPOSED LEGISLATION

Notice is hereby given that at the present Regular Session of the Legislature of Alabama a bill substantially as follows will be introduced, and application for its passage will be made:

#### A BILL TO BE ENTITLED AN ACT

To amend Sections 1, 3, and 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County; altering, modifying and changing the rates of tax provided for therein and extending the applicability of such taxes to certain sales and to the storage, use, or other consumption of certain property within Tuscaloosa County heretofore exempt, and redefining certain terms.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County, is hereby amended to read as follows:

"Section 1. Definitions. The following words and phrases, wherever used in this act, shall have the following respective meanings:

The words "the state" mean the State of Alabama.

The words "the county" mean Tuscaloosa County in the state.

The words "the city" mean the City of Tuscaloosa in the state.

The words "the county board of education" mean the board of education of Tuscaloosa County, Alabama.

The words "the city board of education" mean the board of education of the City of Tuscaloosa, Alabama.

The words "the hospital board" mean the Druid City Hospital Board created by Act No. 540 adopted at the 1947 Regular Session of the Legislature of Alabama, approved 8 October 1947.

The words "the tax board" mean the Tuscaloosa County Special Tax Board created in Section 9 of this act.

The words "state sales tax statutes" mean the provisions of Act No. 100 adopted at the Special Session of the Legislature of Alabama which convened on 24 June 1959, approved 18 August 1959, and which becomes effective on 1 October 1959.

The words "state use tax statutes" mean the provisions of Article 11 of Chapter 20, Title 51, Code of Alabama of 1940, as amended by Act No. 99 adopted at the Special Session of the Legislature of Alabama which convened on 24 June 1959, approved 18 August 1959.

The words "quarterly period" mean each period of three calendar months commencing on each January 1, April 1, July 1, and October 1.

Pronouns include all genders.

Those of the words and phrases used in Section 3 of this act that are defined in the state sales tax statutes shall have the meanings respectively given them in the state sales tax statutes. Those of the words and phrases used in Section 4 of this act that are defined in the state use tax statutes shall have the meanings respectively given them in the state use tax statutes."

Section 2. Section 3 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County, as amended by Act No. 250 of the Regular Session of the Legislature of Alabama of 1957, approved August 13, 1957 (Acts of Alabama, Regular Session 1957, Page 322), is hereby amended to read as follows:

"Section 3. Levy of Sales Tax. There is hereby levied in the county, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipt, as the case may be, as follows:

(a) Upon every person, firm, or corporation (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of alcoholic beverages of all kinds, the University of Alabama, and all other institutions of higher learning in the county, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within the county, in the business of sell-

ing at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent (1 per cent) of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer on the gross sales of the entire business.

(b) Upon every person, firm, or corporation engaged or continuing within the county, in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football, basketball, and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be a denominational, state, county, or municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the county, an amount equal to one per cent (1 per cent) of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one-half of one per cent ( $\frac{1}{2}$  of 1 per cent) of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

(d) Upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle or truck trailer or semi-trailer, an amount equal to one-half of one per cent ( $\frac{1}{2}$  of 1 per cent) of the gross proceeds of the sale of said automotive vehicle or truck trailer or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Each exemption provided for in the state sales tax statutes, and as they may from time to time hereafter be amended, shall, during the period of time when such exemption shall be effective in said statutes, be applicable to the tax levied in this section; provided, that in the event of the repeal of the state sales tax statutes, as at any time amended, the exemptions effective therein immediately prior to any such repeal shall thereafter be applicable to the tax levied in this section.



In addition thereto, and except as expressly enumerated hereinabove, there are hereby exempted from the tax levied in this section the gross receipts or gross proceeds of any business engaged in by any city or town in Tuscaloosa County. In the absence of any express provision herein to the contrary, all provisions and procedures with respect to the application for and issuance of licenses, the making of returns or reports, the contents of returns or reports, collection and payment of taxes, keeping of records, reporting and paying taxes with respect to sales on credit, determination of the amount of the tax due, penalties, assessments, notices, and examinations of taxpayers and their books provided for in the state sales tax statutes with respect to the tax levied in those statutes shall be applicable to the tax levied in this section, excepting however the procedure for appeals from assessments, and such appeals, shall be made as hereinafter set forth; provided however that any procedure or provision involving the State Department of Revenue which is incorporated herein by reference to the state sales tax statutes shall be deemed to apply, with respect to the tax levied in this section to the tax board. Every person, firm, or corporation engaged in any business upon which the tax levied in this section is imposed shall add the tax herein levied to the sales and admission price with respect to which the said tax is levied and shall collect the same from the purchaser."

Section 3. Section 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County, is hereby amended to read as follows:

"Section 4. Levy of Use Tax.

(a) An excise tax is hereby imposed on the storage, use or other consumption in the county of tangible personal property purchased at retail on or after the 1st day of October, 1959, for storage, use or other consumption in the county at the rate of one per cent (1 per cent) of the sale price of such property, regardless of whether the retailer who made the sale is or is not engaged in business in the county, except as provided in subsections (b) and (c) of this section.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the county of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machine, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machine, purchased at retail on or after the 1st day of October, 1959, for storage, use or other consumption in the county, at the rate of one-half of one per cent ( $\frac{1}{2}$  of 1 per cent) of the sales price of such machine or the parts, attachments, or replacements therefor.

(c) An excise tax is hereby imposed on the storage, use or other consumption in the county of any automotive vehicle or truck trailer and semi-trailer purchased at retail on or after October 1, 1959, for storage, use or other consumption in the county at the rate of one-half of one per cent ( $\frac{1}{2}$  of 1 per cent) of the sales price of such automotive vehicle, truck trailer or semi-trailer.

Every person storing, using or otherwise consuming in the county tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the county, showing that

the property in question was purchased at retail from such retailer, and the tax levied in Section 3 hereof has been paid with respect to the purchase at retail of such property shall be sufficient to relieve the purchaser from further liability for a tax under this section with respect to the use, storage or consumption of such property. Each exemption provided for in the state use tax statutes, as amended by Act No. 99 of the 1959 Special Session of the Legislature of Alabama, approved 18 August 1959, and as they may from time to time hereafter be amended, shall, during the period of time when such exemption shall be effective in said statutes, be applicable to the tax levied in this section; provided that in the event of the repeal of the state use tax statutes, as at any time amended, the exemptions effective therein immediately prior to any such repeal shall thereafter be applicable to the tax levied in this section. All provisions and procedures with respect to the filing of returns, collections and payment of taxes, keeping of records, making of reports, determination of the amount of the tax due, penalties, assessments, notices, examinations of taxpayers and their books provided in the state use tax statutes, as hereafter amended, with respect to the tax levied in those statutes shall be applicable to the tax levied in this section excepting, however, the procedure for appeals from assessments, and such appeals shall be made as hereinafter set forth; provided, however, that any procedure or provision involving the State Department of Revenue which is incorporated herein by reference to the state use tax statutes shall be deemed to apply with respect to the tax levied in this section, to the tax board."

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 5. This Act shall take effect October 1, 1959.

Aug. 24-31 Sept. 7, 14-4TC

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Buford Boone, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Tuscaloosa News, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 24, August 31, September 7, and September 14, all in the year 1959.

BUFORD BOONE.

Sworn to and subscribed before me September 15, 1959.

LILLA COLLINS,  
Notary Public in and for Tuscaloosa County, Alabama.

By Messrs. Ferguson, Callahan, Roberts, Cabiness, and Hocklander:

H. 804. To make additional appropriations to the State Department of Health for the fiscal years ending September 30, 1960 and September 30, 1961.

Ways and Means.

By Messrs. Shumate and Beville (with notice and proof):

H. 805. To levy in Walker County a county license tax in addition to all other taxes or licenses now required by law, on each package of cigarettes sold, stored, or received, for the purpose of distribution to any person, firm, corporation, club, or association within the county; to provide for the payment of the tax by the purchase and sale of stamps to be affixed to each package of cigarettes sold or distributed in such county; to provide for the ascertainment, collection, payment, distribution, and use of such license tax and for the enforcement of this Act; and to prescribe penalties and fix the punishment for violations of the Act.

Local Legislation No. 1.

Notice and Proof H. 805:

**A BILL  
TO BE ENTITLED  
AN ACT**

To levy in Walker County a county license tax, in addition to all other taxes or licenses now required by law, on each package of cigarettes sold, stored, or received, for the purpose of distribution to any person, firm, corporation, club, or association within the county; to provide for the payment of the tax by the purchase and sale of stamps to be affixed to each package of cigarettes sold or distributed in such county; to provide for the ascertainment, collection, payment, distribution and use of such license tax and for the enforcement of this Act; and to prescribe penalties and fix the punishment for violations of the Act.

**Be It Enacted by the Legislature of Alabama:**

Section 1. This Act shall apply only in Walker County, and shall not have the effect of altering or repealing in any manner any statute now in effect, but shall be in addition to and cumulative of all laws now in effect.

Section 2. Unless the context clearly indicates a different meaning, the following words and phrases whenever used in this Act shall have the meanings respectively ascribed to them in this section. (a) The term "person" means and includes every natural person, firm, corporation, club, partnership, company, trustee, agency, or association, or any agent, servant, employee, or officer thereof, singular or plural. (b) The term "wholesale dealer" and "jobber" means and includes any person who sells or delivers within Walker County, at wholesale only, cigarettes to licensed retail dealers for the purpose of resale. (c) The term "retail dealer" means and includes every person, other than a wholesale dealer, who sells or delivers within Walker County any cigarettes and all persons operating under a retail dealer's license. (d) The term "dealer" means any wholesale or retail dealer as herein defined. (e) The term "storer" means any person who ships or causes to be shipped or receives cigarettes in Walker County, who stores the same in any manner and uses the same for any purpose other than for resale or reshipment outside the county. (f) The term "stamps" means the stamp or stamps by use of which the tax levied by this statute is paid. (g) The term "sale" means and includes any transfer of title or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, or for a consideration, or any agreement therefore including rewards, prizes, or premiums, of cigarettes given as a result of operation on punch boards, shooting galleries, or any other activity.

Section 3. In addition to all other taxes now imposed by law, every person who sells, stores, or delivers cigarettes in Walkey County shall pay a license tax to the county, and a license tax is hereby fixed, created and levied in the amount of one cent (0.01) on each package of cigarettes containing not more than 20 cigarettes and one cent (\$.01) for each additional 20 cigarettes or fractional part thereof in such package sold, stored, or received for the purpose of distribution or sale to any person, firm, corporation, club, or association within such county; provided, however, that when the additional license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes. The tax levied by this Act shall be paid through the use of stamps as herein provided.

Section 4. Every person, firm, corporation, club, or association that sells or stores or receives for the purpose of distribution any cigarettes shall add the amount of the license or privilege tax levied and assessed herein to the price of the article, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer with the person, firm, corporation, club, or association who sells or stores or receives for the purpose of distributing the cigarettes acting merely as agent of the county for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes. It shall be unlawful for any dealer, storer, or distributor engaged in or continuing within the county in the business for which the tax is herein required, to fail or refuse to add to the sales price and collect from the purchaser the amount due by the taxpayer on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club, or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment; and each act in violation of this section shall constitute a separate offense.

Section 5. The court of county commissioners, board of revenue, or other governing body of the county is hereby authorized and directed to have prepared and purchased stamps suitable for denoting the tax on cigarettes. The stamps shall be delivered to the probate judge of said county, who shall keep on hand for sale an adequate quantity of stamps to be affixed to each package of cigarettes. The expense of purchasing the necessary stamps for the county shall be paid, in the first instance, from the general funds of the county. However, the county general fund shall be reimbursed for such expense, from the proceeds of the tax levied by this Act, as provided in Section 10 hereof. Each stamp shall have inscribed thereon the words "Walker County Cigarette Tax", but such words need not be arranged in the foregoing order and may be abbreviated. Said stamps may be sold to the wholesale dealer by the probate judge at the reduced price of ninety percent of the full amount thereof, the reduced price from the full amount representing compensation to the wholesale dealer for the labor of affixing them to each package of cigarettes. All other persons except such wholesale dealers must pay the full amount of the stamps.

Section 6. Before any cigarettes shall be sold or delivered within the limits of the county by any wholesaler or dealer, such wholesaler or dealer shall affix to each package of cigarettes a stamp or stamps ob-

tained from the probate judge of the county in the amount set out in this Act in payment of the license taxes imposed by this statute. Every dealer shall within one hour after the receipt of any cigarettes within the county, unless sooner offered for sale, cause stamps in the requisite amount of the tax to be affixed, as herein above stated and cause the same to be cancelled by writing or stamping across the face of each stamp a registered number furnished such dealer by the probate judge of the county. After such stamping has been begun it shall be continued with reasonable diligence by such dealer until all the unstamped cigarettes have been stamped and the stamps cancelled as herein provided, but no stamps required to be affixed to any package or cigarettes shall, after the same has been affixed as herein provided, be again used in payment of any part of the tax levied under this statute. Such stamp shall be affixed to each individual package of cigarettes in such a manner that its removal will require continued application of water or steam; and in such a way that the stamp will be torn in two or mutilated when such package is opened.

Section 7. Every wholesale dealer shall at the time of selling and delivering any cigarettes into the county make a true duplicate invoice of the same which shall show full and complete details of the sale and delivery of such cigarettes and shall retain the same subject to the use and inspection of the license inspector or his duly authorized deputy for a period of three years. Wholesale and retail dealers shall also keep a record of the purchase, sale, exchange, and receipt of all cigarettes and hold all books, records, cancelled checks, and all other memoranda pertaining to such purchase, sale, exchange, and receipt for the period mentioned herein subject to the inspection of the license inspector or his duly authorized deputy at all reasonable times. Any person who purchases and receives, in any manner whatsoever, any cigarettes which do not have affixed a stamp required by this statute shall within three (3) days after receipt of such cigarettes report the receipt and purchase of same to the license inspector, giving the date of purchase or receipt, the name of the person or firm from whom purchased or received, and a list describing the brand and quantity of cigarettes so purchased or received. Such report must be made by registered or certified mail or in person. It shall be unlawful for any person to interfere with or obstruct the license inspector or his deputy.

Section 8. Among others the following acts and omissions shall be unlawful: (a) It shall be unlawful for any person required by this statute to affix stamps to cigarettes to fail to affix such stamps or to fail to cancel stamps in the manner or within the time required by this statute (b) It shall be unlawful for any person to sell, offer for sale, or deliver within the county any cigarettes to which stamps have not been affixed and cancelled as provided by this statute. (c) It shall be unlawful for any person to have in his possession or under his control a package of cigarettes not properly stamped as required by this Act for more than six hours after receipt of such cigarettes on the premises of such person, provided that this subsection shall not apply to cigarettes in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment outside this county and which cigarettes are actually so resold or reshipped. (d) It shall be unlawful to manufacture, buy, sell, offer for sale, or possess, or attempt any reproduction or counterfeit of the stamps provided for in this statute or to possess tools, implements, instruments, or materials of any kind necessary or appropriate to reproduce or counterfeit such stamps or to alter or cause to be altered any stamps herein provided for. (e) It shall be unlawful to remove from a package of cigarettes or otherwise prepare any stamp with intent to use or cause the same to be used after it has already been used; to buy, sell or offer for sale any such stamp to any

person or to have in possession any such washed, removed, restored, or altered stamp, or, for the purpose of indicating the payment of any tax hereunder, to reuse any tax stamp which has heretofore been used for the payment of any tax provided in this Act, or, except as to the probate judge, to sell any stamp provided for herein. (f) It shall be unlawful to reuse or refill with cigarettes any package from which cigarettes theretofore tax paid have been removed.

Section 9. (a) None of the provisions of this Act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitutions (b) This statute shall not be construed to apply to cigarettes stored by a wholesale dealer for the purpose of resale or reshipment outside Walker County which are actually so resold or reshipped.

Section 10. The license tax required to be paid by this Act through the purchase of tobacco stamps from the probate judge shall be received by him and shall be paid by him into a separate fund in the county treasury. All the proceeds of this tax, less the amounts which the probate judge shall from time to time deduct herefore and pay into the general fund of the county, to reimburse the general fund for expenses incurred in purchasing the required stamp, shall be used exclusively for the purpose of providing hospital care and treatment for indigent residents of the county, or for the purpose of matching any state or federal funds made available for use in providing hospital care and treatment for indigent residents of Peoples Hospital or for the purpose of matching any federal funds which may be made available for the equipping, alteration, expansion, enlargement, improvement, or operation of the hospital.

Section 11. Any person violating any of the provisions of this Act, or doing any act made unlawful by the terms of this Act, shall upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) and may also be confined in jail for not exceeding six months, either or both. It shall be the duty of the license inspector to enforce the provisions of this Act and to check the records of any person subject to the license tax imposed by this Act.

Section 12. The provisions of this Act are severable. If any part is declared unconstitutional or invalid such declaration shall not affect the part which remains.

Section 13. This Act shall become effective Oct. 15, 1959 upon its passage and approval by the Government, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared William G. Jones, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Walker County Times, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 28, Sept. 3, Sept. 10, and Sept. 17, all in the year 1959.

WILLIAM G. JONES, JR.

Sworn to and subscribed before me 17th day of Sept., 1959.

LATHAM G. SADDLER,  
Notary Public.

By Messrs. Shumate and Bevill (with notice and proof):

H. 806. To make an annual appropriation from the general fund of Walker County to support the Peoples' Hospital of Walker County.

Local Legislation No. 1.

Notice and Proof H. 806:

A BILL  
TO BE ENTITLED  
AN ACT

To make an annual appropriation from the general fund of Walker County to support the Peoples' Hospital of Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of twenty thousand dollars (\$20,000) is hereby appropriated annually from the general fund of Walker County, to support the Peoples' Hospital of Walker County, which shall be used exclusively for the care, maintenance, and support of indigent patients confined in the hospital, or for the purpose of matching any federal funds which may be made available for the equipping, alteration, expansion, enlargement, improvement, or operation of the hospital. All funds appropriated under the provisions of this act shall be disbursed or expended under the supervision and control of the hospital, board or other governing body of the hospital .

Section 2. This act shall become effective October 15, 1959.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Margaret T. Phillips, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Bookkeeper of the Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 27, Sept. 3, Sept. 10, and Sept. 17, all in the year 1959.

MARGARET T. PHILLIPS.

Sworn to and subscribed before me Sept. 21, 1959.

LOIS CARTER.

By Messrs. Shumate and Bevill (with notice and proof):

H. 807. To create a hospital board for Walker County, prescribe the jurisdiction, powers, and authority of the board with respect to the operation and maintenance of the Peoples' Hospital of Walker County,

provide for the organization of the board, and for the appointment, qualification, terms, compensation, powers, and duties of members of the board, and repeal Act No. 374 approved July 6, 1943, Act No. 436 approved July 6, 1945, and all other conflicting laws.

Local Legislation No. 1.

Notice and Proof H. 807:

**A BILL  
TO BE ENTITLED  
AN ACT**

To create a hospital board for Walker County, prescribe the jurisdiction, powers, and authority of the board with respect to the operation and maintenance of the Peoples' Hospital of Walker County, provide for the organization of the board, and for the appointment, qualification, terms, compensation, powers, and duties of the members of the board, and repeal Act No. 374 approved July 6, 1943, Act No. 436 approved July 6, 1945, and all other conflicting laws.

**Be It Enacted by the Legislature of Alabama:**

Section 1. There is hereby created a hospital board for Walker County. Such hospital board shall be a public body corporate and shall have and exercise all the powers of public corporations organized for the purpose of owning and operating public hospitals pursuant to Act No. 46, S. 154, approved June 2, 1949 (Acts of Alabama, 1949, Page 68), as amended, and other like public corporations. Such hospital board is hereby specifically charged with the duty of operating and maintaining the People's Hospital, the nurses's home connected therewith, and any and all facilities and public health services thereto appurtenant or so related as to form an integral part thereof. All the power and authority necessary for the efficient operation and maintenance of said Peoples' Hospital is hereby conferred on and vested in the hospital board hereby created. The board shall be composed of seven members to be selected or appointed as follows:

(a) Three members shall be appointed by the Governor of Alabama, to hold office for terms of six years each, the first terms to commence on the date of this enactment.

(b) The remaining four members shall be appointed, one each by majority vote of the governing bodies of the incorporated cities and towns located within the four districts of the county for which members of the county governing body are elected, as now provided by law. These members shall also be appointed for terms of six years, but the first members from districts one and four shall be appointed for a two years, and the first members from districts two and three shall be appointed for a term of four years. In the selection of members as herein prescribed, each municipality shall be entitled to cast one vote. The first terms of members shall commence on the date of this enactment.

(c) Vacancies on the hospital board shall be filled by the appointing authority for the unexpired term.

No person who is a member of any other hospital board, public or private, within the State of Alabama shall be eligible for appointment under this act, or qualified to serve if appointed.

Section 2. A chairman and vice-chairman of the board shall be selected by the board from among the members of the board. The



board must meet regularly once each month on a date to be fixed by the board, and special meetings may be held on call of the chairman. Members of the board shall serve without compensation.

Section 3. All the jurisdiction, powers, duties, and authority vested in, or conferred on the board of revenue, court of county commissioners, or other like governing body of Walker County, with respect to the operation, care, and maintenance of the Peoples' Hospital of Walker County, are hereby vested in, and conferred on, the hospital board created under the provisions of this act.

Section 4. Act No. 374, H. 783, approved July 6, 1943 (General Acts of Alabama, 1943, p. 343); Act No. 436, H. 644, approved July 6, 1945 (General Acts of Alabama, 1945, p. 186) and all other laws or parts of laws in conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective October 15, 1959 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Margaret T. Phillips, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Bookkeeper of the Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 27, Sept. 3, Sept. 10, and Sept. 17, all in the year 1959.

MARGARET PHILLIPS.

Sworn to and subscribed before me September 21, 1959.

LOIS CARTER,  
Notary Public.

By Messrs. Shumate, Cabiness, Guthrie, Ray, Gordon, Beville and Taylor:

H. 808. To amend the act approved September 5, 1955, creating the State Department of Pensions and Security (Act No. 341, H. 17, Acts 1955, Vol. II, p. 763), so as to abolish the State Board of Pensions and Security and provide for the appointment of the Commissioner of the State Department of Pensions and Security by the Governor.

Public Welfare.

By Messrs. Rast, Edwards, Hawkins, Turner, Dodd, Bailey and Callahan:

H. 809. To amend Section 1 of Act No. 296, page 493, 1945 General Acts of Alabama, approved July 7, 1945, entitled "An Act To amend Section 55 of Title 8 of the Code of Alabama 1940" which pertains to the fees of arresting officers in game and fish cases.

Conservation.

By Messrs. Perry, Locke, Morrow, Edwards, Hawkins, Rast and Sessions (with notice and proof):

H. 810. TO FIX AND REQUIRE THE PAYMENT OF FEES AND COSTS IN EACH CASE FILED IN THE JEFFERSON COUNTY CIVIL COURT; TO REQUIRE THAT ALL SUCH FEES BE PAID INTO THE COUNTY TREASURY OF JEFFERSON COUNTY; AND TO PROVIDE THE EFFECTIVE DATE OF THIS ACT.

Local Legislation No. 2.

Notice and Proof H. 810:

NOTICE OF THE INTENTION TO  
APPLY FOR THE PASSAGE  
OF A LOCAL LAW

Pursuant to Section 106 of the Alabama Constitution of 1901, notice is hereby given that a local bill will be introduced during the Regular Session of the Legislature of Alabama reconvening on August 25, 1959, to fix and require the payment of fees and costs in each case filed in the Jefferson County Civil Court; to require that all such fees be paid into the County Treasury in Jefferson County; and to provide the effective date of said act.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Eleanor Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of Aug. 8, 15, 22, 29, 1959, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE,  
Publisher.

Sworn and subscribed to on this the 1st day of September, 1959.

SARA WHEELER,  
Notary Public.

By Messrs. Guthrie, Lee, Thomas and Cook:

H. 811. Proposing an amendment to the Constitution of Alabama providing for monetary allowances to former governors of Alabama.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

BILLS ON THIRD READING

H. 641. To provide for the election or appointment of a special constable for each commissioner's district in Choctaw County, prescribing their powers and duties and providing for payment of their compensation.

Was taken up.

Mr. Phillips offered the following substitute for the bill, H. 641.

SUBSTITUTE FOR H. B. 641

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the appointment of a special constable for each commissioner's district in Choctaw County, prescribing their powers and duties and providing for their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. A special constable shall be appointed for each commissioner's district of Choctaw County, as defined and prescribed by law, as provided in Section 3. Such constables shall hold office for four years from the date of their appointment, and until their successors are appointed and qualified; and they shall give bond and take the oath prescribed by law for other constables. Such officers shall execute the process of courts within their districts, and shall have all the powers and duties of the sheriff, other constables, and other peace officers of the county, coextensive with the boundaries of their respective districts.

Section 2. The special constables of Choctaw County shall each be entitled to the same fees, percentages, and allowances as the sheriff for performing like services, when acting in lieu of the sheriff or constable.

Section 3. After this Act takes effect, the judge of the inferior court, the circuit solicitor and the county solicitor of Choctaw County, acting as a board of appointment, shall appoint a constable for each district in Choctaw County, who shall hold office until his successor is appointed and qualified as herein provided. Any vacancy occurring in the office shall be filled by appointment by the appointing board for the unexpired term.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 78; Nays 0.

**Yeas:**

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Mr. Speaker:               | Bevill  | Broadfoot | Cook     |
| Adams <sup>(Houston)</sup> | Bishop  | Brooks    | Copeland |
| Albea                      | Boyd    | Cabiness  | Daniel   |
| Bailey                     | Brannan | Camp      | Dickson  |
| Barnett                    | Branyon | Casey     | Dodd     |
| Bassett                    | Britton | Chambers  | Faulk    |

|             |                     |                     |                   |
|-------------|---------------------|---------------------|-------------------|
| Franklin    | Hearn               | Nichols             | Rozelle           |
| Glass       | Hocklander          | Oakley              | Self              |
| Goldthwaite | Ingram              | Oden                | Shumate           |
| Goodwyn     | Johnson (Hardaway)  | Owens               | Smith (St. Clair) |
| Gordon      | Johnson (J. T. Tom) | Perry               | Solomon           |
| Grant       | Johnston (Leonard)  | Phillips            | Speaks            |
| Gross       | Jones (Covington)   | Pierce              | Steagall          |
| Grouby      | Jones (Monroe)      | Powell              | Sullivan          |
| Guthrie     | Lee                 | Ramey               | Taylor            |
| Hanby       | Long (Perry)        | Ray                 | Torbert           |
| Hankins     | McClendon (Chamb)   | Reynolds (Chambers) | Trimmier          |
| Hardy       | McCorquodale        | Roberts             | Turner            |
| Harris      | Meade               | Rogers              | Turnham           |
| Harvey      | Merrill             |                     |                   |

—78

And said bill, H. 641, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

#### Yeas:

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker:    | Dickson     | Johnson (Hardaway)  | Powell              |
| Adams (Houston) | Dodd        | Johnson (J. T. Tom) | Ramey               |
| Albea           | Faulk       | Johnston (Leonard)  | Ray                 |
| Avery           | Ferguson    | Jones (Covington)   | Reynolds (Chambers) |
| Bailey          | Franklin    | Jones (Monroe)      | Roberts             |
| Barnett         | Glass       | Lee                 | Rogers              |
| Basnett         | Goldthwaite | Long (Perry)        | Rozelle             |
| Bevill          | Goodwyn     | McClendon (Chamb)   | Self                |
| Bishop          | Gordon      | McCorquodale        | Shumate             |
| Boyd            | Grant       | Martin              | Smith (Russell)     |
| Brannan         | Gross       | Meade               | Smith (St. Clair)   |
| Branyon         | Grouby      | Merrill             | Solomon             |
| Britton         | Guthrie     | Nettles             | Speaks              |
| Brooks          | Hanby       | Nichols             | Steagall            |
| Cabiness        | Hankins     | Oakley              | Sullivan            |
| Camp            | Hardy       | Oden                | Taylor              |
| Casey           | Harris      | Owens               | Torbert             |
| Chambers        | Harvey      | Perry               | Trimmier            |
| Cook            | Hearn       | Phillips            | Turner              |
| Copeland        | Hocklander  | Pierce              | Turnham             |
| Daniel          | Ingram      |                     |                     |

—82

#### BILLS POSTPONED

On motion of Mr. Goodwyn, consideration of the bill, H. 664, was postponed until the twenty-third legislative day.

On motion of Mr. Hocklander, consideration of the bills, H. 72 and H. 73, and pending substitute, was postponed until the twenty-third legislative day.

And the bill:

H. 658. To fix the compensation of the deputy solicitor of Chambers County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Cornett     | Jenkins                        | Powell                         |
| Adams <sup>(Houston)</sup> | Daniel      | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Albea                      | Dickson     | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Avery                      | Dodd        | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Bailey                     | Ferguson    | Jones <sup>(Covington)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Glass       | Jones <sup>(Monroe)</sup>      | Roberts                        |
| Bassett                    | Goldthwaite | Long <sup>(Perry)</sup>        | Rogers                         |
| Bishop                     | Gordon      | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Boyd                       | Grant       | Martin                         | Self                           |
| Brannan                    | Gross       | Meade                          | Sessions                       |
| Branyon                    | Guthrie     | Merrill                        | Shumate                        |
| Brewer                     | Hain        | Morrow                         | Smith <sup>(Russell)</sup>     |
| Britton                    | Hanby       | Murphy                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hankins     | Nettles                        | Solomon                        |
| Brooks                     | Hardy       | Nichols                        | Speaks                         |
| Cabiness                   | Harris      | Oakley                         | Steagall                       |
| Casey                      | Harvey      | Oden                           | Sullivan                       |
| Cates                      | Hawkins     | Owens                          | Taylor                         |
| Chambers                   | Hearn       | Perry                          | Trimmier                       |
| Cook                       | Hocklander  | Phillips                       | Turner                         |
| Copeland                   | Ingram      | Pierce                         | Turnham                        |

—84

And the Bill:

H. 657 (with amendment). To amend Act No. 496, H. 930, approved September 3, 1953 (Acts of Alabama, 1953, page 624) which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

**AMENDMENT TO H. B. 657**

In Section 1, strike out paragraph (e) and substitute the following paragraph:

(e) The Sheriff shall be allowed two deputies, the chief deputy and one other, whose compensation shall be paid by the county, and shall also be allowed the sum of 300 dollars per annum for the compensation of other assistants. The salary of each of such deputies payable by the county shall be 300 dollars per month.

And the amendment was adopted.

Yeas 82; Nays 0.

**Yeas:**

|                            |         |         |          |
|----------------------------|---------|---------|----------|
| Mr. Speaker:               | Bailey  | Bishop  | Brewer   |
| Adams <sup>(Houston)</sup> | Barnett | Boyd    | Britton  |
| Albea                      | Bassett | Brannan | Brooks   |
| Avery                      | Bevill  | Branyon | Cabiness |

|             |                     |              |                     |
|-------------|---------------------|--------------|---------------------|
| Casey       | Hain                | McCorquodale | Ray                 |
| Cates       | Hanby               | Martin       | Reynolds (Chambers) |
| Chambers    | Hankins             | Meade        | Rogers              |
| Cook        | Hardy               | Merrill      | Rozelle             |
| Copeland    | Harris              | Morrow       | Self                |
| Cornett     | Harvey              | Murphy       | Sessions            |
| Daniel      | Hearn               | Nettles      | Smith (Russell)     |
| Dickson     | Hocklander          | Nichols      | Smith (St. Clair)   |
| Dodd        | Ingram              | Oakley       | Solomon             |
| Ferguson    | Jenkins             | Oden         | Speaks              |
| Franklin    | Johnson (Hardaway)  | Owens        | Steagall            |
| Glass       | Johnson (J. T. Tom) | Perry        | Sullivan            |
| Goldthwaite | Johnston (Leonard)  | Phillips     | Taylor              |
| Gordon      | Jones (Covington)   | Pierce       | Trimmier            |
| Grant       | Jones (Monroe)      | Powell       | Turner              |
| Gross       | Long (Perry)        | Ramey        | Turnham             |
| Guthrie     | McClendon (Chamb)   |              |                     |

—82

And said bill, H. 657, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker:    | Dickson     | Johnson (Hardaway)  | Pierce              |
| Adams (Houston) | Dodd        | Johnson (J. T. Tom) | Powell              |
| Albea           | Ferguson    | Johnston (Leonard)  | Ramey               |
| Avery           | Franklin    | Jones (Covington)   | Ray                 |
| Bailey          | Glass       | Jones (Monroe)      | Reynolds (Chambers) |
| Barnett         | Goldthwaite | Long (Perry)        | Roberts             |
| Bassett         | Gordon      | McClendon (Chamb)   | Rogers              |
| Bevill          | Grant       | McCorquodale        | Rozelle             |
| Bishop          | Gross       | Martin              | Self                |
| Boyd            | Grouby      | Meade               | Sessions            |
| Brannan         | Guthrie     | Merrill             | Smith (Russell)     |
| Branyon         | Hain        | Morrow              | Smith (St. Clair)   |
| Brewer          | Hanby       | Murphy              | Solomon             |
| Britton         | Hankins     | Nettles             | Speaks              |
| Brooks          | Hardy       | Nichols             | Steagall            |
| Casey           | Harris      | Oakley              | Sullivan            |
| Cates           | Harvey      | Oden                | Taylor              |
| Chambers        | Hearn       | Owens               | Trimmier            |
| Cook            | Hocklander  | Perry               | Turner              |
| Copeland        | Ingram      | Phillips            | Turnham             |
| Daniel          | Jenkins     |                     |                     |

—82

And the Bill:

H. 663. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 11, T16N, R18E, Montgomery County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                 |       |         |         |
|-----------------|-------|---------|---------|
| Mr. Speaker:    | Albea | Bailey  | Bassett |
| Adams (Houston) | Avery | Barnett | Bevill  |

|           |                                |                              |                                |
|-----------|--------------------------------|------------------------------|--------------------------------|
| Boyd      | Glass                          | Jones <sup>(Covington)</sup> | Ramey                          |
| Brannan   | Goldthwaite                    | Jones <sup>(Monroe)</sup>    | Ray                            |
| Branyon   | Gordon                         | Lee                          | Reynolds <sup>(Chambers)</sup> |
| Brewer    | Grant                          | Long <sup>(Perry)</sup>      | Roberts                        |
| Britton   | Gross                          | McClendon <sup>(Chamb)</sup> | Rogers                         |
| Broadfoot | Grouby                         | McCorquodale                 | Rozelle                        |
| Brooks    | Guthrie                        | Martin                       | Self                           |
| Cabiness  | Hain                           | Meade                        | Sessions                       |
| Camp      | Hanby                          | Merrill                      | Shumate                        |
| Casey     | Hankins                        | Morrow                       | Smith <sup>(Russell)</sup>     |
| Cates     | Hardy                          | Murphy                       | Smith <sup>(St. Clair)</sup>   |
| Chambers  | Harris                         | Nettles                      | Solomon                        |
| Cook      | Harvey                         | Nichols                      | Speaks                         |
| Copeland  | Hawkins                        | Oakley                       | Steagall                       |
| Cornett   | Hearn                          | Oden                         | Sullivan                       |
| Daniel    | Ingram                         | Owens                        | Taylor                         |
| Dickson   | Jenkins                        | Perry                        | Thomas                         |
| Dodd      | Johnson <sup>(Hardaway)</sup>  | Phillips                     | Trimmier                       |
| Ferguson  | Johnson <sup>(J. T. Tom)</sup> | Pierce                       | Turner                         |
| Franklin  | Johnston <sup>(Leonard)</sup>  | Powell                       | Turnham                        |

—88

And the Bill:

H. 674. Relating to the establishment, construction, reconstruction, repair, and maintenance of roads and bridges in all counties having a population of not less than 41,000 nor more than 47,000, according to the last or any subsequent federal decennial census; providing for a referendum election to determine whether the state or the county will have and exercise jurisdiction, supervision, and control over county roads and bridges.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                            |            |                                |                                |
|----------------------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Cornett    | Jenkins                        | Pierce                         |
| Adams <sup>(Houston)</sup> | Daniel     | Johnson <sup>(Hardaway)</sup>  | Powell                         |
| Albea                      | Dickson    | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Avery                      | Dodd       | Johnston <sup>(Leonard)</sup>  | Rast                           |
| Bailey                     | Ferguson   | Jones <sup>(Covington)</sup>   | Ray                            |
| Barnett                    | Franklin   | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Glass      | Lee                            | Rogers                         |
| Bevill                     | Goodwyn    | Long <sup>(Perry)</sup>        | Rozelle                        |
| Bishop                     | Gordon     | McClendon <sup>(Chamb)</sup>   | Self                           |
| Boyd                       | Grant      | McCorquodale                   | Sessions                       |
| Brannan                    | Gross      | Martin                         | Shumate                        |
| Branyon                    | Grouby     | Meade                          | Smith <sup>(Russell)</sup>     |
| Brewer                     | Guthrie    | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Hain       | Morrow                         | Solomon                        |
| Broadfoot                  | Hanby      | Murphy                         | Speaks                         |
| Brooks                     | Hankins    | Nettles                        | Steagall                       |
| Cabiness                   | Hardy      | Nichols                        | Sullivan                       |
| Camp                       | Harris     | Oakley                         | Taylor                         |
| Casey                      | Harvey     | Oden                           | Thomas                         |
| Cates                      | Hawkins    | Owens                          | Trimmier                       |
| Chambers                   | Hearn      | Perry                          | Turner                         |
| Cook                       | Hocklander | Phillips                       | Turnham                        |
| Copeland                   | Ingram     |                                |                                |

—90

And the Bill:

S. 115. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 10, T16N, R18E, Montgomery County, Alabama.

Was read a third time at length and passed.

Yeas 89; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Cornett     | Hocklander                     | Phillips                       |
| Adams <sup>(Houston)</sup> | Daniel      | Ingram                         | Pierce                         |
| Albea                      | Dickson     | Jenkins                        | Powell                         |
| Avery                      | Dodd        | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Bailey                     | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Barnett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Bassett                    | Franklin    | Jones <sup>(Covington)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Glass       | Jones <sup>(Monroe)</sup>      | Roberts                        |
| Bishop                     | Goldthwaite | Lee                            | Rogers                         |
| Boyd                       | Goodwyn     | Long <sup>(Perry)</sup>        | Rozelle                        |
| Brannan                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Self                           |
| Branyon                    | Grant       | McCorquodale                   | Sessions                       |
| Brewer                     | Gross       | Martin                         | Smith <sup>(Russell)</sup>     |
| Britton                    | Grouby      | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Guthrie     | Merrill                        | Speaks                         |
| Brooks                     | Hain        | Morrow                         | Steagall                       |
| Cabiness                   | Hanby       | Murphy                         | Sullivan                       |
| Camp                       | Hankins     | Nettles                        | Taylor                         |
| Casey                      | Hardy       | Oakley                         | Thomas                         |
| Cates                      | Harris      | Oden                           | Trimmier                       |
| Chambers                   | Harvey      | Owens                          | Turner                         |
| Cook                       | Hawkins     | Perry                          | Turnham                        |
| Copeland                   |             |                                |                                |

—89

And the Bill:

S. 268. To amend Section 1 of an act approved July 12, 1957, fixing the compensation of the coroner of St. Clair County (Act No. 131, H. 526, Acts of Alabama, Regular Session 1957, Vol. 1, p. 179).

Was read a third time at length and passed.

Yeas 88; Nays 0.

**Yeas:**

|                            |          |             |                                |
|----------------------------|----------|-------------|--------------------------------|
| Mr. Speaker:               | Brooks   | Ferguson    | Harvey                         |
| Adams <sup>(Houston)</sup> | Cabiness | Franklin    | Hawkins                        |
| Albea                      | Camp     | Glass       | Hearn                          |
| Avery                      | Casey    | Goldthwaite | Hocklander                     |
| Bailey                     | Cates    | Goodwyn     | Ingram                         |
| Barnett                    | Chambers | Gordon      | Jenkins                        |
| Bassett                    | Cook     | Grant       | Johnson <sup>(Hardaway)</sup>  |
| Bevill                     | Copeland | Gross       | Johnson <sup>(J. T. Tom)</sup> |
| Bishop                     | Cornett  | Grouby      | Jones <sup>(Monroe)</sup>      |
| Boyd                       | Daniel   | Guthrie     | Lee                            |
| Brannan                    | Dickson  | Hain        | Locke                          |
| Brewer                     | Dodd     | Hanby       | Long <sup>(Perry)</sup>        |
| Britton                    | Edwards  | Hardy       | McClendon <sup>(Chamb)</sup>   |
| Broadfoot                  | Faulk    | Harris      | McCorquodale                   |



|         |          |                                |                              |
|---------|----------|--------------------------------|------------------------------|
| Meade   | Owens    | Reynolds <sup>(Chambers)</sup> | Smith <sup>(St. Clair)</sup> |
| Merrill | Perry    | Roberts                        | Speaks                       |
| Morrow  | Phillips | Rogers                         | Sullivan                     |
| Murphy  | Pierce   | Rozelle                        | Taylor                       |
| Nettles | Powell   | Self                           | Thomas                       |
| Nichols | Ramey    | Sessions                       | Trimmier                     |
| Oakley  | Rast     | Shumate                        | Turner                       |
| Oden    | Ray      | Smith <sup>(Russell)</sup>     | Turnham                      |

—88

And the Bill:

H. 670. To amend an act entitled "An act to provide for the election of a County Superintendent of Education for Pickens County, Alabama, by the qualified voters of said county, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers, and duties and to provide for the election of his successor in office."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Cornett     | Hearn                          | Perry                          |
| Adams <sup>(Houston)</sup> | Daniel      | Hocklander                     | Phillips                       |
| Albea                      | Dickson     | Ingram                         | Pierce                         |
| Avery                      | Dodd        | Jenkins                        | Powell                         |
| Bailey                     | Edwards     | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Barnett                    | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Bassett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Bevill                     | Franklin    | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Bishop                     | Glass       | Lee                            | Roberts                        |
| Boyd                       | Goldthwaite | Locke                          | Rogers                         |
| Brannan                    | Goodwyn     | Long <sup>(Perry)</sup>        | Rozelle                        |
| Branyon                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Self                           |
| Brewer                     | Grant       | McCorquodale                   | Sessions                       |
| Britton                    | Gross       | Meade                          | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Grouby      | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Guthrie     | Morrow                         | Speaks                         |
| Cabiness                   | Hain        | Murphy                         | Steagall                       |
| Camp                       | Hanby       | Nettles                        | Sullivan                       |
| Casey                      | Hankins     | Nichols                        | Taylor                         |
| Cates                      | Hardy       | Oakley                         | Thomas                         |
| Chambers                   | Harris      | Oden                           | Trimmier                       |
| Cook                       | Harvey      | Owens                          | Turner                         |
| Copeland                   | Hawkins     |                                |                                |

—90

And the Bill:

S. 272. To provide for the establishment and administration of a retirement system; to provide retirement allowances and other benefits for certain employees of the County of Montgomery.

Was read a third time at length and passed.

Yeas 87; Nays 0.

**Yeas:**

|                            |       |         |         |
|----------------------------|-------|---------|---------|
| Mr. Speaker:               | Albea | Bailey  | Bassett |
| Adams <sup>(Houston)</sup> | Avery | Barnett | Bevill  |

|           |             |                     |                     |
|-----------|-------------|---------------------|---------------------|
| Bishop    | Faulk       | Johnson (Hardaway)  | Powell              |
| Boyd      | Ferguson    | Johnson (J. T. Tom) | Ramey               |
| Brannan   | Franklin    | Johnston (Leonard)  | Rast                |
| Branyon   | Glass       | Jones (Monroe)      | Ray                 |
| Brewer    | Goldthwaite | Locke               | Reynolds (Chambers) |
| Britton   | Goodwyn     | Long (Perry)        | Rogers              |
| Broadfoot | Gordon      | McClendon (Chamb)   | Rozelle             |
| Brooks    | Grant       | McCorquodale        | Self                |
| Cabiness  | Gross       | Martin              | Sessions            |
| Camp      | Grouby      | Meade               | Smith (Russell)     |
| Casey     | Hain        | Merrill             | Smith (St. Clair)   |
| Cates     | Hanby       | Morrow              | Speaks              |
| Chambers  | Hankins     | Nettles             | Steagall            |
| Cook      | Hardy       | Nichols             | Sullivan            |
| Copeland  | Harris      | Oakley              | Taylor              |
| Cornett   | Harvey      | Oden                | Torbert             |
| Daniel    | Hawkins     | Owens               | Trimmier            |
| Dickson   | Hocklander  | Perry               | Turner              |
| Dodd      | Ingram      | Phillips            | Turnham             |
| Edwards   | Jenkins     | Pierce              |                     |

—87

And the Bill:

S. 273. To amend an Act approved by the Legislature of Alabama on July 29, 1947 (Local Acts of 1947, p. 165), as amended; to authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for elected officials, such amendment to provide for **mandatory contributions to said plan by the employees of said County** who are employees upon the effective date of this Act.

Was read a third time at length and passed.

Yeas 89; Nays 0.

#### Yeas:

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker:    | Cornett     | Ingram              | Phillips            |
| Adams (Houston) | Daniel      | Jenkins             | Pierce              |
| Albea           | Dickson     | Johnson (Hardaway)  | Powell              |
| Avery           | Dodd        | Johnson (J. T. Tom) | Ramey               |
| Bailey          | Edwards     | Johnston (Leonard)  | Rast                |
| Barnett         | Faulk       | Jones (Covington)   | Ray                 |
| Bassett         | Franklin    | Jones (Monroe)      | Reynolds (Chambers) |
| Bevill          | Glass       | Locke               | Roberts             |
| Bishop          | Goldthwaite | Long (Perry)        | Rogers              |
| Boyd            | Goodwyn     | McClendon (Chamb)   | Rozelle             |
| Brannan         | Gordon      | McCorquodale        | Self                |
| Branyon         | Grant       | Martin              | Sessions            |
| Brewer          | Gross       | Meade               | Shumate             |
| Britton         | Grouby      | Merrill             | Smith (Russell)     |
| Broadfoot       | Hain        | Morrow              | Smith (St. Clair)   |
| Brooks          | Hanby       | Murphy              | Speaks              |
| Cabiness        | Hankins     | Nettles             | Steagall            |
| Camp            | Hardy       | Nichols             | Sullivan            |
| Casey           | Harris      | Oakley              | Taylor              |
| Cates           | Harvey      | Oden                | Trimmier            |
| Chambers        | Hawkins     | Owens               | Turner              |
| Cook            | Hocklander  | Perry               | Turnham             |
| Copeland        |             |                     |                     |

—89

And the Bill:

S. 278. Relating to Colbert County; fixing the compensation of members of the board of education of Colbert County, and providing for payment of expenses incurred by the members thereof in attending meetings of the board.

Was read a third time at length and passed.

Yeas 91; Nays 0.

**Yeas:**

|              |             |                                |                                |
|--------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker: | Daniel      | Jenkins                        | Pierce                         |
| Albea        | Dickson     | Johnson <sup>(Hardaway)</sup>  | Powell                         |
| Avery        | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Bailey       | Edwards     | Johnson <sup>(Leonard)</sup>   | Rast                           |
| Barnett      | Faulk       | Jones <sup>(Covington)</sup>   | Ray                            |
| Bassett      | Ferguson    | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Bevill       | Franklin    | Lee                            | Rogers                         |
| Bishop       | Glass       | Locke                          | Rozelle                        |
| Boyd         | Goldthwaite | Long <sup>(Perry)</sup>        | Self                           |
| Brannan      | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Branyon      | Gordon      | McCorquodale                   | Shumate                        |
| Brewer       | Grant       | Martin                         | Smith <sup>(Russell)</sup>     |
| Britton      | Gross       | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Broadfoot    | Grouby      | Merrill                        | Speaks                         |
| Brooks       | Guthrie     | Morrow                         | Steagall                       |
| Cabiness     | Hain        | Murphy                         | Sullivan                       |
| Camp         | Hanby       | Nettles                        | Taylor                         |
| Casey        | Hankins     | Nichols                        | Thomas                         |
| Cates        | Hardy       | Oakley                         | Torbert                        |
| Chambers     | Harris      | Oden                           | Trimmier                       |
| Cook         | Harvey      | Owens                          | Turner                         |
| Copeland     | Hawkins     | Perry                          | Turnham                        |
| Cornett      | Hocklander  | Phillips                       |                                |

—91

And the Bill:

S. 281. To amend Section 4 of the Act of August 11, 1939, which provided for a consolidation of the administration and control of all city and county public schools systems in Montgomery County (Act No. 222, H. 462, 1939 Local Acts 125, 126).

Was read a third time at length and passed.

Yeas 89; Nays 0.

**Yeas:**

|                            |           |             |                               |
|----------------------------|-----------|-------------|-------------------------------|
| Mr. Speaker:               | Britton   | Dodd        | Hanby                         |
| Adams <sup>(Houston)</sup> | Broadfoot | Edwards     | Hankins                       |
| Albea                      | Brooks    | Faulk       | Hardy                         |
| Avery                      | Cabiness  | Ferguson    | Harris                        |
| Bailey                     | Camp      | Franklin    | Harvey                        |
| Barnett                    | Casey     | Glass       | Hawkins                       |
| Bassett                    | Cates     | Goldthwaite | Hearn                         |
| Bevill                     | Chambers  | Goodwyn     | Hocklander                    |
| Bishop                     | Cook      | Gordon      | Jenkins                       |
| Boyd                       | Copeland  | Grant       | Johnson <sup>(Hardaway)</sup> |
| Brannan                    | Cornett   | Gross       | Johnson <sup>(Leonard)</sup>  |
| Branyon                    | Daniel    | Grouby      | Jones <sup>(Covington)</sup>  |
| Brewer                     | Dickson   | Hain        | Jones <sup>(Monroe)</sup>     |

|                              |          |                            |                              |
|------------------------------|----------|----------------------------|------------------------------|
| Lee                          | Nettles  | Ramey                      | Smith <sup>(St. Clair)</sup> |
| Locke                        | Nichols  | Rast                       | Speaks                       |
| Long <sup>(Perry)</sup>      | Oakley   | Ray                        | Steagall                     |
| McClendon <sup>(Chamb)</sup> | Oden     | Rogers                     | Sullivan                     |
| McCorquodale                 | Owens    | Rozelle                    | Taylor                       |
| Martin                       | Perry    | Self                       | Thomas                       |
| Meade                        | Phillips | Sessions                   | Trimmier                     |
| Merrill                      | Pierce   | Shumate                    | Turner                       |
| Morrow                       | Powell   | Smith <sup>(Russell)</sup> | Turnham                      |
| Murphy                       |          |                            |                              |

—89

And the Bill:

S. 292. To amend Section 339 of Title 62, Code of Alabama 1940, relating to the judges of the fifteenth judicial circuit of Alabama (Montgomery County).

Was read a third time at length and passed.

Yeas 88; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Copeland    | Hocklander                     | Phillips                     |
| Adams <sup>(Houston)</sup> | Cornett     | Jenkins                        | Pierce                       |
| Albea                      | Daniel      | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Avery                      | Dickson     | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Bailey                     | Dodd        | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Barnett                    | Faulk       | Jones <sup>(Covington)</sup>   | Ray                          |
| Bassett                    | Ferguson    | Jones <sup>(Monroe)</sup>      | Roberts                      |
| Bevill                     | Franklin    | Lee                            | Rogers                       |
| Bishop                     | Goldthwaite | Locke                          | Rozelle                      |
| Boyd                       | Goodwyn     | Long <sup>(Perry)</sup>        | Self                         |
| Brannan                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Branyon                    | Grant       | Martin                         | Shumate                      |
| Brewer                     | Gross       | Meade                          | Smith <sup>(Russell)</sup>   |
| Britton                    | Grouby      | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hain        | Morrow                         | Speaks                       |
| Brooks                     | Hanby       | Murphy                         | Steagall                     |
| Cabiness                   | Hankins     | Nettles                        | Sullivan                     |
| Camp                       | Hardy       | Nichols                        | Taylor                       |
| Casey                      | Harris      | Oakley                         | Thomas                       |
| Cates                      | Harvey      | Oden                           | Torbert                      |
| Chambers                   | Hawkins     | Owens                          | Trimmier                     |
| Cook                       | Hearn       | Perry                          | Turner                       |

—88

And the Bill:

S. 293. To amend Section 24 of Act No. 813, S. 662, approved September 11, 1951, (Acts of Alabama 1950-1951, pages 1426-1447), which relates to providing for and prescribing the form of government for all cities of Alabama having a population of not less than 75,000 nor more than 125,000 inhabitants according to the preliminary count of the 1950 federal census or any subsequent regular decennial federal census by more particularly defining the employees covered thereunder.

Was read a third time at length and passed.

Yeas 87; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Dickson     | Johnson <sup>(Hardaway)</sup> | Powell                       |
| Adams <sup>(Houston)</sup> | Dodd        | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Albea                      | Edwards     | Jones <sup>(Covington)</sup>  | Rast                         |
| Bailey                     | Faulk       | Jones <sup>(Monroe)</sup>     | Ray                          |
| Barnett                    | Ferguson    | Lee                           | Roberts                      |
| Bassett                    | Franklin    | Locke                         | Rogers                       |
| Bevill                     | Goldthwaite | Long <sup>(Perry)</sup>       | Rozelle                      |
| Bishop                     | Goodwyn     | McClendon <sup>(Chamb)</sup>  | Self                         |
| Boyd                       | Gordon      | McCorquodale                  | Sessions                     |
| Brannan                    | Grant       | Martin                        | Shumate                      |
| Branyon                    | Gross       | Meade                         | Smith <sup>(Russell)</sup>   |
| Brewer                     | Greuby      | Merrill                       | Smith <sup>(St. Clair)</sup> |
| Britton                    | Guthrie     | Morrow                        | Solomon                      |
| Broadfoot                  | Hain        | Murphy                        | Speaks                       |
| Cabiness                   | Hanby       | Nettles                       | Steagall                     |
| Camp                       | Hankins     | Nichols                       | Sullivan                     |
| Casey                      | Hardy       | Oakley                        | Taylor                       |
| Chambers                   | Harris      | Oden                          | Thomas                       |
| Cook                       | Harvey      | Owens                         | Trimmier                     |
| Copeland                   | Hawkins     | Perry                         | Turner                       |
| Cornett                    | Hocklander  | Phillips                      | Turnham                      |
| Daniel                     | Jenkins     | Pierce                        |                              |

—87

And the Bill:

S. 295. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 36, Township 16 North, Range 18 East, Montgomery County, Alabama.

Was read a third time at length and passed.

Yeas 92; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Daniel      | Ingram                         | Phillips                     |
| Adams <sup>(Houston)</sup> | Dickson     | Jenkins                        | Pierce                       |
| Albea                      | Dodd        | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Bailey                     | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Barnett                    | Faulk       | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Bassett                    | Ferguson    | Jones <sup>(Covington)</sup>   | Ray                          |
| Bevill                     | Franklin    | Jones <sup>(Monroe)</sup>      | Roberts                      |
| Bishop                     | Glass       | Lee                            | Rogers                       |
| Boyd                       | Goldthwaite | Locke                          | Rozelle                      |
| Brannan                    | Goodwyn     | Long <sup>(Perry)</sup>        | Self                         |
| Branyon                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Brewer                     | Grant       | McCorquodale                   | Shumate                      |
| Britton                    | Gross       | Martin                         | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Greuby      | Meade                          | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Hain        | Merrill                        | Solomon                      |
| Cabiness                   | Hanby       | Morrow                         | Speaks                       |
| Camp                       | Hankins     | Murphy                         | Steagall                     |
| Casey                      | Hardy       | Nettles                        | Sullivan                     |
| Cates                      | Harris      | Nichols                        | Taylor                       |
| Chambers                   | Harvey      | Oakley                         | Thomas                       |
| Cook                       | Hawkins     | Oden                           | Trimmier                     |
| Copeland                   | Hearn       | Owens                          | Turner                       |
| Cornett                    | Hocklander  | Perry                          | Turnham                      |

—92

And the Bill:

S. 294. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 31, Township 16 North, Range 18 East, Montgomery County, Alabama.

Was read a third time at length and passed.

Yeas 93; Nays 0.

**Yeas:**

|                            |               |                                |                              |
|----------------------------|---------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Dodd          | Jenkins                        | Pierce                       |
| Adams <sup>(Houston)</sup> | Edwards       | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Albea                      | Faulk         | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Bailey                     | Ferguson      | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Barnett                    | Franklin      | Jones <sup>(Covington)</sup>   | Ray                          |
| Bassett                    | Glass         | Jones <sup>(Monroe)</sup>      | Roberts                      |
| Bevill                     | Goldthwaite   | Lee                            | Rogers                       |
| Bishop                     | Goodwyn       | Locke                          | Rozelle                      |
| Boyd                       | Gordon        | Long <sup>(Perry)</sup>        | Self                         |
| Branyon                    | Grant         | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Brewer                     | Gross         | McCorquodale                   | Shumate                      |
| Britton                    | Grouby        | Martin                         | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Guthrie       | Meade                          | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Hain          | Merrill                        | Solomon                      |
| Cabiness                   | Hanby         | Morrow                         | Speaks                       |
| Camp                       | Hankins       | Murphy                         | Steagall                     |
| Casey                      | Hardy         | Nettles                        | Sullivan                     |
| Cates                      | Harris        | Nichols                        | Taylor                       |
| <b>Chambers</b>            | <b>Harvey</b> | <b>Oakley</b>                  | <b>Thomas</b>                |
| Cook                       | Hawkins       | Oden                           | Torbert                      |
| Copeland                   | Hearn         | Owens                          | Trimmier                     |
| Cornett                    | Hocklander    | Perry                          | Turner                       |
| Daniel                     | Ingram        | Phillips                       | Turnham                      |
| Dickson                    |               |                                |                              |

—93

And the Bill:

S. 298. Relating to the holding of elections in Hale County; authorizing the court of county commissioners, board of revenue, or other like governing body of Hale County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

Was read a third time at length and passed.

Yeas 93; Nays 0.

**Yeas:**

|                            |           |             |            |
|----------------------------|-----------|-------------|------------|
| Mr. Speaker:               | Brewer    | Daniel      | Gross      |
| Adams <sup>(Houston)</sup> | Britton   | Dickson     | Grouby     |
| Albea                      | Broadfoot | Dodd        | Guthrie    |
| Avery                      | Brooks    | Edwards     | Hain       |
| Bailey                     | Cabiness  | Faulk       | Hanby      |
| Barnett                    | Camp      | Ferguson    | Hankins    |
| Bassett                    | Casey     | Franklin    | Hardy      |
| Bevill                     | Cates     | Glass       | Harris     |
| Bishop                     | Chambers  | Goldthwaite | Harvey     |
| Boyd                       | Cook      | Goodwyn     | Hawkins    |
| Brannan                    | Copeland  | Gordon      | Hearn      |
| Branyon                    | Cornett   | Grant       | Hocklander |

|                     |         |          |                   |
|---------------------|---------|----------|-------------------|
| Ingram              | Martin  | Phillips | Shumate           |
| Jenkins             | Meade   | Pierce   | Smith (Russell)   |
| Johnson (Hardaway)  | Merrill | Powell   | Smith (St. Clair) |
| Johnson (J. T. Tom) | Morrow  | Ramey    | Solomon           |
| Johnston (Leonard)  | Murphy  | Rast     | Speaks            |
| Jones (Covington)   | Nettles | Ray      | Steagall          |
| Jones (Monroe)      | Nichols | Roberts  | Sullivan          |
| Lee                 | Oakley  | Rogers   | Taylor            |
| Locke               | Oden    | Rozelle  | Thomas            |
| Long (Perry)        | Owens   | Self     | Trimmier          |
| McClendon (Chamb)   | Perry   | Sessions | Turner            |
| McCorquodale        |         |          |                   |

—93

And the Bill:

S. 299. To alter, extend and rearrange the boundary lines and corporate limits of the Town of York in Sumter County, Alabama.

Was read a third time at length and passed.

Yeas 90; Nays 0.

**Yeas:**

|                 |             |                    |                   |
|-----------------|-------------|--------------------|-------------------|
| Mr. Speaker:    | Daniel      | Ingram             | Phillips          |
| Adams (Houston) | Dickson     | Jenkins            | Pierce            |
| Albea           | Dodd        | Johnson (Hardaway) | Powell            |
| Bailey          | Edwards     | Johnston (Leonard) | Ramey             |
| Barnett         | Faulk       | Jones (Covington)  | Rast              |
| Bassett         | Ferguson    | Jones (Monroe)     | Ray               |
| Bevill          | Franklin    | Lee                | Roberts           |
| Bishop          | Glass       | Locke              | Rogers            |
| Boyd            | Goldthwaite | Long (Perry)       | Rozelle           |
| Brannan         | Goodwyn     | McClendon (Chamb)  | Self              |
| Branyon         | Gordon      | McCorquodale       | Shumate           |
| Brewer          | Grant       | Martin             | Smith (Russell)   |
| Britton         | Gross       | Meade              | Smith (St. Clair) |
| Broadfoot       | Grouby      | Merrill            | Solomon           |
| Brooks          | Hain        | Morrow             | Speaks            |
| Cabiness        | Hanby       | Murphy             | Steagall          |
| Camp            | Hankins     | Nettles            | Sullivan          |
| Casey           | Hardy       | Nichols            | Taylor            |
| Cates           | Harris      | Oakley             | Thomas            |
| Chambers        | Harvey      | Oden               | Trimmier          |
| Cook            | Hawkins     | Owens              | Turner            |
| Copeland        | Hearn       | Perry              | Turnham           |
| Cornett         | Hocklander  |                    |                   |

—90

And the Bill:

H. 328. To provide supernumerary circuit solicitors of the State of Alabama; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, duties, powers, authority, compensation, method of removal from office of such supernumerary circuit solicitors; to provide for filling vacancies created by a circuit solicitor becoming a supernumerary circuit solicitor; to provide for reimbursement to such supernumerary circuit solicitors their reasonable expenses incurred for travelling on official business in counties other than that of their residence, and to appropriate funds for the payment of compensation and expenses of such supernumerary circuit solicitors.

As amended, was again taken up.

Messrs. Shumate, Jenkins and Cabiness offered the following amendment to the bill, H. 328, as amended:

#### AMENDMENT TO H. B. 328

Strike out Section 12 of the bill and substitute therefor a new Section 12 to read:

Section 12. This Act shall have no effect unless it is first approved by a majority of the qualified electors of the state who vote thereon in a referendum election to be held on the same day as the next election on proposed constitutional amendments. Such referendum election shall be held and conducted in the same way, according to the same procedures, and by the same officers as the election on such constitutional amendments. If a majority of the voters voting in the referendum election approve the Act, it shall become effective immediately upon the ascertainment and proclamation of the results of the referendum. The question to be printed on the ballots to be used in the election shall be stated substantially as follows: Do you approve the Act passed by the Legislature of Alabama providing for supernumerary solicitors? Yes ( ) No ( ).

The motion of Mr. Hocklander to lay on the table the amendment offered by Messrs. Shumate, Jenkins and Cabiness was lost.

Yeas 31; Nays 50.

#### Yeas:

|                     |                |                                  |                            |     |
|---------------------|----------------|----------------------------------|----------------------------|-----|
| <b>Mr. Speaker.</b> | <b>Cornett</b> | <b>Jones</b> <sup>(Monroe)</sup> | <b>Roberts</b>             |     |
| Albea               | Faulk          | Long <sup>(Perry)</sup>          | Rogers                     |     |
| Bishop              | Goodwyn        | Martin                           | Smith <sup>(Russell)</sup> |     |
| Boyd                | Grant          | Murphy                           | Solomon                    |     |
| Brewer              | Gross          | Oakley                           | Torbert                    |     |
| Britton             | Hain           | Phillips                         | Trimmier                   |     |
| Broadfoot           | Hardy          | Pierce                           | Turnham                    |     |
| Cook                | Hocklander     | Reynolds <sup>(Chambers)</sup>   |                            | —31 |

#### Nays:

|                 |                 |                                |                              |     |
|-----------------|-----------------|--------------------------------|------------------------------|-----|
| <b>Messrs.:</b> | <b>Copeland</b> | <b>Hawkins</b>                 | <b>Powell</b>                |     |
| Avery           | Dickson         | Hearn                          | Ramey                        |     |
| Bailey          | Dodd            | Ingram                         | Ray                          |     |
| Barnett         | Edwards         | Jenkins                        | Rozelle                      |     |
| Bassett         | Ferguson        | Johnson <sup>(Hardaway)</sup>  | Self                         |     |
| Bevill          | Franklin        | Johnson <sup>(J. T. Tom)</sup> | Sessions                     |     |
| Brannan         | Glass           | Johnston <sup>(Leonard)</sup>  | Shumate                      |     |
| Branyon         | Goldthwaite     | Jones <sup>(Covington)</sup>   | Smith <sup>(St. Clair)</sup> |     |
| Brooks          | Gordon          | Lee                            | Speaks                       |     |
| Cabiness        | Grouby          | Locke                          | Sullivan                     |     |
| Callahan        | Hanby           | McClendon <sup>(Chamb)</sup>   | Taylor                       |     |
| Camp            | Hankins         | Nichols                        | Thomas                       |     |
| Cates           | Harvey          | Owens                          |                              | —50 |

Mr. Goodwyn then moved to indefinitely postpone the amendment offered by Messrs. Shumate, Jenkins and Cabiness.

#### MOTION TO ADJOURN LOST

The motion of Mr. Nettles that the House adjourn until Friday, September 25, 1959, at ten o'clock A. M. was lost.



Yeas 25; Nays 61.

**Yeas:**

|                            |                              |                                |          |
|----------------------------|------------------------------|--------------------------------|----------|
| Messrs.:                   | Hain                         | Nettles                        | Rogers   |
| Adams <sup>(Houston)</sup> | Hardy                        | Oakley                         | Rozelle  |
| Cook                       | Hocklander                   | Phillips                       | Self     |
| Cornett                    | Jones <sup>(Covington)</sup> | Powell                         | Steagall |
| Daniel                     | Lee                          | Ray                            | Thomas   |
| Gordon                     | Long <sup>(Perry)</sup>      | Reynolds <sup>(Chambers)</sup> | Trimmier |
| Grant                      | Murphy                       |                                |          |

—25

**Nays:**

|              |             |                                |                              |
|--------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker: | Camp        | Hanby                          | Merrill                      |
| Albea        | Cates       | Hankins                        | Morrow                       |
| Bailey       | Chambers    | Harris                         | Nichols                      |
| Barnett      | Copeland    | Harvey                         | Owens                        |
| Bassett      | Dickson     | Hawkins                        | Pierce                       |
| Bevill       | Dodd        | Ingram                         | Roberts                      |
| Bishop       | Edwards     | Jenkins                        | Sessions                     |
| Boyd         | Faulk       | Johnson <sup>(Hardaway)</sup>  | Shumate                      |
| Brannan      | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Smith <sup>(St. Clair)</sup> |
| Branyon      | Franklin    | Johnston <sup>(Leonard)</sup>  | Solomon                      |
| Brewer       | Glass       | Jones <sup>(Monroe)</sup>      | Speaks                       |
| Britton      | Goldthwaite | Locke                          | Sullivan                     |
| Broadfoot    | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Taylor                       |
| Brooks       | Gross       | McCorquodale                   | Torbert                      |
| Cabiness     | Grouby      | Meade                          | Turnham                      |
| Callahan     |             |                                |                              |

—61

CONSIDERATION OF H. 328 RESUMED

H. 328. To provide supernumerary circuit solicitors of the State of Alabama; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, duties, powers, authority, compensation, method of removal from office of such supernumerary circuit solicitors; to provide for filling vacancies created by a circuit solicitor becoming a supernumerary circuit solicitor; to provide for reimbursement to such supernumerary circuit solicitors their reasonable expenses incurred for travelling on official business in counties other than that of their residence, and to appropriate funds for the payment of compensation and expenses of such supernumerary circuit solicitors.

As amended, was again taken up.

The question was on the motion of Mr. Goodwyn to indefinitely postpone the amendment offered by Messrs. Shumate, Jenkins and Cabiness, and the motion was adopted.

Yeas 42; Nays 40.

**Yeas:**

|              |           |            |                           |
|--------------|-----------|------------|---------------------------|
| Mr. Speaker: | Britton   | Goodwyn    | Ingram                    |
| Albea        | Broadfoot | Grant      | Jones <sup>(Monroe)</sup> |
| Bailey       | Cornett   | Gross      | Lee                       |
| Barnett      | Daniel    | Hain       | Long <sup>(Perry)</sup>   |
| Boyd         | Dodd      | Hardy      | McCorquodale              |
| Brewer       | Faulk     | Hocklander | Martin                    |

|         |          |                            |          |
|---------|----------|----------------------------|----------|
| Meade   | Oakley   | Roberts                    | Thomas   |
| Merrill | Phillips | Rogers                     | Torbert  |
| Murphy  | Pierce   | Smith <sup>(Russell)</sup> | Trimmier |
| Nettles | Powell   | Solomon                    | Turnham  |
| Nichols | Ray      |                            |          |

—42

**Nays:**

|          |             |                                |                                |
|----------|-------------|--------------------------------|--------------------------------|
| Messrs.: | Copeland    | Hankins                        | Ramey                          |
| Avery    | Dickson     | Harvey                         | Reynolds <sup>(Chambers)</sup> |
| Bassett  | Edwards     | Hearn                          | Rozelle                        |
| Bevill   | Ferguson    | Jenkins                        | Self                           |
| Brannan  | Franklin    | Johnson <sup>(Hardaway)</sup>  | Sessions                       |
| Branyon  | Glass       | Johnson <sup>(J. T. Tom)</sup> | Shumate                        |
| Brooks   | Goldthwaite | Johnston <sup>(Leonard)</sup>  | Smith <sup>(St. Clair)</sup>   |
| Cabiness | Gordon      | Jones <sup>(Covington)</sup>   | Speaks                         |
| Callahan | Grouby      | McClendon <sup>(Chamb)</sup>   | Sullivan                       |
| Camp     | Hanby       | Owens                          | Taylor                         |
| Cates    |             |                                |                                |

—40

Mr. Hankins then moved to indefinitely postpone the bill, H. 328, as amended, and said motion was adopted.

Yeas 43; Nays 42.

**Yeas:**

|          |             |                                |                              |
|----------|-------------|--------------------------------|------------------------------|
| Messrs.: | Copeland    | Harris                         | Merrill                      |
| Albea    | Dickson     | Harvey                         | Owens                        |
| Avery    | Edwards     | Hearn                          | Ramey                        |
| Bailey   | Ferguson    | Ingram                         | Rozelle                      |
| Barnett  | Franklin    | Jenkins                        | Self                         |
| Bassett  | Glass       | Johnson <sup>(Hardaway)</sup>  | Sessions                     |
| Branyon  | Goldthwaite | Johnson <sup>(J. T. Tom)</sup> | Shumate                      |
| Brooks   | Gross       | Johnston <sup>(Leonard)</sup>  | Smith <sup>(St. Clair)</sup> |
| Cabiness | Grouby      | Jones <sup>(Covington)</sup>   | Speaks                       |
| Callahan | Hanby       | McClendon <sup>(Chamb)</sup>   | Sullivan                     |
| Camp     | Hankins     | McCorquodale                   | Taylor                       |

—43

**Nays:**

|              |                           |                                |                            |
|--------------|---------------------------|--------------------------------|----------------------------|
| Mr. Speaker: | Faulk                     | Meade                          | Roberts                    |
| Boyd         | Goodwyn                   | Murphy                         | Rogers                     |
| Brannan      | Grant                     | Nettles                        | Smith <sup>(Russell)</sup> |
| Brewer       | Hain                      | Nichols                        | Solomon                    |
| Britton      | Hardy                     | Oakley                         | Steagall                   |
| Broadfoot    | Hocklander                | Phillips                       | Thomas                     |
| Cates        | Jones <sup>(Monroe)</sup> | Pierce                         | Torbert                    |
| Cook         | Lee                       | Powell                         | Trimmier                   |
| Cornett      | Locke                     | Ray                            | Turner                     |
| Daniel       | Long <sup>(Perry)</sup>   | Reynolds <sup>(Chambers)</sup> | Turnham                    |
| Dodd         | Martin                    |                                |                            |

—42

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the folloing House bills and returns same herewith to the House:

H. 312. To amend Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts

1957, Vol. II, p. 981), providing that the act shall not apply to any county having a population of not less than 47,000 nor more than 52,000, according to the last or any subsequent federal decennial census.

Also:

H. 237. Relating to the operation of livestock markets; to amend Section 11 of Act No. 173 (S. 18) of the Legislature of 1951 approved June 29, 1951 (Acts of 1951, Vol. 1, pages 409-415) by authorizing the Commissioner of Agriculture and Industries through appropriate legal proceedings to restrain or enjoin any person from operating a livestock market in violation of said Act.

Also:

H. 238. To regulate the weighing of livestock at public livestock markets by requiring persons operating scales on which livestock are weighed for sale purposes to obtain an annual permit from the Commissioner of Agriculture and Industries and to be bonded for the faithful performance of their duties; to provide that livestock sold on the basis of weight at livestock markets must be weighed by a person holding a permit under the provisions of this act; to exempt certain persons from this Act; to prescribe liabilities and a penalty for violations of this Act.

J. E. SPEIGHT,  
Secretary.

#### BILLS ON THIRD READING RESUMED

#### H. 166 POSTPONED

On motion of Mr. Bevill, consideration of the bill, H. 166, was postponed until the thirtieth legislative day.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Hanby to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 202, out of order, was adopted.

And the Bill:

S. 202. To create a Commission to plan and direct the commemoration of the centennial of Alabama's part in the War Between the States, as a part of the National Centennial program, as a means of promoting a better understanding of the heroic and valorous sacrifices of the people of Alabama in this great war for principles which they believed to be true and eternal, and of providing a clearer conception of their contributions to the Confederate cause; to provide for the duties and powers of said Commission; and to make an appropriation thereto.

Was read a third time at length and passed.

Yeas 70; Nays 5.

#### Yeas:

|              |         |         |         |
|--------------|---------|---------|---------|
| Mr. Speaker: | Barnett | Brannan | Britton |
| Albea        | Bevill  | Branyon | Brooks  |
| Bailey       | Boyd    | Brewer  | Camp    |

|             |                                |              |                                |
|-------------|--------------------------------|--------------|--------------------------------|
| Casey       | Gross                          | McCorquodale | Ray                            |
| Cates       | Grouby                         | Martin       | Reynolds <sup>(Chambers)</sup> |
| Copeland    | Hain                           | Meade        | Rogers                         |
| Cornett     | Hanby                          | Merrill      | Shumate                        |
| Daniel      | Harvey                         | Morrow       | Smith <sup>(Russell)</sup>     |
| Dickson     | Hawkins                        | Murphy       | Smith <sup>(St. Clair)</sup>   |
| Dodd        | Hearn                          | Nichols      | Solomon                        |
| Edwards     | Hocklander                     | Oakley       | Speaks                         |
| Faulk       | Ingram                         | Oden         | Steagall                       |
| Ferguson    | Johnson <sup>(Hardaway)</sup>  | Perry        | Sullivan                       |
| Glass       | Johnson <sup>(J. T. Tom)</sup> | Phillips     | Thomas                         |
| Goldthwaite | Jones <sup>(Covington)</sup>   | Pierce       | Torbert                        |
| Goodwyn     | Lee                            | Powell       | Turner                         |
| Gordon      | Locke                          | Ramey        | Turnham                        |
| Grant       | McClendon <sup>(Chamb)</sup>   |              |                                |

—70

**Nays:**

|          |           |                               |         |
|----------|-----------|-------------------------------|---------|
| Messrs.: | Broadfoot | Johnston <sup>(Leonard)</sup> | Nettles |
| Bassett  | Cabiness  |                               |         |

—5

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 309. To provide additional compensation for the register of the circuit court of Butler County, to be paid from the general fund of the county.

Also:

H. 493. To authorize and direct the Board of Revenue and Road Commissioners of Mobile County to make available to the sheriff of the county an annual allowance for the purchase of uniforms for deputies sheriff; and to regulate expenditures from such allowance.

Also:

H. 88. To amend further Section 460 of Title 51, Code of Alabama 1940, in relation to the amount of the annual privilege license payable by attorneys.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 63. Relative to the Biennial Report of the Sixth Legislative Council.

Also:

H. J. R. 64. Relative to extending an invitation to Miss Linda Lee Mead, Miss America of 1960, to attend a session of the Alabama Legislature.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions the titles to which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 422. Relating to Cullman County; providing further for the government of the county by abolishing the Cullman County Commission and creating in lieu thereof a board of revenue; providing for the organization, powers, duties, and authority of the board of revenue; prescribing the powers, duties, and authority of the chairman and members of the board, and providing for their election, tenure, qualifications, and compensation; repealing conflicting laws.

Also:

H. 237. Relating to the operation of livestock markets; to amend Section 11 of Act No. 173 (S. 18) of the Legislature of 1951 approved June 29, 1951 (Acts of 1951, Vol. 1, pages 409-415) by authorizing the Commissioner of Agriculture and Industries through appropriate legal proceedings to restrain or enjoin any person from operating a livestock market in violation of said Act.

Also:

H. 238. To regulate the weighing of livestock at public livestock markets by requiring persons operating scales on which livestock are weighed for sale purposes to obtain an annual permit from the Commissioner of Agriculture and Industries and to be bonded for the faithful performance of their duties; to provide that livestock sold on the basis of weight at livestock markets must be weighed by a person holding a permit under the provisions of this act; to exempt certain persons from this Act; to prescribe liabilities and a penalty for violations of this Act.

Also:

H. 312. To amend Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, Vol. II, p. 981), providing that the act shall not apply to any county having a population of not less than 47,000 nor more than 52,000, according to the last or any subsequent federal decennial census.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### BILLS ON THIRD READING RESUMED

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Faulk to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 672, out of order, was adopted.

And the Bill:

H. 672. To amend Section 2, Item III, a (35) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 1.

#### Yeas:

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker:    | Casey       | Hain                | Long (Perry)      |
| Adams (Houston) | Cates       | Hanby               | McClendon (Chamb) |
| Albea           | Chambers    | Hankins             | McCorquodale      |
| Bailey          | Cook        | Hardy               | Martin            |
| Barnett         | Cornett     | Harris              | Meade             |
| Bassett         | Daniel      | Harvey              | Merrill           |
| Bevill          | Dickson     | Hawkins             | Morrow            |
| Bishop          | Dodd        | Hearn               | Murphy            |
| Boyd            | Edwards     | Hocklander          | Nettles           |
| Brannan         | Faulk       | Ingram              | Nichols           |
| Branyon         | Ferguson    | Jenkins             | Oakley            |
| Brewer          | Goldthwaite | Johnson (Hardaway)  | Perry             |
| Britton         | Goodwyn     | Johnson (J. T. Tom) | Phillips          |
| Broadfoot       | Gordon      | Johnston (Leonard)  | Pierce            |
| Brooks          | Grant       | Jones (Covington)   | Powell            |
| Cabiness        | Gross       | Jones (Monroe)      | Ramey             |
| Callahan        | Grouby      | Lee                 | Rast              |
| Camp            | Guthrie     | Locke               | Ray               |

|                        |                 |                   |          |
|------------------------|-----------------|-------------------|----------|
| Reynolds (Chambers)    | Self            | Smith (St. Clair) | Thomas   |
| Roberts                | Sessions        | Solomon           | Trimmier |
| Rogers                 | Shumate         | Speaks            | Turner   |
| Rozelle                | Smith (Russell) | Steagall          | —87      |
| <b>Nay:</b> Mr. Owens. |                 |                   | —1       |

MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Merrill to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 344, out of order, was adopted.

Yeas 82; Nays 1.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker:               | Copeland    | Hocklander                    | Pierce                         |
| Adams <sup>(Houston)</sup> | Cornett     | Ingram                        | Powell                         |
| Albea                      | Daniel      | Jenkins                       | Ramey                          |
| Bailey                     | Dickson     | Johnson <sup>(Hardaway)</sup> | Rast                           |
| Barnett                    | Dodd        | Johnston <sup>(Leonard)</sup> | Ray                            |
| Bassett                    | Edwards     | Jones <sup>(Covington)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Faulk       | Jones <sup>(Monroe)</sup>     | Roberts                        |
| Bishop                     | Ferguson    | Lee                           | Rogers                         |
| Boyd                       | Goldthwaite | Locke                         | Rozelle                        |
| Brannan                    | Goodwyn     | Long <sup>(Perry)</sup>       | Self                           |
| Branyon                    | Gordon      | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Brewer                     | Grant       | McCorquodale                  | Smith <sup>(Russell)</sup>     |
| Britton                    | Gross       | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grouby      | Merrill                       | Solomon                        |
| Brooks                     | Hain        | Nettles                       | Speaks                         |
| Cabiness                   | Hanby       | Nichols                       | Steagall                       |
| Camp                       | Hardy       | Oakley                        | Taylor                         |
| Casey                      | Harris      | Owens                         | Thomas                         |
| Cates                      | Harvey      | Perry                         | Trimmier                       |
| Chambers                   | Hawkins     | Phillips                      | Turner                         |
| Cook                       | Hearn       |                               |                                |

—82

And the bill:

H. 344. Relating to divorce and alimony; providing that remarriage of the wife bars the right to alimony or allowances for support and maintenance out of the estate of the divorced husband.

Was taken up.

Messrs. Callahan and Locke offered the following amendment to the bill, H. 344.

AMENDMENT TO H. B. 344

Amend the bill by adding the following at the end of Section 1:

"Provided, however, that this Act shall not apply in any case to support awarded to any child or children of divorced parents".

And the amendment was adopted.

Yeas 88; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker:               | Cornett     | Hearn                         | Powell                         |
| Adams <sup>(Houston)</sup> | Daniel      | Hocklander                    | Ramey                          |
| Albea                      | Dickson     | Ingram                        | Rast                           |
| Avery                      | Dodd        | Jenkins                       | Ray                            |
| Bailey                     | Edwards     | Johnson <sup>(Hardaway)</sup> | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Faulk       | Johnston <sup>(Leonard)</sup> | Roberts                        |
| Bassett                    | Ferguson    | Jones <sup>(Covington)</sup>  | Rogers                         |
| Bevill                     | Glass       | Jones <sup>(Monroe)</sup>     | Rozelle                        |
| Bishop                     | Goldthwaite | Lee                           | Self                           |
| Boyd                       | Goodwyn     | Locke                         | Sessions                       |
| Brannan                    | Gordon      | Long <sup>(Perry)</sup>       | Shumate                        |
| Branyon                    | Grant       | McClendon <sup>(Chamb)</sup>  | Smith <sup>(Russell)</sup>     |
| Brewer                     | Gross       | McCorquodale                  | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Grouby      | Martin                        | Solomon                        |
| Cabiness                   | Guthrie     | Meade                         | Speaks                         |
| Callahan                   | Hain        | Merrill                       | Steagall                       |
| Camp                       | Hanby       | Morrow                        | Sullivan                       |
| Casey                      | Hankins     | Nettles                       | Taylor                         |
| Cates                      | Hardy       | Oakley                        | Thomas                         |
| Chambers                   | Harris      | Owens                         | Trimmier                       |
| Cook                       | Harvey      | Phillips                      | Turner                         |
| Copeland                   | Hawkins     | Pierce                        | Turnham                        |

—88

And said bill, H. 344, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker:               | Daniel      | Jenkins                       | Ramey                          |
| Adams <sup>(Houston)</sup> | Dickson     | Johnson <sup>(Hardaway)</sup> | Rast                           |
| Albea                      | Dodd        | Johnston <sup>(Leonard)</sup> | Ray                            |
| Avery                      | Edwards     | Jones <sup>(Covington)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Faulk       | Jones <sup>(Monroe)</sup>     | Roberts                        |
| Barnett                    | Ferguson    | Lee                           | Rogers                         |
| Bassett                    | Glass       | Locke                         | Rozelle                        |
| Bevill                     | Goldthwaite | Long <sup>(Perry)</sup>       | Self                           |
| Bishop                     | Gordon      | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Boyd                       | Grant       | McCorquodale                  | Shumate                        |
| Brannan                    | Gross       | Martin                        | Smith <sup>(Russell)</sup>     |
| Branyon                    | Grouby      | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Guthrie     | Merrill                       | Solomon                        |
| Britton                    | Hain        | Morrow                        | Speaks                         |
| Broadfoot                  | Hanby       | Nettles                       | Steagall                       |
| Cabiness                   | Hankins     | Nichols                       | Sullivan                       |
| Camp                       | Hardy       | Oakley                        | Taylor                         |
| Casey                      | Harris      | Owens                         | Thomas                         |
| Cates                      | Harvey      | Perry                         | Torbert                        |
| Chambers                   | Hawkins     | Phillips                      | Trimmier                       |
| Cook                       | Hearn       | Pierce                        | Turner                         |
| Copeland                   | Ingram      | Powell                        | Turnham                        |
| Cornett                    |             |                               |                                |

—89

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Boyd to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 665, out of order, was adopted.



And the Bill:

H. 665. Relating to criminal procedure; further providing for proof of intent to hinder, delay or defraud creditors who hold a mortgage or certain other liens on personal property in certain prosecutions under Sections 363 and 364 of Title 14, Code of Alabama, 1940.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 1.

**Yeas:**

|                |             |                   |                    |
|----------------|-------------|-------------------|--------------------|
| Mr. Speaker:   | Dickson     | Jenkins           | Ray                |
| Adams(Houston) | Dodd        | Johnson(Hardaway) | Reynolds(Chambers) |
| Avery          | Faulk       | Johnston(Leonard) | Roberts            |
| Bailey         | Ferguson    | Jones(Covington)  | Rogers             |
| Barnett        | Glass       | Jones(Monroe)     | Rozelle            |
| Bassett        | Goldthwaite | Lee               | Self               |
| Bishop         | Goodwyn     | Long(Perry)       | Sessions           |
| Boyd           | Gordon      | McClendon(Chamb)  | Smith(Russell)     |
| Brannan        | Grant       | Meade             | Smith(St. Clair)   |
| Branyon        | Gross       | Merrill           | Solomon            |
| Britton        | Grouby      | Morrow            | Speaks             |
| Brooks         | Guthrie     | Nettles           | Steagall           |
| Camp           | Hain        | Nichols           | Sullivan           |
| Casey          | Hanby       | Oakley            | Taylor             |
| Cates          | Hankins     | Owens             | Thomas             |
| Chambers       | Hardy       | Perry             | Torbert            |
| Cook           | Harvey      | Phillips          | Trimmier           |
| Copeland       | Hearn       | Pierce            | Turner             |
| Cornett        | Hocklander  | Powell            | Turnham            |
| Daniel         | Ingram      | Ramey             |                    |

—79

**Nay:** Mr. Brewer.

—1

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 108. To further amend Act No. 376, approved August 16, 1947 (General Acts of Alabama 1947, page 267) for the purpose of authorizing and empowering the board of directors of any incorporated municipal board to obtain and maintain group life, health, accident and hospitalization insurance for the benefit of certain of its officers and employees, and to provide insured retirement plans for certain of its officers and employees.

Also:

H. 62. To increase the mileage allowance of members of courts of county commissioners, boards of revenue, and other like county governing bodies; amending further Section 28 of Title 12, Code of Alabama 1940.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Wyatt and Rutledge:

S. 159. Proposing an amendment to the Constitution of Alabama in relation to the rotation of residence of state senators in senatorial districts composed of two or more counties.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bill, S. 159, the title to which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Judiciary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and sends same herewith to the House:

By Mr. Eddins:

S. 36. Providing further for the protection of game; prohibiting the ~~taking, capturing, or killing of deer from a vessel or boat afloat in~~ a navigable stream; providing for the confiscation and forfeiture of any watercraft, together with any firearms found therein, which is so used.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 36. Conservation

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 62. To increase the mileage allowance of members of courts of county commissioners, boards of revenue, and other like county governing bodies; amending further Section 28 of Title 12, Code of Alabama 1940.

Also:

H. 108. To further amend Act No. 376, approved August 16, 1947 (General Acts of Alabama 1947, page 267) for the purpose of authoriz-

ing and empowering the board of directors of any incorporated municipal board to obtain and maintain group life, health, accident and hospitalization insurance for the benefit of certain of its officers and employees, and to provide insured retirement plans for certain of its officers and employees.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### BILLS ON THIRD READING RESUMED

### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Brewer to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 96, out of order, was adopted.

And the Bill:

H. 96. To amend further Section 70 of Title 12, Code of Alabama (1940), which relates to the State's participation in salaries of county engineers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

### Yeas:

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker:               | Copeland    | Hearn                         | Powell                         |
| Adams <sup>(Houston)</sup> | Cornett     | Hocklander                    | Ramey                          |
| Albea                      | Daniel      | Ingram                        | Rast                           |
| Avery                      | Dickson     | Jenkins                       | Ray                            |
| Bailey                     | Dodd        | Johnson <sup>(Hardaway)</sup> | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Edwards     | Johnston <sup>(Leonard)</sup> | Roberts                        |
| Bassett                    | Faulk       | Jones <sup>(Monroe)</sup>     | Rogers                         |
| Bevill                     | Ferguson    | Lee                           | Rozelle                        |
| Bishop                     | Franklin    | Locke                         | Self                           |
| Boyd                       | Glass       | Long <sup>(Perry)</sup>       | Sessions                       |
| Brannan                    | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Shumate                        |
| Branyon                    | Gordon      | Martin                        | Smith <sup>(Russell)</sup>     |
| Brewer                     | Grant       | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Gross       | Merrill                       | Solomon                        |
| Broadfoot                  | Grouby      | Morrow                        | Speaks                         |
| Brooks                     | Guthrie     | Murphy                        | Steagall                       |
| Cabiness                   | Hain        | Nettles                       | Sullivan                       |
| Callahan                   | Hanby       | Nichols                       | Taylor                         |
| Camp                       | Hankins     | Oakley                        | Thomas                         |
| Casey                      | Hardy       | Owens                         | Torbert                        |
| Cates                      | Harris      | Perry                         | Trimmier                       |
| Chambers                   | Harvey      | Phillips                      | Turner                         |
| Cook                       | Hawkins     | Pierce                        | Turnham                        |

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Bevill to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 61, out of order, was adopted.

And the Bill:

S. 61. To amend sections 1, 2, and 3 of Act No. 666, S. 155, approved September 16, 1953 (Acts of Alabama, Regular Session, 1953, p. 923), entitled "An Act To provide for a scholarship program for medical education; and making an appropriation therefor."

Was read a third time at length and passed.

Yeas 84; Nays 0.

## Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Daniel      | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Adams <sup>(Houston)</sup> | Dickson     | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Avery                      | Dodd        | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Bailey                     | Edwards     | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Faulk       | Lee                            | Roberts                        |
| Bassett                    | Ferguson    | Locke                          | Rogers                         |
| Bevill                     | Glass       | Long <sup>(Perry)</sup>        | Rozelle                        |
| Bishop                     | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Self                           |
| Boyd                       | Gordon      | Martin                         | Sessions                       |
| Branyon                    | Grant       | Meade                          | Shumate                        |
| Brewer                     | Gross       | Merrill                        | Smith <sup>(Russell)</sup>     |
| Britton                    | Grouby      | Morrow                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hain        | Murphy                         | Speaks                         |
| Brooks                     | Hanby       | Nettles                        | Steagall                       |
| Cabiness                   | Hankins     | Nichols                        | Sullivan                       |
| Callahan                   | Hardy       | Oakley                         | Taylor                         |
| Casey                      | Harvey      | Owens                          | Thomas                         |
| Cates                      | Hawkins     | Perry                          | Torbert                        |
| Chambers                   | Hocklander  | Phillips                       | Trimmier                       |
| Cook                       | Ingram      | Pierce                         | Turner                         |
| Cornett                    | Jenkins     | Powell                         | Turnham                        |

—84

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Thomas to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 631, out of order, was adopted.

And the Bill:

H. 631. To authorize the Director of Conservation to enter into agreements of reciprocity with Conservation Commissioners and other proper officials of adjoining states concerning the hunting of waterfowl on waters lying between said states.

Was taken up.

Mr. Thomas offered the following amendment to the bill, H. 631:

## AMENDMENT TO H. B. 631

In the title, strike out "the Director of Conservation" and insert "the Governor";

Also, in Sections 1 and 2, strike out "Director of the Department of Conservation" and insert "Governor";

Also, in Section 3, strike out "State Department of Conservation" and insert "Governor of Alabama"

And the amendment was adopted.

Yeas 84; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Copeland    | Jenkins                        | Ramey                          |
| Adams <sup>(Houston)</sup> | Cornett     | Johnson <sup>(Hardaway)</sup>  | Rast                           |
| Avery                      | Daniel      | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Bailey                     | Dickson     | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Dodd        | Jones <sup>(Monroe)</sup>      | Roberts                        |
| Bassett                    | Edwards     | Lee                            | Rogers                         |
| Bevill                     | Faulk       | Locke                          | Rozelle                        |
| Bishop                     | Ferguson    | McClendon <sup>(Chamb)</sup>   | Self                           |
| Boyd                       | Glass       | Martin                         | Sessions                       |
| Brannan                    | Goldthwaite | Meade                          | Shumate                        |
| Branyon                    | Grant       | Merrill                        | Smith <sup>(Russell)</sup>     |
| Brewer                     | Gross       | Morrow                         | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Grouby      | Murphy                         | Solomon                        |
| Broadfoot                  | Hain        | Nettles                        | Speaks                         |
| Brooks                     | Hanby       | Nichols                        | Steagall                       |
| Cabiness                   | Hankins     | Oakley                         | Sullivan                       |
| Camp                       | Harris      | Owens                          | Taylor                         |
| Casey                      | Hawkins     | Perry                          | Thomas                         |
| Cates                      | Hearn       | Phillips                       | Trimmier                       |
| Chambers                   | Hocklander  | Pierce                         | Turner                         |
| Cook                       | Ingram      | Powell                         | Turnham                        |

—84

And said bill, H. 631, as thus amended, was read a third time at length and passed.

Yeas 85; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Cates       | Hardy                          | Nettles                        |
| Adams <sup>(Houston)</sup> | Chambers    | Harris                         | Nichols                        |
| Avery                      | Cook        | Hawkins                        | Oakley                         |
| Bailey                     | Copeland    | Hearn                          | Owens                          |
| Barnett                    | Cornett     | Hocklander                     | Perry                          |
| Bassett                    | Daniel      | Ingram                         | Phillips                       |
| Bevill                     | Dickson     | Jenkins                        | Pierce                         |
| Bishop                     | Dodd        | Johnson <sup>(Hardaway)</sup>  | Powell                         |
| Boyd                       | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Brannan                    | Faulk       | Jones <sup>(Monroe)</sup>      | Rast                           |
| Branyon                    | Ferguson    | Lee                            | Ray                            |
| Brewer                     | Glass       | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Britton                    | Goldthwaite | Long <sup>(Perry)</sup>        | Roberts                        |
| Broadfoot                  | Grant       | McClendon <sup>(Chamb)</sup>   | Rogers                         |
| Brooks                     | Gross       | Martin                         | Rozelle                        |
| Cabiness                   | Grouby      | Meade                          | Self                           |
| Callahan                   | Hain        | Merrill                        | Sessions                       |
| Camp                       | Hanby       | Morrow                         | Smith <sup>(Russell)</sup>     |
| Casey                      | Hankins     | Murphy                         | Smith <sup>(St. Clair)</sup>   |

Solomon  
Speaks  
Steagall

Sullivan  
Taylor

Thomas  
Trimmier

Turner  
Turnham

—85

### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Goodwyn to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 430, H. 377, H. 378, H. 379, H. 380, H. 381, H. 382, H. 383 and H. 384, out of order, was adopted.

And the Bill:

H. 430. To repeal subsection H. of Section 214, Title 26, Code of Alabama 1940, which relates to a disqualification for benefits under the unemployment compensation act (5 Code of Alabama 1955 Cumulative Pocket Part 265).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

#### Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Copeland    | Hocklander                     | Pierce                         |
| Adams <sup>(Houston)</sup> | Cornett     | Ingram                         | Powell                         |
| Avery                      | Daniel      | Jenkins                        | Ramey                          |
| Bailey                     | Dickson     | Johnson <sup>(Hardaway)</sup>  | Ray                            |
| Barnett                    | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Edwards     | Johnston <sup>(Leonard)</sup>  | Roberts                        |
| Bevill                     | Faulk       | Lee                            | Rogers                         |
| Bishop                     | Ferguson    | Locke                          | Rozelle                        |
| Boyd                       | Glass       | Long <sup>(Perry)</sup>        | Self                           |
| Brannan                    | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Branyon                    | Goodwyn     | McCorquodale                   | Shumate                        |
| Brewer                     | Grant       | Martin                         | Smith <sup>(Russell)</sup>     |
| Britton                    | Gross       | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hain        | Morrow                         | Solomon                        |
| Brooks                     | Hanby       | Murphy                         | Speaks                         |
| Cabiness                   | Hankins     | Nettles                        | Steagall                       |
| Callahan                   | Hardy       | Nichols                        | Sullivan                       |
| Camp                       | Harris      | Oakley                         | Taylor                         |
| Casey                      | Harvey      | Owens                          | Thomas                         |
| Cates                      | Hawkins     | Perry                          | Trimmier                       |
| Chambers                   | Hearn       | Phillips                       | Turner                         |
| Cook                       |             |                                |                                |

—85

And the Bill:

H. 377. To amend Section 181 of Title 26, Code of Alabama 1940, to provide for the exercise by the director of unemployment compensation of the powers and duties of the director of industrial relations, in so far as they pertain to unemployment compensation, during the interim in which there is no duly appointed and qualified director of industrial relations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Cornett     | Jenkins                        | Powell                         |
| Adams <sup>(Houston)</sup> | Daniel      | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Avery                      | Dickson     | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Bailey                     | Dodd        | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Barnett                    | Edwards     | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Faulk       | Lee                            | Roberts                        |
| Bevill                     | Ferguson    | Locke                          | Rogers                         |
| Bishop                     | Glass       | Long <sup>(Perry)</sup>        | Rozelle                        |
| Boyd                       | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Self                           |
| Brannan                    | Goodwyn     | McCorquodale                   | Sessions                       |
| Branyon                    | Grant       | Martin                         | Shumate                        |
| Brewer                     | Gross       | Merrill                        | Smith <sup>(Russell)</sup>     |
| Britton                    | Grouby      | Morrow                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hain        | Murphy                         | Solomon                        |
| Brooks                     | Hanby       | Nettles                        | Speaks                         |
| Cabiness                   | Hankins     | Nichols                        | Steagall                       |
| Callahan                   | Hardy       | Oakley                         | Sullivan                       |
| Camp                       | Harris      | Oden                           | Taylor                         |
| Casey                      | Harvey      | Owens                          | Thomas                         |
| Cates                      | Hawkins     | Perry                          | Torbert                        |
| Chambers                   | Hocklander  | Phillips                       | Trimmier                       |
| Cook                       | Ingram      | Pierce                         | Turner                         |
| Copeland                   |             |                                |                                |

—89

And the Bill:

**H. 378.** To amend Section 207, Title 26, Code of Alabama 1940, as last amended, the same pertaining to weekly unemployment benefit amounts for unemployment.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 86; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Copeland    | Ingram                         | Pierce                         |
| Adams <sup>(Houston)</sup> | Cornett     | Jenkins                        | Powell                         |
| Avery                      | Daniel      | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Bailey                     | Dickson     | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Barnett                    | Dodd        | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Edwards     | Lee                            | Roberts                        |
| Bevill                     | Faulk       | Locke                          | Rogers                         |
| Bishop                     | Ferguson    | Long <sup>(Perry)</sup>        | Rozelle                        |
| Boyd                       | Glass       | McClendon <sup>(Chamb)</sup>   | Self                           |
| Brannan                    | Goldthwaite | McCorquodale                   | Sessions                       |
| Branyon                    | Grant       | Martin                         | Shumate                        |
| Brewer                     | Gross       | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Grouby      | Morrow                         | Solomon                        |
| Broadfoot                  | Hain        | Murphy                         | Speaks                         |
| Brooks                     | Hanby       | Nettles                        | Steagall                       |
| Cabiness                   | Hankins     | Nichols                        | Sullivan                       |
| Callahan                   | Hardy       | Oakley                         | Taylor                         |
| Camp                       | Harris      | Oden                           | Thomas                         |
| Casey                      | Harvey      | Owens                          | Torbert                        |
| Cates                      | Hawkins     | Perry                          | Trimmier                       |
| Chambers                   | Hearn       | Phillips                       | Turner                         |
| Cook                       | Hocklander  |                                |                                |

—86

And the Bill:

H. 379. To amend Section 209, Title 26, Code of Alabama 1940, as last amended, to provide for determining the maximum duration of unemployment compensation benefits in accordance with fluctuating economic conditions by adding twenty-five per cent (25%) or fifty per cent (50%) to the maximum duration for an individual who exhausts all benefits to which he was otherwise entitled under this chapter during a period in which more than 5%, or more than 8%, respectively, of the workers covered by this chapter are unemployed and claiming benefits.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

**Yeas:**

|                            |            |                                |                                |
|----------------------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Copeland   | Ingram                         | Pierce                         |
| Adams <sup>(Houston)</sup> | Cornett    | Jenkins                        | Powell                         |
| Avery                      | Daniel     | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Barnett                    | Dickson    | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Bevill                     | Dodd       | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bishop                     | Faulk      | Lee                            | Roberts                        |
| Boyd                       | Ferguson   | Locke                          | Rogers                         |
| Brannan                    | Glass      | Long <sup>(Perry)</sup>        | Rozelle                        |
| Branyon                    | Goodwyn    | McClendon <sup>(Chamb)</sup>   | Self                           |
| Brewer                     | Grant      | McCorquodale                   | Shumate                        |
| Britton                    | Gross      | Martin                         | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Grouby     | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Hain       | Murphy                         | Speaks                         |
| Cabiness                   | Hanby      | Nettles                        | Steagall                       |
| Callahan                   | Hankins    | Nichols                        | Sullivan                       |
| Camp                       | Harris     | Oakley                         | Taylor                         |
| Casey                      | Harvey     | Owens                          | Thomas                         |
| Cates                      | Hearn      | Perry                          | Trimmier                       |
| Cook                       | Hocklander | Phillips                       | Turner                         |

—76

And the Bill:

H. 380. To amend Section 289 of Title 26, Code of Alabama 1940, as last amended, the same relating to limitations on compensation under the Workmen's Compensation Law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

**Yeas:**

|                            |           |          |         |
|----------------------------|-----------|----------|---------|
| Mr. Speaker:               | Branyon   | Cook     | Goodwyn |
| Adams <sup>(Houston)</sup> | Brewer    | Copeland | Grant   |
| Avery                      | Britton   | Cornett  | Gross   |
| Bailey                     | Broadfoot | Daniel   | Grouby  |
| Barnett                    | Brooks    | Dickson  | Hain    |
| Bassett                    | Cabiness  | Dodd     | Hanby   |
| Bevill                     | Callahan  | Edwards  | Hankins |
| Bishop                     | Camp      | Faulk    | Harris  |
| Boyd                       | Casey     | Ferguson | Harvey  |
| Brannan                    | Cates     | Glass    | Hearn   |



|                     |          |                     |                   |
|---------------------|----------|---------------------|-------------------|
| Hocklander          | Merrill  | Ramey               | Smith (Russell)   |
| Ingram              | Murphy   | Ray                 | Smith (St. Clair) |
| Jenkins             | Nettles  | Reynolds (Chambers) | Speaks            |
| Johnson (Hardaway)  | Nichols  | Roberts             | Steagall          |
| Johnson (J. T. Tom) | Oakley   | Rogers              | Sullivan          |
| Johnston (Leonard)  | Owens    | Rozelle             | Taylor            |
| Lee                 | Perry    | Self                | Thomas            |
| Locke               | Phillips | Sessions            | Trimmier          |
| McClendon (Chamb)   | Pierce   | Shumate             | Turner            |
| McCorquodale        | Powell   |                     |                   |

—78

And the Bill:

H. 381. To amend Section 8 of Title 26, Code of Alabama 1940, as last amended, the same relating to the Board of Appeals for the Alabama Department of Industrial Relations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

**Yeas:**

|                 |            |                     |                     |
|-----------------|------------|---------------------|---------------------|
| Mr. Speaker:    | Cates      | Ingram              | Powell              |
| Adams (Houston) | Cook       | Johnson (Hardaway)  | Ramey               |
| Avery           | Copeland   | Johnson (J. T. Tom) | Ray                 |
| Bailey          | Cornett    | Johnston (Leonard)  | Reynolds (Chambers) |
| Barnett         | Daniel     | Lee                 | Roberts             |
| Bassett         | Dickson    | Locke               | Rogers              |
| Bevill          | Dodd       | McClendon (Chamb)   | Rozelle             |
| Bishop          | Edwards    | McCorquodale        | Self                |
| Boyd            | Faulk      | Martin              | Sessions            |
| Brannan         | Ferguson   | Merrill             | Shumate             |
| Branyon         | Goodwyn    | Murphy              | Smith (Russell)     |
| Brewer          | Gross      | Nettles             | Smith (St. Clair)   |
| Britton         | Hain       | Nichols             | Speaks              |
| Broadfoot       | Hanby      | Oakley              | Steagall            |
| Brooks          | Hankins    | Oden                | Sullivan            |
| Cabiness        | Hardy      | Owens               | Thomas              |
| Callahan        | Harvey     | Perry               | Torbert             |
| Camp            | Hearn      | Phillips            | Trimmier            |
| Casey           | Hocklander | Pierce              | Turner              |

—76

And the Bill:

H. 382. To amend Sections 344, 347, 349, 353, 354, 357, 362, 363, 365, 366, and 367, of Title 26, Code of Alabama 1940, as last amended; and to repeal Section 364, of Title 26, Code of Alabama 1940.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

**Yeas:**

|                 |         |           |          |
|-----------------|---------|-----------|----------|
| Mr. Speaker     | Bassett | Branyon   | Cabiness |
| Adams (Houston) | Bevill  | Brewer    | Callahan |
| Avery           | Bishop  | Britton   | Camp     |
| Bailey          | Boyd    | Broadfoot | Casey    |
| Barnett         | Brannan | Brooks    | Cates    |

|          |                                |                                |                              |
|----------|--------------------------------|--------------------------------|------------------------------|
| Cook     | Hankins                        | Martin                         | Roberts                      |
| Cornett  | Hardy                          | Merrill                        | Rogers                       |
| Daniel   | Harris                         | Morrow                         | Rozelle                      |
| Dickson  | Harvey                         | Murphy                         | Self                         |
| Dodd     | Hearn                          | Nettles                        | Shumate                      |
| Edwards  | Hocklander                     | Nichols                        | Smith <sup>(Russell)</sup>   |
| Faulk    | Ingram                         | Oakley                         | Smith <sup>(St. Clair)</sup> |
| Ferguson | Jenkins                        | Oden                           | Solomon                      |
| Glass    | Johnson <sup>(Hardaway)</sup>  | Owens                          | Speaks                       |
| Goodwyn  | Johnson <sup>(J. T. Tom)</sup> | Perry                          | Steagall                     |
| Grant    | Johnston <sup>(Leonard)</sup>  | Phillips                       | Sullivan                     |
| Gross    | Lee                            | Pierce                         | Taylor                       |
| Grouby   | Locke                          | Powell                         | Thomas                       |
| Guthrie  | Long <sup>(Perry)</sup>        | Ramey                          | Torbert                      |
| Hain     | McClendon <sup>(Chamb)</sup>   | Ray                            | Trimmier                     |
| Hanby    | McCorquodale                   | Reynolds <sup>(Chambers)</sup> | Turner                       |

—84

And the Bill:

H. 383. To amend Section 251 of Title 26, Code of Alabama 1940, as last amended, the same relating to penalties for violations of the Unemployment Compensation Law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

**Yeas:**

|                            |               |                                |                                |
|----------------------------|---------------|--------------------------------|--------------------------------|
| <b>Mr. Speaker</b>         | <b>Daniel</b> | <b>Jenkins</b>                 | <b>Powell</b>                  |
| Adams <sup>(Houston)</sup> | Dickson       | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Avery                      | Dodd          | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Bailey                     | Edwards       | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Barnett                    | Faulk         | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Ferguson      | Locke                          | Roberts                        |
| Bevill                     | Goldthwaite   | Long <sup>(Perry)</sup>        | Rogers                         |
| Bishop                     | Goodwyn       | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Boyd                       | Grant         | McCorquodale                   | Self                           |
| Brannan                    | Gross         | Martin                         | Sessions                       |
| Branyon                    | Grouby        | Merrill                        | Shumate                        |
| Brewer                     | Guthrie       | Morrow                         | Smith <sup>(Russell)</sup>     |
| Britton                    | Hain          | Murphy                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hanby         | Nettles                        | Solomon                        |
| Brooks                     | Hankins       | Nichols                        | Speaks                         |
| Cabiness                   | Hardy         | Oakley                         | Steagall                       |
| Callahan                   | Harvey        | Oden                           | Sullivan                       |
| Camp                       | Hawkins       | Owens                          | Thomas                         |
| Casey                      | Hearn         | Perry                          | Torbert                        |
| Cates                      | Hocklander    | Phillips                       | Trimmier                       |
| Cook                       | Ingram        | Pierce                         | Turner                         |
| Copeland                   |               |                                |                                |

—85

And the Bill:

H. 384. To amend Sections 202 and 204, Title 26, Code of Alabama 1940, as last amended, the same pertaining, respectively, to contributions by employees, and experience rating and contributions by employers.

Was taken up.

Mr. Goodwyn offered the following amendment to the bill, H. 384:

AMENDMENT TO H. B. 384

On page 5, 6th line, after the words "claimant's previous employment." and before the words, "Provided, however," insert the following sentence:

When the employer for whom such benefit wage charges were made is one who is customarily engaged in the loading or unloading of vessels and the claimant is one who customarily works in connection with the loading or unloading of vessels, that employer shall be entitled to the credit to his benefit wage account on the basis herein set out if the claimant is re-employed during such benefit year by either that employer, or by another employer engaged in work similar to that employer who gives the claimant the same type of work he customarily performs in connection with the loading or unloading of vessels.

And the amendment was adopted.

Yeas 88; Nays 0.

Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Copeland    | Jenkins                        | Powell                         |
| Adams <sup>(Houston)</sup> | Cornett     | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Avery                      | Daniel      | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Bailey                     | Dickson     | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Barnett                    | Dodd        | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Edwards     | Lee                            | Roberts                        |
| Bevill                     | Faulk       | Locke                          | Rogers                         |
| Bishop                     | Ferguson    | Long <sup>(Perry)</sup>        | Rozelle                        |
| Boyd                       | Glass       | McClendon <sup>(Chamb)</sup>   | Self                           |
| Brannan                    | Goldthwaite | McCorquodale                   | Sessions                       |
| Branyon                    | Gordon      | Martin                         | Shumate                        |
| Brewer                     | Grant       | Merrill                        | Smith <sup>(Russell)</sup>     |
| Britton                    | Gross       | Morrow                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Guthrie     | Murphy                         | Solomon                        |
| Brooks                     | Hain        | Nettles                        | Speaks                         |
| Cabiness                   | Hanby       | Nichols                        | Steagall                       |
| Callahan                   | Hankins     | Oakley                         | Sullivan                       |
| Camp                       | Harris      | Oden                           | Taylor                         |
| Casey                      | Harvey      | Owens                          | Thomas                         |
| Cates                      | Hawkins     | Perry                          | Torbert                        |
| Chambers                   | Hearn       | Phillips                       | Trimmier                       |
| Cook                       | Hocklander  | Pierce                         | Turner                         |

—88

And said bill, H. 384, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Mr. Speaker                | Bevill  | Britton   | Casey    |
| Adams <sup>(Houston)</sup> | Bishop  | Broadfoot | Cates    |
| Avery                      | Boyd    | Brooks    | Chambers |
| Bailey                     | Brannan | Cabiness  | Cook     |
| Barnett                    | Branyon | Callahan  | Copeland |
| Bassett                    | Brewer  | Camp      | Daniel   |

|             |                     |                     |                   |
|-------------|---------------------|---------------------|-------------------|
| Dickson     | Hardy               | Morrow              | Roberts           |
| Dodd        | Harvey              | Murphy              | Rogers            |
| Edwards     | Hawkins             | Nettles             | Rozelle           |
| Faulk       | Hearn               | Nichols             | Self              |
| Ferguson    | Hocklander          | Oakley              | Sessions          |
| Goldthwaite | Jenkins             | Oden                | Shumate           |
| Goodwyn     | Johnson (Hardaway)  | Owens               | Smith (Russell)   |
| Gordon      | Johnson (J. T. Tom) | Perry               | Smith (St. Clair) |
| Grant       | Johnston (Leonard)  | Phillips            | Solomon           |
| Gross       | Locke               | Pierce              | Speaks            |
| Grouby      | Long (Perry)        | Powell              | Steagall          |
| Guthrie     | McClendon (Chamb)   | Ramey               | Sullivan          |
| Hain        | Martin              | Ray                 | Trimmier          |
| Hanby       | Merrill             | Reynolds (Chambers) | Turner            |
| Hankins     |                     |                     |                   |

—81

### CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hours named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:45 P. M. On September 22, 1959

H. J. R. 62

Delivered to the Governor at 3:30 P. M. On September 22, 1959

H. 309

H. 493

H. 88

H. J. R. 63

H. J. R. 64

H. 422

H. 237

H. 238

H. 312

Delivered to the Governor at 4:15 P. M. On September 22, 1959

H. 62

H. 108

OAKLEY MELTON, JR.,  
Clerk.

### ADJOURNMENT

On motion of Mr. Powell the House adjourned until Friday, September 25, 1959, at ten o'clock A. M.

Yeas 57; Nays 26.

### Yeas:

|                 |           |          |             |
|-----------------|-----------|----------|-------------|
| Messrs.:        | Branyon   | Cook     | Edwards     |
| Adams (Houston) | Broadfoot | Copeland | Faulk       |
| Barnett         | Brooks    | Cornett  | Ferguson    |
| Bevill          | Cabiness  | Daniel   | Goldthwaite |
| Bishop          | Casey     | Dickson  | Goodwyn     |
| Boyd            | Chambers  | Dodd     | Gordon      |

# REGULAR SESSION

1095

|                     |                   |          |          |
|---------------------|-------------------|----------|----------|
| Gross               | Jones (Monroe)    | Nettles  | Rogers   |
| Guthrie             | Lee               | Oakley   | Rozelle  |
| Hankins             | Long (Perry)      | Oden     | Self     |
| Hardy               | McClendon (Chamb) | Owens    | Shumate  |
| Harvey              | McCorquodale      | Phillips | Solomon  |
| Jenkins             | Meade             | Powell   | Steagall |
| Johnson (J. T. Tom) | Merrill           | Rast     | Thomas   |
| Johnston (Leonard)  | Morrow            | Ray      | Trimmier |
| Jones (Covington)   | Murphy            |          |          |

—57

## Nays:

|             |                    |                     |                 |
|-------------|--------------------|---------------------|-----------------|
| Mr. Speaker | Glass              | Martin              | Sessions        |
| Avery       | Grouby             | Nichols             | Smith (Russell) |
| Bailey      | Hanby              | Perry               | Speaks          |
| Brannan     | Hawkins            | Pierce              | Taylor          |
| Brewer      | Hearn              | Ramey               | Torbert         |
| Camp        | Johnson (Hardaway) | Reynolds (Chambers) | Turner          |
| Franklin    | Locke              |                     |                 |

—26

## TWENTY-SECOND DAY

House of Representatives  
Montgomery, Alabama  
Friday, September 25, 1959

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend Lamar Spencer, Pastor, First Methodist Church, Greensboro, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Dickson     | Ingram              | Powell              |
| Adams (Houston) | Dodd        | Jenkins             | Ramey               |
| Albea           | Edwards     | Johnson (Hardaway)  | Rast                |
| Ashworth        | Ferguson    | Johnson (J. T. Tom) | Ray                 |
| Avery           | Franklin    | Johnston (Leonard)  | Reynolds (Chambers) |
| Bailey          | Gilchrist   | Jones (Covington)   | Roberts             |
| Barnett         | Glass       | Jones (Monroe)      | Rogers              |
| Bassett         | Goldthwaite | Lee                 | Rozelle             |
| Bevill          | Goodwyn     | Locke               | Self                |
| Bishop          | Gordon      | McClendon (Chamb)   | Sessions            |
| Branyon         | Grant       | Martin              | Shumate             |
| Brewer          | Gross       | Meade               | Smith (St. Clair)   |
| Broadfoot       | Grouby      | Merrill             | Solomon             |
| Brooks          | Guthrie     | Morrow              | Speaks              |
| Cabiness        | Hain        | Murphy              | Steagall            |
| Callahan        | Hanby       | Nettles             | Sullivan            |
| Camp            | Hankins     | Nichols             | Taylor              |
| Casey           | Hardy       | Oden                | Thomas              |
| Cates           | Harris      | Owens               | Torbert             |
| Chambers        | Harvey      | Perry               | Trimmier            |
| Cook            | Hawkins     | Phillips            | Turner              |
| Copeland        | Hearn       | Pierce              | Turnham             |
| Daniel          | Hocklander  |                     |                     |

—90

A quorum was present.

#### LEAVES OF ABSENCE

On motion of Mr. Ashworth leave of absence was granted to Mr. Salter because of a death in his immediate family.

On motion of Mr. Ashworth leave of absence was granted to Mr. Boyd.

#### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-first legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the twenty-first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-first legislative day was approved.

#### RESOLUTION

The following resolution was introduced:

By the members of the House of Representatives:

H. J. R. 66. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we are deeply grieved over the great loss suffered by our gentle friend and colleague, Wiley Salter of Conecuh County, in the sad and untimely death of his loving wife and the proud mother of his infant child. We extend to him deepest sympathy in his sorrow, and mourn with him the passing of his departed companion.

BE IT FURTHER RESOLVED That the Clerk of the House be directed to transmit a copy of this Resolution to Representative Salter.

On motion of Mr. Ashworth the rules were suspended and H. J. R. 66 was adopted.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 631. To authorize the Governor to enter into agreements of reciprocity with Conservation Commissioners and other proper officials of adjoining states concerning the hunting of waterfowl on waters lying between said states.

CHAS. C. ADAMS,  
Chairman.

The above and foregoing report of the Standing Committee on Rules was concurred in and adopted.

#### POINT OF PERSONAL PRIVILEGE

Mr. Albea requested as a matter of personal privilege that the Journal show that he was temporarily out of the House when the bills, H. 377, H. 378, H. 379, H. 380, H. 381, H. 382, H. 383 and H. 384, were up for passage on the twenty-first legislative day. He requested that the Journal show that had he been present he would have voted "yea" on the passage of the bills.

#### S. 39 RE-REFERRED

On motion of Mr. Ashworth, the Speaker re-referred the bill, S. 39, from the Standing Committee on State Administration to the Standing Committee on Ways and Means.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolution, your signature thereto is requested:

S. 115. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 10, T16N, R18E, Montgomery County, Alabama.

Also:

S. 202. To create a Commission to plan and direct the commemoration of the centennial of Alabama's part in the War Between the States, as a part of the National Centennial program, as a means of promoting a better understanding of the heroic and valorous sacrifices of the people of Alabama in this great war for principles which they believed to be true and eternal, and of providing a clearer conception of their contributions to the Confederate cause; to provide for the duties and powers of said Commission; and to make an appropriation thereto.

Also:

S. 268. To amend Section 1 of an act approved July 12, 1957, fixing the compensation of the coroner of St. Clair County (Act No. 131, H. 526, Acts of Alabama, Regular Session 1957, Vol. 1, p. 179).

Also:

S. 272. To provide for the establishment and administration of a retirement system; to provide retirement allowances and other benefits for certain employees of the County of Montgomery.

Also:

S. 273. To amend an Act approved by the Legislature of Alabama on July 29, 1947 (Local Acts of 1947, p. 165), as amended; to authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said

County, but not for elected officials, such amendment to provide for mandatory contributions to said plan by the employees of said County who are employees upon the effective date of this Act.

Also:

S. 278. Relating to Colbert County; fixing the compensation of members of the board of education of Colbert County, and providing for payment of expenses incurred by the members thereof in attending meetings of the board.

Also:

S. 292. To amend Section 339 of Title 62, Code of Alabama 1940, relating to the judges of the fifteenth judicial circuit of Alabama (Montgomery County).

Also:

S. 293. To amend Section 24 of Act No. 813, S. 662, approved September 11, 1951, (Acts of Alabama 1950-1951, pages 1426-1447), which relates to providing for and prescribing the form of government for all cities of Alabama having a population of not less than 75,000 nor more than 125,000 inhabitants according to the preliminary count of the 1950 federal census or any subsequent regular decennial federal census by more particularly defining the employees covered thereunder.

Also:

S. 294. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 31, Township 16 North, Range 18 East, Montgomery County, Alabama.

Also:

S. 295. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 36, Township 16 North, Range 18 East, Montgomery County, Alabama.

Also:

S. 298. Relating to the holding of elections in Hale County; authorizing the court of county commissioners, board of revenue, or other like governing body of Hale County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

Also:

S. 299. To alter, extend and rearrange the boundary lines and corporate limits of the Town of York in Sumter County, Alabama.

Also:

S. J. R. 23. Inviting the Honorable Bill Simmons to present the TV Citizens Council Forum to the Legislature.

J. E. SPEIGHT,  
Secretary.



## SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolution, the titles to which are set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 61. To amend sections 1, 2, and 3 of Act No. 666, S. 155, approved September 16, 1953 (Acts of Alabama, Regular Session, 1953, p. 923), entitled "An Act To provide for a scholarship program for medical education; and making an appropriation therefor."

Also:

S. 281. To amend Section 4 of the Act of August 11, 1939, which provided for a consolidation of the administration and control of all city and county public school systems in Montgomery County (Act No. 222, H. 462, 1939 Local Acts 125, 126).

J. E. SPEIGHT,  
Secretary.

## SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE GOVERNOR

To the Legislature of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor, relative to the Civil Service Board of Anniston.

Respectfully submitted,

SEPTEMBER 25, 1959

JOSEPH G. ROBERTSON,  
Executive Secretary.

To the Legislature of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following as a member of the Civil Service Board of the City of Anniston:

Dr. Harold West, Anniston, Alabama — For the term expiring September 11, 1965.

Respectfully,

JOHN PATTERSON,  
Governor.

### GOVERNOR'S MESSAGE

On motion of Mr. Merrill, upon a viva voce roll call, the appointment of Dr. Harold West as a member of the Civil Service Board of the City of Anniston, Alabama, as contained in the above and foregoing Message from the Governor, was confirmed.

Yeas 90; Nays 0.

#### Yeas:

|                            |                  |                                |                                |
|----------------------------|------------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dickson          | Ingram                         | Powell                         |
| Adams <sup>(Houston)</sup> | Dodd             | Jenkins                        | Ramey                          |
| Albea                      | Edwards          | Johnson <sup>(Hardaway)</sup>  | Rast                           |
| Ashworth                   | Ferguson         | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Avery                      | Franklin         | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Gilchrist        | Jones <sup>(Covington)</sup>   | Roberts                        |
| Barnett                    | Glass            | Jones <sup>(Monroe)</sup>      | Rogers                         |
| Bassett                    | Goldthwaite      | Lee                            | Rozelle                        |
| Bevill                     | Goodwyn          | Locke                          | Self                           |
| Bishop                     | Gordon           | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| <del>Branyon</del>         | <del>Grant</del> | <del>Martin</del>              | <del>Shumate</del>             |
| Brewer                     | Gross            | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grouby           | Merrill                        | Solomon                        |
| Brooks                     | Guthrie          | Morrow                         | Speaks                         |
| Cabiness                   | Hain             | Murphy                         | Steagall                       |
| Callahan                   | Hanby            | Nettles                        | Sullivan                       |
| Camp                       | Hankins          | Nichols                        | Taylor                         |
| Casey                      | Hardy            | Oden                           | Thomas                         |
| Cates                      | Harris           | Owens                          | Torbert                        |
| Chambers                   | Harvey           | Perry                          | Trimmier                       |
| Cook                       | Hawkins          | Phillips                       | Turner                         |
| Copeland                   | Hearn            | Pierce                         | Turnham                        |
| Daniel                     | Hocklander       |                                |                                |

—90

### MOTION IN WRITING

Mr. Gordon offered the following Motion in Writing:

I hereby move that the Clerk of the House be directed to remove my name as a co-author of the following House Bills: H. B. 760, H. B. 761, H. B. 762, H. B. 763, H. B. 764, H. B. 765 and H. B. 766.

And the Motion in Writing offered by Mr. Gordon was adopted.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 66. Relative to mourning the untimely death of the wife of Representative Wiley Salter, and extending to him deepest sympathy.

J. E. SPEIGHT,  
Secretary.

#### MOTION IN WRITING

Mr. Gross offered the following Motion in Writing:

I hereby move that the Clerk of the House be directed to remove my name as a co-author of the following House Bills: H. B. 759, H. B. 760, H. B. 761, H. B. 762, H. B. 763, H. B. 764, H. B. 765 and H. B. 766.

And the Motion in Writing offered by Mr. Gross was adopted.

#### BILLS ON SECOND READING

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 683. To amend Act No. 664, H. 791, approved July 5, 1940 (General Acts of Alabama, 1939, p. 1050), which provides for the levy, assessment, and collection of mileage taxes from motor carriers in the State of Alabama, so as to eliminate the imposition of such tax on vehicles transporting property for hire.

H. 684. To amend further Section 713, Title 51, Code of Alabama (1940), which relates to the distribution of motor vehicle and trailer license tax funds.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitutes, and they were severally read a second time and placed on the Calendar, to-wit:

H. 685. (with substitute) To amend Section 703, Title 51, Code of Alabama (1940), which relates to the license tax payable on trailers and semi-trailers.

H. 686. (with substitute) To amend Section 697 of Title 51, Code of Alabama (1940), which prescribes the license taxes imposed upon motor trucks using fuel on which tax has been paid or is to be paid, to provide for the basing of such licenses on owner-declared gross vehicle weight.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 774. To make an appropriation to the Water Resources Study Commission for each of the two fiscal years ending September 30, 1960 and September 30, 1961 for expenditure by said Commission in the performance of its duties.

H. 797. To revise Article 1 of Chapter 1 of Title 23 of the Code of Alabama of 1940 as amended, in relation to Highways, Roads, Bridges and Ferrys by amending Section 23 and Section 35.

H. 744. Providing for the relocation of utility facilities when necessitated by Federal-aid highway system projects; providing for the payment of the costs of such relocations by the State as highway construction costs upon Federal participation and Federal funds being actually collected by the State; prescribing the authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws.

H. 627. Relating to the Fifth Judicial Circuit; Authorizing the circuit solicitor to appoint a stenographic secretary, and providing for the payment of such secretary's compensation by the counties composing the circuit.

H. 786. To amend further Section 718 of Title 51, Code of Alabama 1940, in relation to liability for collection and payment of the tax on tobacco and tobacco products.

H. 679. To require the state department of education to furnish free textbooks to pupils and teachers in classrooms or schools conducted under the supervision of the Alabama state hospitals.

H. 695. To amend further Section 465 of Title 51, Code of Alabama 1940, in relation to the privilege license tax imposed on automobile accessory dealers.

H. 551. To amend an act approved February 10, 1956, entitled "An Act to authorize and provide for the planning, designation, establishment, use, regulation, alteration, improvement, maintenance, and vacation of controlled access facilities; defining such terms; providing for the acquisition of lands required therefor; the restriction of intersections and control of approaches; the establishment of local service roads; the prohibition of certain acts thereon and provision for penalties therefor; and for other purposes" (Act No. 104, H. B. 148, Acts 1956, p. 148).

H. 703. To make an appropriation to the Cahaba Historical Commission.

Mr. Oden, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 277. To amend Section 14 of Act No. 207, S. 134, approved July 12, 1949 (Acts 1949, p. 242), the same being known as the "Alabama Coal Mine Safety Law of 1949", relating to "mine gases and quality of air"; to define certain terms used therein; and to provide further for reclassification of mines under certain circumstances.

H. 713. To amend Section 5 of Act No. 247, S. 69, approved July 29, 1953 (Acts of Alabama, 1953, page 311) entitled "An Act relating to banks and banking; to provide for the retention and disposition of bank records, and for other purposes," by providing for the reproduction of bank records by processes in addition to the microphotographic process and by providing that such reproductions may be retained by banks in lieu of the originals thereof.

Mr. Oden, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 331. (with substitute) To define, regulate and license barbers, barber apprentices and barber shops, barber colleges and like businesses, to create a State Board of Barber Examiners, define their powers and duties, fix their compensation, fix and prescribe license fees for barbers, barber apprentices, barber shops, and barber colleges and like businesses, to eliminate the operation of this act in certain counties, to prescribe penalties and punishment for the violation of this act.

Mr. Edwards, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 227. To provide that all human blood used or proposed to be used for blood transfusions shall be labeled according to the race of the donor; to provide that no human blood not labeled in accordance with the provisions of this Act shall be used for blood transfusions in this State; to provide that any person about to receive a blood transfusion or a parent or the next of kin of said person shall be informed of the race of the donor of the blood, if blood from a person of a different race is to be used; to provide that a doctor may proceed with a transfusion or a parent or the next of kin of said person shall be informed of agency exists; to provide that emergency and disaster areas are exempt from the provisions of this Act if the emergency has been declared by the Governor, or a federal agency or other agency or authority having the authority to declare an emergency; to provide a penalty for the violation of the provisions of this Act; and for other purposes.

H. 721. To amend further Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, Vol. II, p. 981).

Mr. Ferguson, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 66. To authorize any county board of registrars which is not furnished clerical assistance to reserve certain meeting days for the performance of such necessary clerical work as may be required of the board in connection with the discharge of its duties.

H. 67. To amend further Section 26 of Title 17, Code of Alabama (1940), which relates to meetings of county boards of registrars.

H. 207. Relating to elections; amending further Sections 77 and 80 of Title 17, Code of Alabama 1940, to provide further for establishing election precincts, districts, polling places, and correct lists of qualified voters.

H. 446. Relating to primary elections; amending Section 357 of Title 17, Code of Alabama 1940; providing that watchers at polling places must be sworn at the same time as election officers, and that

watchers must be qualified to vote at the polling places for which they are appointed.

S. 110. To amend Sections 278 and 279 of Title 17, Code of Alabama (1940), which relate to the filing of statements of election campaign expenditures.

S. 112. To amend Section 274 of Title 17, Code of Alabama (1940), which requires candidates to file with the secretary of state or the judge of probate the name or names of persons selected to receive, expend, audit and disburse moneys subscribed, donated, or contributed for the purpose of promoting or aiding the nomination or election of such candidates.

S. 113. To amend Section 400 of Title 17, Code of Alabama (1940), which requires candidates in primary elections to file statements of campaign expenditures.

S. 123. To amend Section 107 of Title 17 of the Code of Alabama (1940), as amended by Act No. 584 of the 1949 Regular Session of the Legislature of Alabama (page 911 of Acts of 1949, approved September 19, 1949) which relates to instruction and assistance for voters at the polls where voting machines are used.

Mr. Ferguson, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 53. (with substitute) To amend further Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama 1949, p. 601), entitled "An Act To provide for absentee voting in primary, general, special, and municipal elections: Prescribing penalties for violations of the Act and repealing conflicting laws," so as to provide for absentee voting only by certain electors.

Mr. Hankins, Chairman of the Standing Committee on Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 192. (with amendments) To amend further Section 89 of Title 36, Code of Alabama 1940, which limits the size and weight of motor vehicles and loads.

Mr. Hankins, Chairman of the Standing Committee on Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 330. To amend further Section 46 of Title 36 Code of Alabama 1940, as amended, so as to provide that parking lights may exhibit an amber light as well as a white light.

Mr. Hankins, Chairman of the Standing Committee on Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable re-

port, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 322. (with amendment) To amend further Section 2 of Act No. 669, H. 792, approved July 5, 1940 (General Acts of Alabama 1939, p. 1064), which is known and cited as the "Alabama Motor Carrier Act of 1939."

Mr. Hankins, Chairman of the Standing Committee on Transportation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 656. To provide for naming certain bridges by the State Highway Department.

H. 700. To provide for the designation by the state highway department of the bridge on Alabama Highway No. 35 across Little River at the DeKalb County-Cherokee County line as the "G. E. Hill Bridge."

H. 701. To provide for the designation by the state highway department of certain highways in DeKalb County as "Desota Parkway."

Mr. Grouby, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 789. To provide that all paid firemen in cities or towns with a population of fifteen thousand or more shall not be required to work in excess of 56 hours for any average week throughout the calendar year; and to provide for payment of double compensation for time worked in excess of 56 hours per average week.

Mr. Reynolds (Chambers), Vice-Chairman of the standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 654. Relating to Mobile County; authorizing and directing the board of revenue and road commissioners of the county to establish and maintain a special fund to be used and expended by the sheriff of the county in law enforcement and in the conduct of his office; and regulating the disbursement of the moneys in this fund.

H. 772. Relating to the municipality of Prattville in Autauga County: To alter and rearrange the boundaries of the City.

H. 785. Relating to game and fish in Lawrence County; to prohibit the use of gill nets, hoop nets, and trammel nets in taking, capturing, or killing fish in public waters anywhere in Lawrence County; prescribing penalties.

Mr. Reynolds (Chambers), Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in

session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 796 (with substitute). To permit any bank now or hereafter having a combined or paid-in capital and paid-in or earned surplus of more than \$500,000 and having an authorized office or place of business in Decatur, Alabama, to establish, maintain and operate additional offices or places of business in such city or the police jurisdiction thereof, with the approval of the Superintendent of Banks.

Mr. Reynolds (Chambers), Vice-Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 803. To amend Sections 1, 3, and 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County; altering, modifying, and changing the rates of tax provided for therein and extending the applicability of such taxes to certain sales and to the storage, use, or other consumption of certain property within Tuscaloosa County heretofore exempt, and redefining certain terms.

H. 805. To levy in Walker County a county license tax, in addition to all other taxes or licenses now required by law, on each package of cigarettes sold, stored, or received, for the purpose of distribution to any person, firm, corporation, club, or association within the county; to provide for the payment of the tax by the purchase and sale of stamps to be affixed to each package of cigarettes sold or distributed in such county; to provide for the ascertainment, collection, payment, distribution, and use of such license tax and for the enforcement of this Act; and to prescribe penalties and fix the punishment for violations of the Act.

H. 806. To make an annual appropriation from the general fund of Walker County to support the Peoples' Hospital of Walker County.

H. 807. To create a hospital board for Walker County, prescribe the jurisdiction, powers, and authority of the board with respect to the operation and maintenance of the People's Hospital of Walker County, provide for the organization of the board, and for the appointment, qualification, terms, compensation, powers, and duties of members of the board, and repeal Act No. 374 approved July 6, 1943, Act No. 436 approved July 6, 1945, and all other conflicting laws.

S. 305. To alter, extend, and rearrange the boundary lines and corporate limits of the city of Fayette in Fayette County, Alabama.

S. 312. To create within any county in this state having a population of not less than 125,000 nor more than 225,000, according to the last or any subsequent federal decennial census, a domestic relations division of the circuit court of such county; defining its jurisdiction and authority; providing it with officers, and prescribing their duties, authority, and compensation; regulating its procedure; abolishing the juvenile court or any other special court having jurisdiction only of juveniles and domestic relations.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the



following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 314. To amend Section 1 of Act No. 325, S. 379, approved August 11, 1953, the act fixing the compensation to be paid to members of the governing body in all cities having a population of not less than 78,500 nor more than 125,000, according to the last or any subsequent federal decennial census (Acts of Alabama, Regular Session 1953, Vol. I, p. 382).

Mr. Reynolds (Chambers), Vice-Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 329. To amend further Section 11 of Act No. 311, H. 904, approved September 19, 1923 (Local Acts of Alabama 1923, p. 188), entitled "An Act To establish a Board of Revenue for Marengo County, and for the abolishment of the Court of County Commissioners of said County."

Mr. Grouby, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 540. To amend Section 22 of Title 12, Code of Alabama 1940, in relation to the publication of reports showing the receipts and expenditures of money by counties, providing for the publication of such reports annually on the first day of October of each year.

Mr. Hawkins, Vice-Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 781. For the relief of V. Chambliss authorizing the County Commission of Jefferson County, Alabama, to make an appropriation from the County Treasury to compensate V. Chambliss for certain damages.

H. 782. To apply in, but only in, counties which have a population of 500,000 or more, according to the last or any subsequent Federal Census, and which counties are Wet Counties under Section 68 of Title 29 of the 1940 Code of Alabama; and to require the payment to such counties of a license tax, in addition to all other taxes and licenses required by law, of ten cents on each quantity of less than one half pint, and twenty-five cents on each one half pint or more of alcoholic, spirituous vinous or fermented liquor sold, distributed, delivered, stored, or taken out of storage within such counties; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this Act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act.

H. 783. To amend Section 4 of Act No. 929 of the regular session of the Legislature of Alabama of 1951 approved September 12, 1951 (Acts 1951, page 1579) as amended by Act No. 194 of the 1955 session

of the Legislature of Alabama (Acts 1955, page 478) entitled "AN ACT to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

H. 784. For the relief of Mrs. E. H. Golden and L. L. Tryon, authorizing the County Commission of Jefferson County, Alabama, to make an appropriation from the County Treasury to compensate the said Golden and Tryon for certain damages.

H. 810. To fix and require the payment of fees and costs in each case filed in the Jefferson County Civil Court; to require that all such fees be paid into the County Treasury of Jefferson County; and to provide the effective date of this Act.

#### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Speaks (with notice and proof):

**H. 812. To levy additional county privilege license and excise taxes for public school purposes in Chilton County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act, and prescribing penalties.**

Local Legislation No. 1.

Notice and Proof H. 812:

#### A BILL TO BE ENTITLED AN ACT

to be introduced at the 1959 Regular Session of the Alabama State Legislature or any Special Session of the Legislature.

STATE OF ALABAMA  
COUNTY OF CHILTON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To levy additional county privilege license and excise taxes for public school purposes in Chilton County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51,

Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the State department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act, and prescribing penalties.

**Be It Enacted by the Legislature of Alabama:**

Section 1. All words, terms, and phrases that are defined in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, which levies a state sales tax, and in Article 11, Chapter 20, Code of Alabama 1940, as amended, shall, where used in this Act, have the meanings respectively ascribed to them in said Act No. 100 of August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

“State sales tax statutes” means Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, enacted at the Special Session of the Legislature of Alabama that convened June 24, 1959, which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act. No. 100, heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act. No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect the administration of said act and the incidence and collection of the tax imposed therein;

“State sales tax” means the tax imposed by the state sales tax statutes;

“State use tax statutes” means Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article II and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein;

“State use tax” means the tax imposed by the state use tax statutes;

“Registered seller” means the person registered with the state department of revenue pursuant to the state sales tax statutes;

“Month” means the calendar month;

“Quarterly period” means the period of three months ending on the last day of each March, June, September, and December;

“Fiscal year” means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Section 2. Effective on the first day of the month succeeding the month during which this Act becomes a law, there is hereby levied in Chilton County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

1. Upon every person, firm or corporation engaged or continuing within Chilton County in the business of selling at retail any tangible

personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within Chilton County in the business of conducting or operating places or amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Chilton County, an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm, or corporation engaged or continuing within Chilton County in the business of **selling at retail machines used** in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments or replacements thereof which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one-half of one percent of the gross proceeds of the sale of such machines, attachments, parts and replacements thereof.

4. Upon every person, firm, or corporation engaged or continuing within Chilton County in the business of selling at retail any automotive vehicle or truck trailers and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

### Section 3. An excise tax is hereby imposed on—

(a) The storage, use, or other consumption in Chilton County of tangible personal property purchased at retail, on or after the first day of the month next succeeding the month during which this Act shall become a law, for storage, use or other consumption in Chilton

County, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Chilton County or in this state, except as provided in subsections (b) and (c), of this section; and

(b) The storage, use, or other consumption in Chilton County of any new or used automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use, or other consumption in Chilton County, at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid in the net difference, that is, the difference of the price of the new or used vehicle sold less a credit for the used vehicle taken in trade; and

(c) The storage, use, or other consumption in Chilton County of any machine used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, including the parts of such machines, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use, or other consumption in Chilton County, at the rate of one-half of one percent of the sales price of such machine or the parts, attachments, or replacements therefor.

There are exempted, however, from the provisions of this section and the tax imposed in this section the storage, use, or other consumption of property the storage, use, or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in Chilton County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given pursuant to Section 5 of this Act to the purchaser of any property to be used, stored, or consumed in Chilton County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may prefer.

Section 4. The taxes levied in Section 2 of this Act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the taxes levied in Section 3 of this Act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied in this Act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes herein levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business that are provided in Section 2 hereof to be used as a measurement of the tax levied in said Section 2, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth,

with respect to the tax levied in Section 3 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 3 during the then preceding quarterly period; provided, however, that said report shall include also such other items of information pertinent to the said taxes in the amount thereof as the state department of revenue may require. Any person subject to the taxes levied in Section 2 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the governing body of Chilton County, or its designated agent, at reasonable times during business hours.

Section 5. Every registered seller making sales of tangible personal property for storage, use, or other consumption in Chilton County (which storage, use, or other consumption is not herein exempted from the tax imposed in Section 3 hereof) shall at the time of making such sale or, if the storage, use, or other consumption of such tangible personal property in Chilton County is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax imposed by Section 2 of this Act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 hereof, each registered seller shall file with the state department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department, **showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed by Section 3 of this Act during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall omit the taxes with respect thereto at the time of filing such report or return.** Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Chilton County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of which is subject to the tax imposed by Section 3 of this Act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4.

Section 6. Each person engaging or continuing within Chilton County in a business subject to the taxes levied in Section 2 of this Act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in said Section 2; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 5 hereof to collect. It shall be unlawful for any person subject to the tax levied in said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser

or person paying the admission fee the amount herein required to be so added to the sale or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed by Section 3 of this Act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. The taxes imposed by this Act shall constitute a debt due Chilton County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due this state shall apply fully to the collection of the taxes herein levied, and the state department of revenue, for the use and benefit of Chilton County shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax and the state use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this Act, and to otherwise enforce the provisions of this Act, including any litigation involving this Act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Chilton County.

Section 8. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 2 hereof, shall apply to the tax levied in the said Section 2; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 3 hereof, shall apply to the tax levied in the said Section 3. The state commissioner of revenue and the state department of revenue shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied in Section 2 and 3 hereof that are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable in this Act to the taxes herein levied and to the administration of this Act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. The state department of revenue shall charge Chilton County for collecting the special taxes levied by this Act such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed two percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Chilton County for that month. The commissioner of revenue shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Chilton County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Chilton County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Chilton County, in his official capacity, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of Chilton County. The custodian of public school funds of Chilton County shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other public school funds of the county, and shall maintain separate records of such special account. The county board of education shall require an additional bond of the custodian of public school funds, in an amount to be prescribed by the board of education and payable to the board and conditioned as prescribed by law. Such additional bond shall be filed and recorded in the office of the judge of probate of the county. The premiums on such bonds shall be paid from any school funds derived hereunder.

Section 10. The proceeds of the taxes levied in this Act shall be used by the county board of education of Chilton County solely for the purpose of constructing, improving, maintaining, repairing, and equipping public school buildings, and acquiring sites therefor, within the county; or the proceeds of such taxes may be used to pay the principal of, and the interest on, any securities issued pursuant to law the purpose of constructing, improving, maintaining, repairing, and equipping public school buildings, and acquiring sites therefor, within the county.

Section 11. The levy of taxes herein made shall terminate at midnight on December 31, 1969, unless prior to that date there shall have been held in Chilton County, by the qualified electors thereof, a referendum election at which a majority of the qualified electors participating therein vote in favor of the continuation of such levy for a further period of ten years from said date, in which event such taxes shall continue in effect until midnight on December 31, 1979. The court of county commissioners, board of revenue, or other like governing body of Chilton County shall order and provide for the holding of such a referendum not less than three months before the termination date of the levy as herein provided. When the levy of taxes herein made terminates as provided herein, all of the provisions of this Act pertaining to the payment and collection of the taxes herein levied,



the making of reports and maintenance of records with respect thereto, and in general the enforcement of this Act shall thereafter continue to be effective with respect to the taxes herein levied that shall have accrued hereunder prior to such termination date.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This Act shall become effective on the first day of the month succeeding the month during which the Act shall be approved by the Governor or shall otherwise become a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF CHILTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. M. Tucker, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Chilton County News, a newspaper of general circulation published in Chilton County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 3rd, Sept. 10th, Sept. 17th, and Sept. 24, all in the year 1959.

R. M. TUCKER.

Sworn to and subscribed before me Sept. 24th, 1959.

J. C. BENNETT,  
Notary Public.

By Messrs. Hanby and Copeland:

H. 813. To validate certain elections held in the year 1958 under the provisions of Articles 6 and 7, Chapter 10, Title 52, Code of Alabama (1940), and Section 216, Article 11, Constitution of Alabama.

Local Legislation No. 1.

By Messrs. Branyon and Self (with notice and proof):

H. 814. To alter, extend and rearrange the boundary line and corporate limits of the Town of Glen Allen in Marion and Fayette Counties, Alabama.

Local Legislation No. 1.

Notice and Proof H. 814:

#### LEGAL NOTICE

##### STATE OF ALABAMA COUNTY OF MARION

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To alter, extend and rearrange the boundary line and corporate limits of the Town of Glen Allen in Marion and Fayette Counties, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Glen Allen in Marion and Fayette Counties, Alabama, are hereby altered, extended, and rearranged so that in addition to the territory presently described herein will be and lie within the boundaries and corporate limits of such towns:

The SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Section 18, Township 13 South, Range 11, West. SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , S  $\frac{1}{2}$  of NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ . SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ . All in Section 13, Township 13, South, Range 12 West all situated, lying and being in Marion County, Alabama, and the

NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ; NW  $\frac{1}{4}$  of NE  $\frac{1}{2}$ , E  $\frac{1}{2}$  of SW  $\frac{1}{2}$  of NW NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$   $\frac{1}{4}$ . SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$ . SW of NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  All in Section 24, Township 13, South, Range 1, West all situated, lying and being in Fayette County, Alabama, SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ , Section 19, Township 13 South, Range 11 West, Fayette County, Alabama The NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , W  $\frac{1}{2}$  of NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , and the W  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , all in Section 25, Township 13, South, Range 12, West, Fayette County, Alabama

SECTION 2: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PUBLISHER'S AFFIDAVIT

##### STATE OF ALABAMA MARION COUNTY

Personally appeared before me, the undersigned authority in and for said county and state, Oscar Roden, who, after being duly sworn, deposes and says:

My name is Oscar Roden. I am publisher of the Marion County News-Journal, a newspaper of general circulation, published weekly in Marion county, Alabama. The copy of publication hereto attached was published in said newspaper for 4 consecutive weeks, and the respective number and dates of said newspaper in which said publication was made are the following, to-wit:

- No. 1 the 27 day of Aug., 1959
- No. 2 the 3 day of Sept., 1959
- No. 3 the 10 day of Sept., 1959
- No. 4 the 17 day of Sept., 1959.

OSCAR RODEN,  
Publisher.

Sworn and subscribed to before me this 17th day of Sept., 1959.

BESSIE D. GRAY,  
Notary Public.

A BILL  
TO BE ENTITLED  
AN ACT

To alter, extend and rearrange the boundary line and corporate limits of the Town of Glen Allen in Marion and Fayette Counties, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Glen Allen in Marion and Fayette Counties, Alabama, are hereby altered, extended, and rearranged so that in addition to the territory presently described herein will be and lie within the boundaries and corporate limits of such town:

The SW-quarter of SW-quarter, Section 18, Township 13 South, Range 11, West; SW-quarter of NW-quarter, NW-quarter of SW-quarter, SW-quarter of SW-quarter, S-half of NE-quarter of SW-quarter, SE-quarter of SW-quarter, SW-quarter of SE-quarter, All in Section 13, Township 13, South, Range 12 West all situated, lying and being in Marion County, Alabama, and the

NE-quarter of NW-quarter; NW-quarter of NE-quarter. E-half of SW-quarter of NW-quarter. SE-quarter of NW-quarter. SW-quarter of NE-quarter, SE-quarter of NE-quarter, NW-quarter of SE-quarter, SW-quarter of SE-quarter, All in Section 24, Township 13 South, Range 12, West all situated, lying and being in Fayette County, Alabama. SW-quarter of NW quarter, Section 19. Township 13 South, Range 11 West, Fayette County, Alabama. The NW-quarter of NE-quarter, W-half of NE-quarter of NE-quarter and the W-half of SE-quarter of NE-quarter, all in Section 25, Township 13, South, Range 12, West, Fayette County, Alabama.

Section 2: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA,  
FAYETTE COUNTY

Personally appeared the undersigned who, being duly sworn, says he is the Publisher of the Fayette County Times, a newspaper published and printed each Thursday in Fayette, Alabama, in said County and State, and that the notice hereto attached was published in said newspaper for four successive weeks on to wit: August 27, Sept. 3, Sept. 10, Sept. 17, 1959.

LEWIS V. MITCHELL.

Sworn to and subscribed to me this 17th day of September, 1959.

ILA M. MITCHELL,  
Notary Public.

By Messrs. Oden, Ray, Dodd, Hankins, Branyon, Bishop, Shumate, Bevell and Broadfoot:

H. 815. Proposing an amendment to the Constitution of Alabama relating to the Legislature.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Oden, Broadfoot, Ray, Dodd, Hankins, Branyon, Bishop, Bevell and Shumate:

H. 816. Proposing amendments of the Constitution of Alabama fixing the number of representatives in the Legislature and apportioning the membership among the several counties, fixing the number of senators and dividing the State into senatorial districts.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Oden, Broadfoot, Ray, Dodd, Hankins, Branyon, Bishop, Bevill and Shumate:

H. 817. Proposing an amendment to the Constitution of Alabama fixing the number of representatives in the Legislature and apportioning the membership among the several counties, fixing the number of senators and dividing the State into senatorial districts, setting the required frequency of subsequent reapportionment, placing the duty and responsibility for subsequent reapportionment of the legislature upon the legislature itself from and after the first Monday in May, 1963 and prescribing apportionment basis and procedure to be thereafter followed.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Adams (Houston), Nichols and Solomon:

H. 818. To regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower and herb seeds; to prevent misrepresentation thereof; to require seed dealers engaged in the sale of seed to obtain an annual permit from the Department of Agriculture and Industries and to levy and prescribe the amount of the annual permit fee; to give the State Board of Agriculture and Industries authority to promulgate rules and regulations for the purpose of carrying out the provisions of this Act; to repeal all laws in conflict with this Act, including Act No. 560 of the Legislature of 1943, approved July 9, 1943, as amended; to make the violation of any of the provisions of this Act a misdemeanor and to prescribe the punishment therefor; and for other related purposes including other administrative and enforcement provisions.

Agriculture.

By Messrs. Cabiness and Ashworth:

H. 819. To amend Section 343 and Section 348 of Title 15, Code of Alabama (1940), which relate to the execution of convicts who have been sentenced to death.

Judiciary.

By Mr. Hawkins:

H. 820. TO CREATE AND ESTABLISH A WATER IMPROVEMENT COMMISSION: TO DEFINE THE DUTIES, JURISDICTION AND POWERS OF SUCH COMMISSION: TO PROVIDE FOR ITS PERSONNEL; THE NUMBER OF MEMBERS OF SAID COMMISSION: TERMS OF OFFICE AND METHOD FOR APPOINTMENT OF SAME: TO PROVIDE REGULAR AND SPECIAL MEETINGS OF SAID COMMISSION: TO APPROPRIATE THE SUM OF FIFTY THOUSAND DOLLARS ANNUALLY FOR EACH OF THE FISCAL YEARS 1960 AND 1961 FOR THE PURPOSES OF CARRYING OUT THE PROVISIONS OF THIS ACT: PROVIDE FOR THE ESTABLISHMENT OF

AN EXECUTIVE COMMITTEE FOR THE WATER IMPROVEMENT COMMISSION AND PRESCRIBING THE MANNER OF APPOINTMENT, POWERS, DUTIES AND TERMS OF MEMBERS OF SAID EXECUTIVE COMMITTEE GRANTING UNTO THE COMMISSION THE POWERS TO MAKE REASONABLE RULES AND REGULATIONS: AUTHORIZING THE COMMISSION TO JUDICIALLY DETERMINE WHEN PERSONS VIOLATE THE PROVISIONS OF THIS ACT: TO AUTHORIZE A TRIAL DE NOVO ON APPEAL IN THE CIRCUIT COURT BEFORE A JURY BY ANY PARTY OR PARTIES AGGRIEVED: BY AUTHORIZING THE COMMISSION TO CONTROL THE POLLUTING OF THE WATERS OF THIS STATE, BY REQUIRING MUNICIPALITIES, INDUSTRIES AND PERSONS TO OBTAIN PERMITS FOR DISCHARGING SEWAGE, INDUSTRIAL WASTES, AND OTHER WASTES IN THE WATERS OF THIS STATE: TO PROVIDE FOR AN APPEAL OR REVIEW OF THE ACTIONS AND DECISIONS OF THE COMMISSION BEFORE THE CIRCUIT COURT AND SUPREME COURT: AUTHORIZING THE COMMISSION TO ISSUE ORDERS ENJOINING ANY PERSON FROM POLLUTING STREAMS AND WATERS OF THIS STATE: PROVIDING A CRIMINAL PENALTY FOR PERSONS VIOLATING THE ORDERS OF THE COMMISSION AND VIOLATING THE PROVISIONS OF THIS ACT: ESTABLISHING A WATER IMPROVEMENT COMMISSION FUND AND ENUMERATING THE CONTENTS THEREOF AND BY PROVIDING FOR THE EXPENDITURE AND DISPOSITION OF SAID FUND: GIVING THE COMMISSION THE POWER AND AUTHORITY TO DETERMINE WHEN AN ENFORCEMENT OF THE PROVISIONS OF THIS ACT WOULD BE UNREASONABLE AND NOT SCIENTIFICALLY POSSIBLE AND NOT ECONOMICALLY FEASIBLE AND NOT PHYSICALLY ATTAINABLE FROM A PRACTICAL STANDPOINT FOR ANY MUNICIPALITY, INDUSTRY, TRADE, OR BUSINESS TO COMPLY WITH THE PROVISIONS OF THIS ACT AND WHEN SUCH IS DETERMINED TO ISSUE REASONABLE MODIFICATIONS AND PERMITS TO ALLOW THE BUSINESS OR MANUFACTURER OR INDUSTRY TO CONTINUE ITS BUSINESS: GIVING ANY PARTY AGGRIEVED THE RIGHT OF APPEAL TO THE CIRCUIT COURT FROM SUCH FINDINGS OF THE COMMISSION INCLUDING A CITIZEN HAVING A RIGHT OF APPEAL IN THE NAME OF THE STATE AND PROVIDING CONDITIONS AND RESTRICTIONS OF APPEAL.

*Agriculture.*

By Messrs. Hawkins, Rast, Sessions, Locke, Edwards, Morrow and Perry:

H. 821. Relating to counties having a population of 500,000 or more, according to the last or any subsequent federal decennial census; to provide for levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in such counties, such tax to be measured by the gross receipts or gross proceeds of such businesses; to provide for levying an excise tax on the storage, use or other consumption in such counties of tangible personal property purchased for use, storage or other consumption in such counties; specifying sales and transactions that are exempt from the measurement of the license tax; specifying property the use, storage or other consumption of which is exempt from the excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of said taxes, and the enforcement of the provisions of this Act; making applicable to the taxes herein levied, and adopting certain provisions of Act No. 100, H. B. 94, approved August 18, 1959, effective October 1, 1959, and Article 11 of Chapter 20, Title 51, Code of Ala-

bama, as amended; providing the commissioner of the state department of revenue and the department of revenue, shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for the use of the revenues from said taxes; providing for referenda or elections of the qualified electors for making the taxes applicable to any such county; and providing for the termination of the taxes imposed subject to referenda or elections of the qualified electors of such county.

#### Local Legislation No. 2.

By Messrs. Edwards, Sessions, Hawkins, Locke, Rast, Morrow and Perry:

H. 822. To apply in and only in counties in Alabama having a population of 400,000 inhabitants or more, according to the last or any subsequent Federal census, and to empower and authorize the County Commission, board of revenue, or like governing body of all such counties to authorize and approve a monetary allowance not to exceed the sum of Six Hundred Dollars annually, payable in monthly installments, to be made to the Judge of Probate in such county for and on account of the use of an automobile owned or controlled by such Judge of Probate in the event such automobile is used by such Judge of Probate partially or entirely in connection with the performance of his official duties as such Judge of Probate, which sum shall include any other expenses incurred by such Judge of Probate in travelling in his official duties.

#### Local Legislation No. 2.

By Mr. Perry:

H. 823. To further amend Section 388, as last amended, of title 51 of the 1940 Code of Alabama.

#### Ways and Means.

By Messrs. Broadfoot, Brewer, Speaks, Callahan, Cabiness, Ray, Oden, Dodd, Martin, Ramey, Shumate, Branyon, Hankins, Bishop, Morrow Sullivan and Self:

H. 824. Relating to judicial procedure; providing for a three-judge special court to hear and determine applications for injunctions restraining the enforcement, operation, or execution of orders or decisions of the Alabama Public Service Commission.

#### Judiciary.

By Messrs. Turner, Cates, Lee, Turnham, Solomon and Nichols:

H. 825. To authorize and encourage joint action and cooperation between cattle raisers, cattle dealers and other handlers of cattle for the purpose of stabilizing, protecting, and promoting the cattle and beef industry in Alabama; recognizing the Alabama Cattlemen's Association as the representative and agent of the cattlemen of the state for the purpose of initiating and conducting certain programs designed to stabilize, protect and promote the cattle industry; authorizing providing for and regulating the levying and collection of assessments on sales of cattle to provide funds to finance such programs; placing certain duties relative to such assessments on the commissioner and the department of agriculture and industries; providing for a refund of any

assessment collected under authority of this act to any cattleman who is dissatisfied with the levy thereof; and prescribing penalties.

Agriculture.

By Mr. Goldthwaite:

H. 826. To propose an amendment to the Constitution of Alabama relating to the compensation of state, county, and municipal officers who are elected or appointed for a fixed term.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Pierce, Goodwyn and Bailey:

H. 827. To amend Section 695, Title 51, Code of Alabama 1940, in relation to an apportionment of the license taxes payable by certain common carriers of passengers.

Ways and Means.

By Messrs. Goodwyn, Goldthwaite, Bailey and Pierce:

H. 828. To encourage and promote medical and scientific research and the establishment of medical research facilities, and the development of scientific research devices, by exempting certain activities, persons, organizations, and properties from building and zoning restrictions, permits, and fees, and public health and sanitary inspection fees, charges, and limitations, in all counties having a population of not less than 125,000 nor more than 225,000, according to the most recent federal decennial census.

Local Legislation No. 1

By Messrs. Brewer and Nettles:

H. 829. Relating to crimes and offenses; providing that the willful failure and refusal to pay any wage claim when due to any employee within the State of Alabama will constitute a crime; providing for punishment therefor; and providing for the disposition of the fine.

Business and Labor.

By Messrs. Beville and Shumate (with notice and proof):

H. 830. To provide for the appointment, tenure, and compensation of a stenographic secretary for the judge of the county court of Walker County.

Local Legislation No. 1.

Notice and Proof H. 830

STATE OF ALABAMA  
COUNTY OF WALKER

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the appointment, tenure, and compensation of a stenographic secretary for the judge of the county court of Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the county court of Walker County may employ a stenographic secretary, who shall receive a salary of two thousand four hundred dollars (\$2,400) a year, payable in equal monthly installments out of the treasury of Walker County in the same manner as the salaries of other county employees are paid. The stenographic secretary provided for herein shall be appointed by the judge of the county court of Walker County, and shall serve at his pleasure.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared William G. Jones, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Walker County Times, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 30, August 6, August 13, and August 20, all in the year 1959.

WILLIAM G. JONES, JR.

Sworn to and subscribed before me 24th day of September, 1959.

LATHAM G. SADDLER,  
Notary Public.

By Mr. Nettles:

H. 831. To provide for grants in aid for educational purposes and for the administration and enforcement of the Act.

Education.

By Mr. Ray (with notice and proof):

H. 832. To repeal Act No. 336 of the Regular Session of the Legislature of Alabama of 1951, entitled "An Act Relating to Winston County: To prevent the disclosure of the identity of persons drawn or summoned for jury service at any session of court prior to the beginning of the session; and prescribing penalties for violation of this Act," approved August 1, 1951 (Acts of Alabama, 1951, page 624.)

Local Legislation No. 1.

Notice and Proof H. 832:

#### LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced into the Legislature of Alabama, at its regular session in 1959; and application made for its passage, to-wit:



A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act. No. 336 of the Regular Session of the Legislature of Alabama of 1951, entitled "AN ACT Relating to Winston County; To prevent the disclosure of the identity of persons drawn or summoned for jury service at any session of court prior to the beginning of the session; and prescribing penalties for violation of this Act," approved August 1, 1951 (Acts of Alabama, 1951, page 624.)

Be it Enacted by the Legislature of Alabama:

Section 1. — That Act No. 336 of the Regular Session of the Legislature of Alabama of 1951, entitled "AN ACT Relating to Winston County; To prevent the disclosure of the identity of persons drawn or summoned for jury service at any session of court prior to the beginning of the session; and prescribing penalties for violation of this Act, approved August 1, 1951, (Acts of Alabama, 1951, page 624), be and the same is hereby repealed.

Section 2. — This act shall become effective and immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA,  
WINSTON COUNTY

Personally appeared before me the undersigned authority in and for said county and state, Jay Thornton, who after being duly sworn deposes and says:

My name is Jay Thornton. I am editor and publisher of The Advertiser, a newspaper of general circulation, published weekly in Haleyville, Winston County, Alabama. The copy of publication hereto attached was published in said paper for Four consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 30th day of July, 1959, and the last copy of said publication appearing in the said paper on the 20th day of August, 1959.

JAY THORNTON

Sworn and subscribed to before me this 18th day of September, 1959.

R. J. THORNTON,  
Notary Public.

By Mr. Ray (with notice and proof):

H. 833. To authorize, direct, and require the state department of revenue to collect any sales and use taxes which may be levied in the municipality of Double Springs, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said municipality; to prescribe the power, duties, and authority of the state department of revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Local Legislation No. 1.

Notice and Proof H. 833:

## LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF WINSTON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize, direct, and require the State Department of Revenue to collect any sales and use taxes which may be levied in the Town of Double Springs, in Winston County, Alabama, under the provisions of any ordinances or resolution duly promulgated and adopted by the governing body of the Town of Double Springs, to prescribe the power, duties and authority of the State Department of Revenue with respect to the method or procedure for collecting such taxes, and remitting the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Department of Revenue is hereby authorized, directed, and required to collect any sales and use taxes which may be levied in the Town of Double Springs, in Winston County, Alabama, under the provisions of any municipal ordinance or resolution duly promulgated and adopted by the governing body of the Town of Double Springs. Such municipal sales and use taxes shall be collected by the department at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under the provisions of Articles 10 and 11, Chapter 20, Title 51, Code of Alabama (1940), as amended, and all reports now required to be made to the Commissioner of Revenue shall, on request of the Department of Revenue, be available for inspection by the governing body of the Town of Double Springs, or its designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of such municipal sales and use taxes, and shall have all authority and duties in connection with such taxes as are now given by law to the Department of Revenue or the Commissioner of Revenue in connection with the collection of the State's sales and use taxes provided for by Articles 10 and 11 of Chapter 20, Title 51, Code of Alabama (1940), as amended. It shall be the duty of the Commissioner of Revenue to pay into the state treasury all such taxes collected, for the Town of Double Springs under this Act, and on or before the first day of the following month, the commissioner shall certify to the comptroller the amount of special taxes levied and collected under the provisions of this Act for the use and benefit of the Town of Double Springs during the calendar month immediately preceding the making of such certificate. Whereupon it shall be the duty of the Comptroller to issue payable as follows, for the amount so certified by the Commissioner his warrant on the State Treasurer, of Revenue as having been collected for the use of the Town of Double Springs and paid into the state treasury; and the amount so certified by the Commissioner of Revenue as having been collected for use of such city shall be paid to the treasurer or other custodian of funds of the Town of Double Springs. The Department of Revenue shall charge the Town of Double Springs for collecting such municipal sales and use taxes a percentage of said taxes to be computed on the same basis as the total cost of col-

lecting the state sales and use taxes bears to the total of said state sales and use taxes collected for each fiscal year ending September 30th. Such charge for collecting such municipal sales and use taxes shall be deducted once each year from the taxes collected in the month of September of each year before certifying the amount of such taxes due to the Town of Double Springs for said month. The Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of such municipal sales and use taxes, and otherwise to enforce the provisions of this Act, including any litigation involving this Act: and the Department of Revenue shall pay such special council such fees as it deems necessary and proper from the proceeds of the taxes collected by it for the Town of Double Springs under the provisions of this Act.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on the first day of the first month next following the date of its enactment.

#### PUBLISHER'S AFFIDAVIT

#### STATE OF ALABAMA, WINSTON COUNTY

Personally appeared before me the undersigned authority in and for said county and state, Jay Thornton, who after being duly sworn deposes and says:

My name is Jay Thornton. I am editor and publisher of The The Advertiser, a newspaper of general circulation, published weekly in Haleyville, Winston County, Alabama. The copy of publication hereto attached was published in said paper for four consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 21st day of May, 1959, and the last copy of said publication appearing in the said paper on the 11th day of June, 1959.

JAY THORNTON.

Sworn and subscribed to before me this 20th day of June, 1959.

R. J. THORNTON,  
Notary Public.

By Mr. Ray (with notice and proof):

H. 834. To create and establish a single governing body in and for Winston County, to be known as the Board of Revenue of Winston County, Alabama, to be composed of three members, one of whom shall be chairman of said Board; to provide for the selection and election of the chairman and associate members of said Board; to fix their qualifications and term of office; to fix their compensation and prescribe the funds from which it may be paid; to define and prescribe the jurisdiction, power, and authority of said Board of Revenue, its chairman, and its members, and to repeal all laws, local and general, in conflict herewith.

Local Legislation No. 1.

Notice and Proof H. 834:

STATE OF ALABAMA  
COUNTY OF WINSTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To create and establish a single governing body in and for Winston County, to be known as the Board of Revenue of Winston County, Alabama, to be composed of three members, one of whom shall be chairman of said Board; to provide for the selection and election of the chairman and associate members of said Board; to fix their qualifications and term of office; to fix their compensation and prescribe the funds from which it may be paid; to define and prescribe the jurisdiction, power, and authority of said Board of Revenue, its Chairman, and its members, and to repeal all laws, local and general, in conflict herewith.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby created and established in and for Winston County a single governing body, which shall be known as the "Board of Revenue of Winston County, Alabama." It may be known as the "Board of Revenue of Winston County," the "Winston County Board of Revenue," or, when the context so indicates, the "Board of Revenue," or, simply the "Board."

SECTION 2. The Board of Revenue shall be composed of three members — a chairman and two associate members, all of whom must be qualified voters of Winston County, Alabama. One associate member of the Board must be a resident of the area of the county now constituting the Double Springs Division of the Circuit Court (that is, the area composed of beats 1, 4, 5, 6, 7, 8, and 9), which area shall be known as district number one (1). The other associate member must be a resident of the area of the county now constituting the Haleyville Division of the Circuit Court of Winston County (that is, the area composed of beats 2, 3, 10, and 11), which area shall be known as district number two (2). The chairman may reside anywhere in Winston County.

SECTION 3. The initial term of office of the chairman of said Board of Revenue shall be from the date of the passage of this Act until the first Monday after the second Tuesday in January, 1961, and until his successor is elected, and qualified. The initial term of office of the associate members of said Board of Revenue shall be from the passage of this Act until the first Monday after the second Tuesday in January, 1963, and until their successors are elected and qualified. John Ward is hereby designated as chairman of the Board of Revenue of Winston County for the initial term. Dorthen Wadsworth is hereby designated as associate member of the Board of Revenue of Winston County for District number one (1) for the initial term. Horace J. Glenn is hereby designated as associate member of the Board of Revenue of Winston County for District number two (2) for the initial term. The chairman and associate members of said Board of Revenue shall enter into bond and take the oath of office as herein provided.

SECTION 4. (a) At the general election to be held in and for Winston County in November, 1960, and every four years thereafter,

the chairman of the Board of Revenue shall be elected by the qualified voters of Winston County for the term of four years commencing on the first Monday after the second Tuesday in January next succeeding his election.

(b) At the general election to be held in and for Winston County in November, 1962, and every four years thereafter, one associate member of the Board of Revenue shall be elected by the qualified voters of district number one (1), and one associate member of the Board of Revenue shall be elected by the qualified voters of district number two (2), each for the term of four years commencing on the first Monday after the second Tuesday in January next succeeding their election.

(c) Candidates for chairman and associate members of the Board of Revenue shall be nominated by political parties as candidates for other county officers are nominated. The nomination or election of any candidate for chairman or associate member of the Board of Revenue may be contested in the same manner as the nomination or election of any candidate for Sheriff may be contested.

SECTION 5. In the event of a vacancy in the office of chairman or associate member of the Board of Revenue, the vacancy shall be filled by appointment by the Governor for the unexpired term. The chairman and associate members of the Board of Revenue shall serve until their successors are elected and qualified.

SECTION 6. The Board of Revenue shall have and exercise all the jurisdiction, power, and authority which are now or may hereafter be by law vested in the courts of county commissioners, boards of revenue, and other like county governing bodies in Alabama; and the chairman and associate members of the Board shall perform all duties and services which are or may be provided by law for chairman and members of courts of county commissioners, boards of revenue, and other like county governing bodies in Alabama provided, however, that said Board of Revenue shall have only the following jurisdiction, power, authority, and duties relative to the construction, maintenance, and repair of roads, bridges, and ferries in said county:

(a) To levy road and bridge taxes and to appropriate money for the construction, maintenance, and repair of county roads, bridges, and ferries, as provided by law;

(b) To borrow money and issue bonds for warrants or other evidence of indebtedness, subject to the approval of the State Highway Department, for the purpose of construction, maintaining, and repairing county roads, bridges, and ferries, as provided by law;

(c) To acquire, subject to the approval of the State Highway Department, right-of-way for necessary roads, bridges, and ferries, either by negotiation or by the exercise of the right of eminent domain, and to pay for the entire cost of such right-of-way out of any road and bridge funds available for that purpose, including any State gasoline tax money belonging to Winston County;

(d) To determine the order of priority of construction of new roads, bridges, and ferries in the county, and to determine what percentage of the road and bridge funds shall be spent for maintenance purposes; provided, however, that not more than.....percent of such funds shall be spent for road maintenance without the consent of the state highway department.

(e) For the purpose of more effectively exercising its jurisdiction power, and authority and performing its duties relative to roads and bridges, the Board of Revenue, its chairman and associate members, shall from time to time, inspect the roads and bridges of said county.

SECTION 7. The Board of Revenue shall hold at least two regular meetings in each month on dates to be fixed by resolution adopted by the Board and recorded in its minutes. Unless the regular meeting dates are otherwise fixed by such resolution so adopted and recorded, they shall be held on the first Monday and last week-day of each month. The Board may hold special meetings on the call of the chairman or the two associate members of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall keep complete and accurate written minutes of all meetings, business transacted, and resolutions; and there shall be recorded therein the vote of each number. At such meeting the minutes of the previous meeting shall be read and all minutes shall be open to public inspection at reasonable times.

Section 8. The chairman of said Board of Revenue shall be its presiding officer, and shall sign the minutes of the proceedings of said Board, and shall have the same power and authority as the associate members in passing on all questions, and shall sign all warrants drawn on the County Treasury and all orders for the payment and disbursement of funds of the county, and shall sign all contracts entered into by the Board of Revenue of Winston County. It shall be the duty of the Chairman to prepare the business and obtain information for the sessions of the Board of Revenue and see that all orders thereof are properly executed. He shall exercise all the duties required of the **Probate Judge as to matters coming before courts of county commissioners**. He shall devote his entire time to his office.

SECTION 9. The chairman of the Board of Revenue shall so serve as purchasing agent for the county, and shall negotiate for the purchase and acquisition of all supplies, equipment, materials or contractual services required or used by the county or any of its officers, departments, and agencies. All such purchases shall be made in accordance with the requirements of the general laws of Alabama. He shall keep a current inventory of all property owned or leased by the county, which inventory shall show where such property is located and in whose possession or under whose control it is.

SECTION 10. The Board of Revenue may appoint such clerical assistance as is necessary for the convenient and orderly transaction of its business, and fix their salaries and terms of employment. The Board may require any of such employees to give bond in such sum as it may require, for the faithful performance of duty, and may pay the premium on such bond.

SECTION 11. Before entering upon the discharge of their duties, the chairman and associate members of the Board of Revenue shall take the oath required of public officers. Each of them shall also execute an official bond with good and sufficient surety or sureties, payable to the State of Alabama, conditioned faithfully to discharge the duties of such office during the time he continues therein, or discharges any of the duties thereof. The bond of the chairman shall be in the sum of ten thousand dollars and the bond of each of the associate members shall be three thousand dollars. Such bonds may be approved by the Probate Judge of Winston County, the Judge of the Law and Equity Court of Winston County, or the Judge of the Circuit Court of Winston County, and such approval is declared to be a judicial act. The bonds shall be filed and recorded in the office of the Judge of Probate

of Winston County, and the premiums on such bonds shall be paid by the county.

SECTION 12. The Chairman of the Board of Revenue shall receive a salary of four hundred dollars (\$400.00) per month, as full compensation for his services to the county. During the interim or initial term (that is, until the first Monday after the second Tuesday in January, 1963) the associate members of the board shall each receive a salary of three hundred dollars (\$300.00) per month, and shall receive five cents per mile for each mile actually traveled in the performance of their duties, provided, however, that no associate member may receive more than twenty-five dollars (\$25.00) mileage in any one month. After the interim or initial term (that is, beginning the first Monday after the second Tuesday in January, 1963) the associate members of the Board of Revenue shall each receive a salary of one hundred dollars per month, plus eight cents per mile for each mile actually traveled in the performance of their duties; provided, however, that no such associate members shall receive more than twenty-five dollars in mileage in any one month. The compensation herein provided for the chairman and associate members of the Board shall be paid from any funds available for that purpose; provided, however, that the Board may direct that one-third of such salaries may be paid out of any road and bridge funds available for that purpose, including any State gasoline tax moneys belonging to Winston County.

SECTION 13. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 14. The provisions of this act are severable. If any section, clause, sentence, or provision of this act shall be declared to be invalid or unconstitutional, it shall not affect the validity of any remaining section, clause, sentence, or provision hereof. If the specific application of any section, clause, sentence, or provision of this Act shall be held invalid or unconstitutional, it shall not affect the validity of such section, clause, sentence, or provision as to any other specific application which is not of itself unconstitutional.

SECTION 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA,  
WINSTON COUNTY

Personally appeared before me the undersigned authority in and for said County and state, Jay Thornton, who after being duly sworn deposes and says:

My name is Jay Thornton, I am editor and publisher of The Advertiser, a newspaper of general circulation, published weekly in Haleyville, Winston County, Alabama. The copy of publication hereto attached was published in said paper for four consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 13th day of August, 1959, and the last copy of said publication appearing in the said paper on the 3rd day of September, 1959.

JAY THORNTON.

Sworn and subscribed to before me this 18th day of September, 1959.

R. J. THORNTON,  
Notary Public.

By Mr. Smith (St. Clair):

H. 835. Relating to filling vacancies in state and county offices; amending Section 176 of Title 41, Code of Alabama 1940; providing that the governor shall not have power to fill a vacancy in a state or county office for any whole term commencing after the expiration of his own term of office.

State Administration.

## BILLS ON THIRD READING

### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Glass to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 288 and H. 289, out of order, was adopted.

And the bill:

H. 288. To amend Section 11 of Title 27, Code of Alabama 1940, to provide that the judge of probate shall make a report to the bureau of vital statistics, state health department, of the result of proceedings to legitimate bastard children.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

#### Yeas:

|                 |            |                    |                     |
|-----------------|------------|--------------------|---------------------|
| Mr. Speaker     | Daniel     | Ingram             | Ramey               |
| Adams (Houston) | Dickson    | Jenkins            | Rast                |
| Ashworth        | Dodd       | Johnston (Leonard) | Reynolds (Chambers) |
| Avery           | Ferguson   | Jones (Covington)  | Roberts             |
| Bailey          | Franklin   | Jones (Monroe)     | Rogers              |
| Barnett         | Gilchrist  | Lee                | Rozelle             |
| Bevill          | Glass      | Locke              | Self                |
| Bishop          | Goodwyn    | McClendon (Chamb)  | Sessions            |
| Branyon         | Gordon     | Martin             | Shumate             |
| Brewer          | Grant      | Meade              | Smith (St. Clair)   |
| Broadfoot       | Gross      | Merrill            | Solomon             |
| Brooks          | Grouby     | Murphy             | Speaks              |
| Callahan        | Hain       | Nettles            | Steagall            |
| Camp            | Hankins    | Nichols            | Sullivan            |
| Cates           | Hardy      | Owens              | Taylor              |
| Chambers        | Hawkins    | Perry              | Thomas              |
| Cook            | Hearn      | Phillips           | Trimmier            |
| Copeland        | Hocklander | Pierce             | Turner              |

—72

And the bill:

H. 289. To amend further Section 611 of Title 51, Code of Alabama 1940, relating to the privilege license taxes payable by transient vendors and peddlers; providing that the payment of one state license authorizes certain vendors or peddlers to engage in business in any county in the state upon the payment of a county license in each county where they do business.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.



Yeas 60; Nays 4.

**Yeas:**

|                            |          |                               |                              |
|----------------------------|----------|-------------------------------|------------------------------|
| Mr. Speaker                | Cook     | Hearn                         | Roberts                      |
| Adams <sup>(Houston)</sup> | Copeland | Hocklander                    | Rogers                       |
| Albea                      | Daniel   | Ingram                        | Rozelle                      |
| Avery                      | Dickson  | Johnston <sup>(Leonard)</sup> | Self                         |
| Bailey                     | Dodd     | Jones <sup>(Covington)</sup>  | Sessions                     |
| Barnett                    | Ferguson | McClendon <sup>(Chamb)</sup>  | Smith <sup>(St. Clair)</sup> |
| Bevill                     | Gordon   | Merrill                       | Solomon                      |
| Bishop                     | Grant    | Murphy                        | Speaks                       |
| Brooks                     | Gross    | Nettles                       | Steagall                     |
| Cabiness                   | Guthrie  | Nichols                       | Sullivan                     |
| Callahan                   | Hain     | Oden                          | Taylor                       |
| Camp                       | Hanby    | Owens                         | Thomas                       |
| Casey                      | Hankins  | Perry                         | Trimmier                     |
| Cates                      | Hardy    | Ramey                         | Turner                       |
| Chambers                   | Harris   | Ray                           | Turnham                      |

—60

**Nays:** Messrs. Branyon, Goodwyn, Jones (Monroe) and Lee

—4

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Torbert to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 596, out of order, was adopted.

Yeas 65; Nays 9.

**Yeas:**

|                            |            |                                |                              |
|----------------------------|------------|--------------------------------|------------------------------|
| Mr. Speaker                | Dickson    | Johnson <sup>(J. T. Tom)</sup> | Roberts                      |
| Adams <sup>(Houston)</sup> | Dodd       | Jones <sup>(Covington)</sup>   | Rogers                       |
| Ashworth                   | Edwards    | Lee                            | Rozelle                      |
| Bailey                     | Ferguson   | McClendon <sup>(Chamb)</sup>   | Self                         |
| Bassett                    | Franklin   | Martin                         | Sessions                     |
| Bevill                     | Gilchrist  | Meade                          | Shumate                      |
| Bishop                     | Goodwyn    | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Gordon     | Murphy                         | Solomon                      |
| Broadfoot                  | Grant      | Nettles                        | Speaks                       |
| Brooks                     | Gross      | Nichols                        | Steagall                     |
| Callahan                   | Grouby     | Oden                           | Sullivan                     |
| Camp                       | Guthrie    | Phillips                       | Taylor                       |
| Casey                      | Hanby      | Pierce                         | Thomas                       |
| Cates                      | Hawkins    | Rast                           | Torbert                      |
| Chambers                   | Hocklander | Ray                            | Turner                       |
| Cook                       | Jenkins    | Reynolds <sup>(Chambers)</sup> | Turnham                      |
| Daniel                     |            |                                |                              |

—65

**Nays:**

|          |          |       |                           |
|----------|----------|-------|---------------------------|
| Messrs.: | Barnett  | Glass | Jones <sup>(Monroe)</sup> |
| Albea    | Cabiness | Hearn | Ramey                     |
| Avery    | Copeland |       |                           |

—9

And the bill:

H. 596. (with substitute) To regulate further the sale, issuance, and redemption of trading stamps in the State of Alabama, to define trading stamps and trading stamp companies, to provide for the registration and filing of a performance bond by trading stamp companies

with the Secretary of State, to prescribe the manner of redemption of trading stamps, to prescribe the power, duties and authority of the Department of Revenue in the administration and enforcement of this Act, to provide for the licensing of trading stamp companies and to provide for the payment of privilege and license taxes in Alabama by trading stamp companies, to prescribe penalties for the violation of the provisions of this Act; and to repeal all laws in conflict herewith and also to repeal the provisions of Title 57, Section 114, and Title 51, Section 606, Code of Alabama 1940, as amended, and Act 110 (H. 182), approved February 14, 1956 (Acts of Alabama, 1956, V. 1, P. 166).

was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To regulate further the sale, issuance, and redemption of trading stamps in the State of Alabama, to define trading stamps and trading stamp companies, to provide for the registration and filing of a performance bond by trading stamp companies with the Secretary of State, to prescribe the manner of redemption of trading stamps, to prescribe the power, duties and authority of the State Department of Revenue in the administration and enforcement of this Act, to provide **for the licensing of trading stamp companies and to provide for the payment of privilege and license taxes in Alabama by trading stamp companies, to prescribe penalties for the violation of the provisions of this Act and to repeal all laws in conflict herewith and also to repeal the provisions of Title 57, Section 114, and Title 51, Section 606, Code of Alabama 1940, as amended, and Act 110 (H. 182), approved February 14, 1956 (Acts of Alabama, 1956, V. 1, P. 166).**

Be it Enacted by the Legislature of Alabama:

Section 1. As used in this act:

(a) The term "trading stamp" mean any stamp or similar device issued in connection with the retail sale of merchandise or service, as a cash discount or for any other marketing purpose, which entitles the rightful holder, on its due presentation for redemption, to receive merchandise, service or cash. This term, however, shall not mean any redeemable device used by the manufacturer or packer of an article, in advertising or selling it, or any redeemable device issued and redeemed by a newspaper, magazine or other publication.

(b) The term "trading stamp company" means any person engaged in distributing trading stamps for retail issuance by others, or in redeeming trading stamps for retailers, in any way or under any guise.

(c) The term "person" means any individual, partnership, corporation, association or other organization.

Section 2. No trading stamp company shall distribute trading stamps in this state or shall redeem trading stamps hereafter issued therein unless (a) each stamp has legibly printed upon its face in

cents or any fraction thereof of a cash value determined by the company, and (b) the rightful holders may, at their option, redeem the stamps in cash when duly presented to the company for redemption in a number having an aggregate cash value or not less than twenty-five cents.

Section 3. No trading stamp company shall distribute trading stamps in this state or shall redeem trading stamps hereafter issued therein until it has filed with the Secretary of State:

A. A statement of registration accompanied by representative samples of its stamps, stamp collection books, stamp redemption catalogues, and stamp distribution and redemption agreement forms, currently used in this state. Each such statement shall provide the following information:

(1) The name and principal address of the company;

(2) The state of its incorporation or origin;

(3) The names and addresses of its principal officers, partners or proprietors;

(4) The address of its principal office in this state;

(5) The name and address of its principal officer, employee or agent therein;

(6) The addresses of the places where its stamps are redeemable in the state;

(7) A short form of its balance sheet, as at the end of its last fiscal year prior to such filing, certified by an independent public accountant; and

(8) Unless the principal sum of the bond hereinafter required to be filed by the company is the maximum amount hereinafter required, a statement of its gross income from its business in this state as a trading stamp company during such last fiscal year; certified by an independent public accountant; and simultaneously therewith.

B. A bond payable to this state and duly executed by the company and a corporate surety qualified to do business therein, which is conditioned upon the performance by the company of its obligation to redeem trading stamps issued by retailers in this state, when they are duly presented for redemption by the rightful holders.

In the event the company defaults in performing its obligations to redeem trading stamps, all rightful holders of trading stamps of such company shall be entitled to make claim against said bond. Retailers in possession of trading stamps for issuance to their customers shall also be deemed rightful holders entitled to make such claim. Any rightful holder may file within three months after such default a complaint with the Department of Revenue. Upon the filing of any such complaint, the Department of Revenue shall forthwith make a determination whether there has been a default. If the Department of Revenue shall determine that there has been such a default, it shall give notice of such determination to the company and if such default is not corrected within ten days, it shall publish notice of such default in three consecutive publications of one or more newspapers having

general circulation throughout this state and therein require that proof of all claims for redemption of the trading stamps of the company shall be filed with the Department of Revenue, together with the trading stamps upon which the claim is based, within three months after the date of the first such publication. The Department of Revenue promptly after the expiration of such period shall determine the validity of all claims so filed. Thereupon the Department of Revenue shall be paid by the surety such amount as shall be necessary to satisfy all valid claims so filed, not exceeding, however, the principal sum of the bond. The Department of Revenue shall promptly thereafter make an equitable distribution of the proceeds of the bond to such claimants and shall destroy the trading stamps so surrendered.

The principal sum of the bond shall be as follows: If the company has not previously done business as a trading stamp company in this state, or if the company's gross income from such business in this state during its last fiscal year was not in excess of one hundred thousand dollars, ten thousand dollars; if such gross income exceeded one hundred thousand dollars but was not in excess of two hundred thousand dollars, fifteen thousand dollars; if such gross income exceeded two hundred thousand dollars but was not in excess of three hundred thousand dollars, twenty thousand dollars; if such gross income exceeded three hundred thousand dollars but was not in excess of four hundred thousand dollars, twenty-five thousand dollars; if such gross income exceeded four hundred thousand dollars but was not in excess of five hundred thousand dollars, thirty thousand dollars; and if such gross income exceeded five hundred thousand dollars, thirty-five thousand.

On the effective date of each such new bond any and all liability on all bonds previously filed hereunder shall terminate, and all rightful holders of trading stamps who shall prosecute their claims hereunder shall prosecute such claims solely against the new bond and only by filing proofs of claim with the Department of Revenue in the manner hereinbefore provided. Each trading stamp company shall file annually on or before October 1, a new statement of registration and a new bond, said bond to be effective for the fiscal year next following, and shall pay the license tax provided for in this section.

The trading stamp company shall pay to the State Department of Revenue only one privilege or license tax of one thousand dollars per annum. The payment of said privilege or license tax shall be accompanied by evidence of the filing of the statement of registration and the bond hereinabove provided for with the Secretary of State.

In addition to the privilege or license tax herein required to be paid to the State Department of Revenue, the trading stamp company shall pay to each county in which it does business an annual license tax as follows: in counties with a population of not more than fifty thousand, the sum of twenty-five dollars; in counties with a population of more than fifty thousand but not more than seventy-five thousand, the sum of thirty-seven and 50/100 dollars; in counties with a population of more than seventy-five thousand but not more than one hundred thousand, the sum of fifty dollars; in counties with a population of more than one hundred thousand but not more than one hundred twenty-five thousand, the sum of sixty-two and 50/100 dollars; in counties with a population of more than one hundred twenty-five thousand but not more than one hundred fifty thousand, the sum of seventy-five dollars; in counties with a population of more than one hundred fifty thousand but not more than one hundred seventy-five

thousand, the sum of eighty-seven and 50/100 dollars; in counties with a population of more than one hundred seventy-five but not more than two hundred thousand, the sum of one hundred dollars; in counties with a population of more than two hundred thousand but not more than two hundred twenty-five thousand, the sum of one hundred twelve and 50/100 dollars; in counties with a population of more than two hundred twenty-five but not more than two hundred fifty thousand, the sum of one hundred twenty-five dollars; in counties of more than two hundred fifty thousand but not more than two hundred seventy-five thousand, the sum of one hundred thirty-seven and 50/100 dollars; in counties with a population of more than two hundred seventy-five thousand but not more than three hundred thousand, the sum of one hundred fifty dollars; in counties of more than three hundred thousand but not more than three hundred twenty-five thousand, the sum of one hundred sixty-two and 50/100 dollars; in counties of more than three hundred twenty-five thousand but not more than three hundred fifty thousand, the sum of one hundred seventy-five dollars; in counties of more than three hundred fifty thousand but not more than three hundred seventy-five thousand, the sum of one hundred eighty-seven and 50/100 dollars; in counties of more than three hundred seventy-five thousand but not more than four hundred thousand, the sum of two hundred dollars; in all counties with a population of more than four hundred thousand, the sum of two hundred twelve and 50/100 dollars.

No trading stamp company shall be required to pay a license or privilege tax to a municipal government at a rate in excess of that paid to said municipal government by retail or wholesale merchants whichever is the higher of the two.

Section 4. No trading stamp company shall cease or suspend the redemption of trading stamps in this state without filing with the Secretary of State at least ninety days' prior written notice of its intention so to do and concurrently mailing a copy of such notice to the Department of Revenue and to each retailer within this state which has at any time theretofore within one year issued trading stamps which the company is obligated to redeem.

Section 5. Any person violating any provision of this act shall be punished by a fine of not more than one thousand dollars, and the Circuit Court shall have jurisdiction in equity on the complaint of any interested person to restrain and enjoin the violation of any of said provisions.

Section 6. This act is hereby declared to be severable. Should any section or provision hereof be held invalid or unenforceable by a Court of competent jurisdiction, said holding shall not invalidate or render unenforceable the remaining provisions or sections hereof.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 8. All laws and parts of laws now effective in this state, directly or indirectly regulating or licensing trading stamp companies, or which directly or indirectly regulate or license the distribution or redemption of trading stamps in this state, are hereby repealed, and all the provisions of Title 57, Section 114, and Title 51, Section 606, Code of Alabama 1940, as amended, and Act 110 (H. 182), approved February 14, 1956 (Acts of Alabama, 1956, V. 1, p. 166) are hereby expressly repealed.

And the substitute was adopted.

Yeas 74; Nays 2.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dickson     | Hearn                          | Rast                           |
| Adams <sup>(Houston)</sup> | Dodd        | Hocklander                     | Ray                            |
| Ashworth                   | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Ferguson    | Jones <sup>(Covington)</sup>   | Roberts                        |
| Barnett                    | Franklin    | Lee                            | Rogers                         |
| Bassett                    | Gilchrist   | Locke                          | Rozelle                        |
| Bevill                     | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Self                           |
| Bishop                     | Goodwyn     | Martin                         | Shumate                        |
| Brewer                     | Gordon      | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grant       | Merrill                        | Solomon                        |
| Brooks                     | Gross       | Murphy                         | Speaks                         |
| Cabiness                   | Grouby      | Nettles                        | Steagall                       |
| Callahan                   | Guthrie     | Nichols                        | Sullivan                       |
| Camp                       | Hain        | Oden                           | Taylor                         |
| Casey                      | Hanby       | Owens                          | Thomas                         |
| Cates                      | Hankins     | Phillips                       | Torbert                        |
| Chambers                   | Hardy       | Pierce                         | Turner                         |
| Cook                       | Harris      | Ramey                          | Turnham                        |
| Daniel                     | Hawkins     |                                |                                |

—74

**Nays:** Messrs. Copeland and Glass.

—2

**ADJOURNMENT**

On motion of Mr. Meade the House adjourned until Tuesday, September 29, 1959, at one o'clock P.M.

Yeas 45; Nays 33.

**Yeas:**

|             |             |                                |                                |
|-------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker | Chambers    | Harvey                         | Oden                           |
| Albea       | Copeland    | Hocklander                     | Pruitt                         |
| Ashworth    | Ferguson    | Jenkins                        | Ramey                          |
| Avery       | Goldthwaite | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Barnett     | Goodwyn     | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bishop      | Gordon      | Jones <sup>(Covington)</sup>   | Self                           |
| Branyon     | Grant       | Jones <sup>(Monroe)</sup>      | Shumate                        |
| Broadfoot   | Gross       | Locke                          | Smith <sup>(St. Clair)</sup>   |
| Cabiness    | Hain        | Meade                          | Steagall                       |
| Callahan    | Hankins     | Morrow                         | Sullivan                       |
| Casey       | Hardy       | Murphy                         | Trimmier                       |
| Cates       |             |                                |                                |

—45

**Nays:**

|                            |                              |         |          |
|----------------------------|------------------------------|---------|----------|
| Messrs.:                   | Edwards                      | Merrill | Rozelle  |
| Adams <sup>(Houston)</sup> | Franklin                     | Nettles | Sessions |
| Bailey                     | Gilchrist                    | Nichols | Solomon  |
| Bevill                     | Grouby                       | Perry   | Speaks   |
| Brewer                     | Hanby                        | Pierce  | Thomas   |
| Camp                       | Hawkins                      | Rast    | Torbert  |
| Daniel                     | Ingram                       | Roberts | Turner   |
| Dickson                    | McClendon <sup>(Chamb)</sup> | Rogers  | Turnham  |
| Dodd                       | Martin                       |         |          |

—33

## JOINT SESSION

The hour of eleven o'clock A. M. having arrived, the Senate and House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives, in accordance with Senate Joint Resolution No. 23 heretofore adopted, for the presentation of the TV Citizens Council Forum of America by Honorable Bill Simmons of Jackson, Mississippi.

The joint session was called to order by the Honorable Albert Boutwell, Lieutenant Governor and Presiding Officer of the Senate.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

## TWENTY-THIRD DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, September 29, 1959

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend John Jeffers, Pastor, First Baptist Church, Auburn, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel      | Ingram                         | Phillips                       |
| Adams <sup>(Houston)</sup> | Dickson     | Jenkins                        | Pierce                         |
| Albea                      | Dodd        | Johnson <sup>(Hardaway)</sup>  | Powell                         |
| Ashworth                   | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Avery                      | Faulk       | Johnston <sup>(Leonard)</sup>  | Rast                           |
| Bailey                     | Ferguson    | Jones <sup>(Covington)</sup>   | Ray                            |
| Barnett                    | Franklin    | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Gilchrist   | Lee                            | Roberts                        |
| Bevill                     | Gilmer      | Locke                          | Rogers                         |
| Bishop                     | Glass       | Long <sup>(Lauderdale)</sup>   | Rozelle                        |
| Boyd                       | Goldthwaite | Long <sup>(Perry)</sup>        | Self                           |
| Brannan                    | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Branyon                    | Gordon      | McCorquodale                   | Shumate                        |
| Brewer                     | Grant       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>     |
| Britton                    | Gross       | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grouby      | Meade                          | Solomon                        |
| Brooks                     | Guthrie     | Merrill                        | Speaks                         |
| Cabiness                   | Hanby       | Morrow                         | Steagall                       |
| Callahan                   | Hankins     | Nettles                        | Sullivan                       |
| Camp                       | Hardy       | Nichols                        | Taylor                         |
| Casey                      | Harris      | Oakley                         | Thomas                         |
| Chambers                   | Harvey      | Oden                           | Torbert                        |
| Cook                       | Hawkins     | Owens                          | Trimmier                       |
| Copeland                   | Hearn       | Perry                          | Turnham                        |
| Cornett                    | Hocklander  |                                |                                |

A quorum was present.

## LEAVES OF ABSENCE

On motion of Mr. Ashworth leave of absence was granted to Mr. Turner because of illness in his family.

On motion of Mr. Ashworth leave of absence was granted to Mr. Cates.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-second legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the twenty-second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-second legislative day was approved.

## RESOLUTION

Mr. Adams (Tallapoosa), Chairman of the Standing Committee on Rules, reported that said committee in session, had originated and acted on the following resolution, and ordered same returned to the House with the recommendation that it be adopted.

By Rules Committee:

H. R. 67. BE IT RESOLVED BY THE HOUSE that the following bills in the order named be made Special Order, taking precedence over any other bills on the Calendar:

S. B. 314 — Page 61

S. B. 128 — Page 32

S. B. 67 — Page 18

S. B. 238 — Page 19

S. B. 235 — Page 39

Was taken up.

Mr. Goldthwaite offered the following amendment to the resolution, H. R. 67:

Amend report of Rules Committee (HR 67) so as to exempt therefrom S. B. 314

The motion of Mr. Goodwyn to lay on the table the amendment offered by Mr. Goldthwaite was lost.

Yeas 28; Nays 6.

**Yeas:**

Mr. Speaker  
Ashworth  
Bailey

Callahan  
Dodd  
Edwards

Ferguson  
Gilchrist  
Goodwyn

Gross  
Hanby  
Harvey



|            |         |        |                            |
|------------|---------|--------|----------------------------|
| Hawkins    | Merrill | Pierce | Sessions                   |
| Hocklander | Morrow  | Rast   | Shumate                    |
| Locke      | Nichols | Ray    | Smith <sup>(Russell)</sup> |
| Meade      | Perry   | Rogers | Speaks                     |
| —28        |         |        |                            |

**Nays:**

|          |          |             |                         |
|----------|----------|-------------|-------------------------|
| Messrs.: | Barnett  | Copeland    | Long <sup>(Perry)</sup> |
| Avery    | Cabiness | Goldthwaite | —6                      |

The question was then on the adoption of the amendment offered by Mr. Goldthwaite, and said amendment was lost.

Yeas 5; Nays 10.

**Yeas:**

|          |          |             |                         |
|----------|----------|-------------|-------------------------|
| Messrs.: | Barnett  | Goldthwaite | Long <sup>(Perry)</sup> |
| Avery    | Copeland |             | —5                      |

**Nays:**

|             |          |       |        |
|-------------|----------|-------|--------|
| Mr. Speaker | Callahan | Locke | Perry  |
| Ashworth    | Ferguson | Meade | Pierce |
| Bailey      | Goodwyn  |       | —10    |

Mr. Perry offered the following amendment to the resolution, H. R. 67:

Amend the report of the standing committee on Rules by adding thereto the following:

H. B. 594 on page 21 of the calendar.

The motion of Mr. Ashworth to lay on the table the amendment offered by Mr. Perry was lost.

Yeas 19; Nays 49.

**Yeas:**

|             |           |                               |                            |
|-------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker | Faulk     | Gross                         | Oden                       |
| Ashworth    | Franklin  | Hearn                         | Rogers                     |
| Bevill      | Gilchrist | Johnson <sup>(Hardaway)</sup> | Smith <sup>(Russell)</sup> |
| Branyon     | Gilmer    | McClendon <sup>(Chamb)</sup>  | Speaks                     |
| Callahan    | Gordon    | Merrill                       | —19                        |

**Nays:**

|                            |                              |                               |                                |
|----------------------------|------------------------------|-------------------------------|--------------------------------|
| Messrs.:                   | Dodd                         | Long <sup>(Lauderdale)</sup>  | Rast                           |
| Adams <sup>(Houston)</sup> | Edwards                      | Long <sup>(Perry)</sup>       | Ray                            |
| Albea                      | Ferguson                     | McCorquodale                  | Reynolds <sup>(Chambers)</sup> |
| Avery                      | Goldthwaite                  | McLendon <sup>(Bullock)</sup> | Rozelle                        |
| Barnett                    | Grant                        | Martin                        | Sessions                       |
| Boyd                       | Hawkins                      | Meade                         | Shumate                        |
| Brannan                    | Hocklander                   | Morrow                        | Steagall                       |
| Brewer                     | Ingram                       | Nettles                       | Taylor                         |
| Cabiness                   | Jenkins                      | Perry                         | Thomas                         |
| Camp                       | Jones <sup>(Covington)</sup> | Pierce                        | Torbert                        |
| Casey                      | Jones <sup>(Monroe)</sup>    | Powell                        | Trimmier                       |
| Cornett                    | Lee                          | Ramey                         | Turnham                        |
| Daniel                     | Locke                        |                               | —49                            |

The question was then on the motion to suspend the rules and adopt the amendment offered by Mr. Perry, and the rules were suspended and the amendment was adopted.

Yeas 68; Nays 5.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Messrs.:                   | Copeland    | Johnston <sup>(Leonard)</sup> | Powell                         |
| Adams <sup>(Houston)</sup> | Daniel      | Jones <sup>(Covington)</sup>  | Ramey                          |
| Albea                      | Dickson     | Lee                           | Rast                           |
| Avery                      | Dodd        | Locke                         | Ray                            |
| Barnett                    | Edwards     | Long <sup>(Lauderdale)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Ferguson    | Long <sup>(Perry)</sup>       | Rogers                         |
| Bevill                     | Franklin    | McCorquodale                  | Rozelle                        |
| Bishop                     | Gilchrist   | McLendon <sup>(Bullock)</sup> | Sessions                       |
| Boyd                       | Gilmer      | Martin                        | Shumate                        |
| Brannan                    | Goldthwaite | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Branyon                    | Grant       | Merrill                       | Speaks                         |
| Brewer                     | Hardy       | Morrow                        | Steagall                       |
| Britton                    | Hawkins     | Nettles                       | Taylor                         |
| Brooks                     | Hearn       | Nichols                       | Thomas                         |
| Cabiness                   | Hocklander  | Oden                          | Torbert                        |
| Callahan                   | Ingram      | Perry                         | Trimmier                       |
| Camp                       | Jenkins     | Pierce                        | Turnham                        |
| Casey                      |             |                               |                                |

—68

**Nays:** Mr. Speaker, Ashworth, Faulk, Gross and Smith (Russell). —5

**And the resolution, H. R. 67, as amended, was adopted.**

**REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 66. Relative to expressing sympathy to Representative Wiley Salter on the untimely death of his wife.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

**SIGNING OF HOUSE JOINT RESOLUTION**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

**BILLS ON SECOND READING**

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 705. To amend Act No. 743, H. 150, approved September 23, 1957 (Acts of Alabama, 1957, p. 1173), entitled "An Act To provide for a refund of a portion of the state tax paid on gasoline which is used in propelling or operating tractors used exclusively for agricultural purposes, or which is used in operating auxiliary engines attached to and made a part of certain farm machinery; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the commissioner of revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor; and repealing Act No. 323, H. 35, approved August 7, 1949 (Acts of Alabama, 1949, p. 469)."

Mr. Franklin, Vice-Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 473. Providing for the utilization of convicts by the Commissioner of corrections or the Director of the State Highway Department to work upon, clean, and restore certain cemeteries or graveyards.

H. 624. To amend Section 3 and Section 15 of Act No. 351, General Acts of 1947, page 231, approved August 14, 1947, same being an act "To provide for auditing periodically the books, accounts, vouchers, and records of public officers, agencies, and institutions: creating a Department of Examiners of Public Accounts and a supervisory Legislative Committee on Public Accounts; abolishing the Division of Examiners of Public Accounts of the Department of Finance and transferring its functions, funds, books, records, furniture, fixtures, supplies, equipment, and personnel; and prescribing penalties for violations of this Act.

Mr. Solomon, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 699. To amend further Act No. 46, H. 36, approved April 6, 1955, which regulates the sale of eggs and provides for the inspection and grading thereof by amending Sections 1, 6, 7, 8, 11, 12, and 13 of said Act.

S. 160. Relating to cooperative agricultural associations: To amend Section 105 of Title 2 of the Code of Alabama of 1940 which relates to the use of the word "co-operative" in the name of agricultural cooperative associations.

S. 161. Relating to cooperative agricultural associations: To amend Sections 116, 117 and 118 of Title 2 of the Code of Alabama of 1940 which relate to the organization and management of agricultural cooperative associations such amendments to prescribe the procedure whereby said organizations may amend its declarations of incorporation, by-laws and fill vacancies occurring on boards of directors.

S. 162. Relating to cooperative agricultural associations: To amend Section 76 of Title 2 of the Code of Alabama of 1940 to authorize Boards of Directors of Agricultural cooperative associations to mortgage real estate owned by such cooperative associations.

H. 825. To authorize and encourage joint action and cooperation between cattle raisers, cattle dealers and other handlers of cattle for the

purpose of stabilizing, protecting, and promoting the cattle and beef industry in Alabama; recognizing the Alabama Cattlemen's Association as the representative and agent of the cattlemen of the state for the purpose of initiating and conducting certain programs designed to stabilize, protect and promote the cattle industry; authorizing providing for and regulating the levying and collection of assessments on sales of cattle to provide funds to finance such programs; placing certain duties relative to such assessments on the commissioner and the department of agriculture and industries; providing for a refund of any assessment collected under authority of this act to any cattleman who is dissatisfied with the levy thereof; and prescribing penalties.

Mr. Cornett, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 463. To amend further Section 2 of an act approved July 7, 1943 (Act No. 587, S. 117, General Acts 1943, p. 590) making it unlawful to use or have in possession for use seines, trawls, or other fishing devices of a size or mesh contrary to the rules and regulations of the department of conservation, for the purpose of catching salt water fish or seafoods or minnows or other baits, etc.

H. 464. Requiring the Department of Conservation, Division of Seafoods, to patrol private oyster reefs to prevent poaching thereon.

H. 465. To amend Section 10 of an act approved August 17, 1951 (Act No. 476, S. 418, Acts 1951, Vol. I, p. 840) creating within the department of conservation a division to be known as the division of seafoods, in relation to the authority of the director of conservation to make expenditures out of the seafoods fund.

H. 466. Relating to seafoods; providing for owners of private oyster reefs, beds, or bottoms, or the lessees thereof, to use mechanical devices, including mechanical rake dredges, at any time, to cultivate and harvest or to remove their live oysters, under certain prescribed conditions.

H. 467. To amend further Section 153 of Title 8, Code of Alabama 1940, making it unlawful to sell oysters under a certain size, etc.

H. 468. To amend further an act approved August 15, 1947 (Act No. 322, H. 97, General Acts 1947, p. 211) relating to permits and licenses for taking or catching live shrimp for use or sale as bait.

H. 469. To amend further Section 154 of Title 8, Code of Alabama 1940 providing for licensing the use of seines, trawls, and other devices to catch salt water shrimp, in relation to the use of trawls.

H. 809. To amend Section 1 of Act No. 296, page 493, 1945 General Acts of Alabama, approved July 7, 1945, entitled "An Act To amend Section 55 of Title 8 of the Code of Alabama 1940" which pertains to the fees of arresting officers in game and fish cases.

Mr. Cornett, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitutes, and they were severally read a second time and placed on the Calendar, to-wit:

H. 326 (with substitute). To amend further Section 90 of Title 8, Code of Alabama 1940, which prohibits the hunting or killing of certain game.

H. 694. (with substitute) To prohibit the use or aid of recorded or electrically amplified authentic or imitation game bird calls or sounds in the taking, catching, killing, or in the attempt to take, catch, or kill any game bird within the State of Alabama; to set out penalties for the violation of the Act; to provide for the confiscation for evidence of any such device or devices; and to provide for the disposition of any such device or devices so seized.

Mr. Hain, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 808. To amend the act approved September 5, 1955, creating the State Department of Pensions and Security (Act No. 341, H. 17, Acts 1955, Vol. II, p. 763), so as to abolish the State Board of Pensions and Security and provide for the appointment of the Commissioner of the State Department of Pensions and Security by the Governor.

Mr. Ferguson, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 190. To propose an amendment to the Constitution forbidding enactment of a law placing responsibility for construction and maintenance of county roads in the State Highway Department or other state agency unless authorized by a vote of the qualified electors of the county.

The above bill was read a second time at length as required by the Constitution.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 696. To provide that clerks of county courts in all counties having a population of not less than 26,000, nor more than 26,600, according to the most recent federal decennial census, may take affidavits and complaints and issue warrants of arrest in misdemeanor cases.

H. 777. To provide further for enforcement of highway traffic control laws and rules of the road by deputy sheriffs in counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

H. 791. To fix the compensation of the clerk of the Inferior Civil Court of Mobile County.

H. 812. To levy additional county privilege license and excise taxes for public school purposes in Chilton County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; provid-

ing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act, and prescribing penalties.

H. 813. To validate certain elections held in the year 1958 under the provisions of Articles 6 and 7, Chapter 10, Title 52, Code of Alabama (1940), and Section 216, Article 11, Constitution of Alabama.

H. 814. To alter, extend and rearrange the boundary line and corporate limits of the Town of Glen Allen in Marion and Fayette Counties, Alabama.

H. 830. To provide for the appointment, tenure, and compensation of a stenographic secretary for the judge of the county court of Walker County.

H. 832. To repeal Act No. 336 of the Regular Session of the Legislature of Alabama of 1951, entitled "An Act Relating to Winston County: To prevent the disclosure of the identity of persons drawn or summoned for jury service at any session of court prior to the beginning of the session; and prescribing penalties for violation of this Act," approved August 1, 1951 (Acts of Alabama, 1951, page 624.)

H. 833. To authorize, direct, and require the state department of revenue to collect any sales and use taxes which may be levied in the municipality of Double Springs, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said municipality; to prescribe the power, duties, and authority of the state department of revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

H. 834. To create and establish a single governing body in and for Winston County, to be known as the Board of Revenue of Winston County, Alabama, to be composed of three members, one of whom shall be chairman of said Board; to provide for the selection and election of the chairman and associate members of said Board; to fix their qualifications and term of office; to fix their compensation and prescribe the funds from which it may be paid; to define and prescribe the jurisdiction, power, and authority of said Board of Revenue, its chairman, and its members, and to repeal all laws, local and general, in conflict herewith.

S. 269. Providing further for the compensation and allowances of members of the court of county commissioners or other like governing body of St. Clair County.

S. 327. To fix the compensation of the county solicitor of Sumter County, Alabama.

S. 342. Proposing an amendment to the Constitution of Alabama providing for a special tax in Winston County for school purposes.

The above bill was read a second time at length as required by the Constitution.

Mr. Perry, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 822. To apply in and only in counties in Alabama having a population of 400,000 inhabitants or more, according to the last or any subsequent Federal census, and to empower and authorize the County Commission, board of revenue, or like governing body of all such counties to authorize and approve a monetary allowance not to exceed the sum of Six Hundred Dollars annually, payable in monthly installments, to be made to the Judge of Probate in such county for and on account of the use of an automobile owned or controlled by such Judge of Probate in the event such automobile is used by such Judge of Probate partially or entirely in connection with the performance of his official duties as such Judge of Probate, which sum shall include any other expenses incurred by such Judge of Probate in travelling in his official duties.

H. 821. Relating to counties having a population of 500,000 or more, according to the last or any subsequent federal decennial census; to provide for levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in such counties, such tax to be measured by the gross receipts or gross proceeds of such businesses; to provide for levying an excise tax on the storage, use or other consumption in such counties of tangible personal property purchased for use, storage or other consumption in such counties; specifying sales and transactions that are exempt from the measurement of the license tax; specifying property the use, storage or other consumption of which is exempt from the excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of said taxes, and the enforcement of the provisions of this Act; making applicable to the taxes herein levied, and adopting certain provisions of Act No. 100, H. B. 94, approved August 18, 1959, effective October 1, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, as amended; providing the commissioner of the state department of revenue and the department of revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for the use of the revenues from said taxes; providing for referenda or elections of the qualified electors for making the taxes applicable to any such county; and providing for the termination of the taxes imposed subject to referenda or elections of the qualified electors of such county.

### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Franklin:

H. 836. Relating to counties having a population of less than 11,800, according to the last or any subsequent federal decennial census; to authorize the court of county commissioners, board of revenue or other like governing body to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the public highway and traffic control fund.

Local Legislation No. 1.

By Mr. Ramey (with notice and proof):

H. 837. To levy additional county privilege license and excise taxes for public school purposes in Hale County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved Au-

gust 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 86, H. 388, approved June 21, 1957 (Acts 1957, vol. I, pp. 127-130).

Local Legislation No. 1.

Notice and Proof H. 837:

#### LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF HALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

#### A BILL TO BE ENTITLED AN ACT

To levy additional county privilege license and excise taxes for public school purposes in Hale County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 86, H. 388, approved June 21, 1957 (Acts 1957, vol. I, pp. 127-130).

Be It Enacted by the Legislature of Alabama:

Section 1. All words, terms, and phrases that are defined in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, which levies a state sales tax, and in Article 11, Chapter 20, Code of Alabama 1940, as amended, shall, where used in this Act, have the meanings respectively ascribed to them in said Act No. 100 of August 18, 1959, and Article 11, of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning.

"State sales tax statutes" means Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, enacted at the Special Session of the Legislature of Alabama that convened June 24, 1959, which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100, heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said act and the incidence and collection of the tax imposed therein;

"State sales tax" means the tax imposed by the state sales tax statutes;



"State use tax statutes" means Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein;

"State use tax" means the tax imposed by the state use tax statutes;

"Registered seller" means the person registered with the state department of revenue pursuant to the state sales tax statutes;

"Month" means the calendar month;

"Quarterly period" means the period of three months ending on the last day of each March, June, September, and December;

"Fiscal year" means the period commencing on October 1 of each Calendar year and ending on September 30 of the next succeeding calendar year.

Section 2. Effective on the first day of the month succeeding the month during which this Act becomes a law, there is hereby levied in Hale County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

1. Upon every person, firm, or corporation engaged or continuing within Hale County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within Hale County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Hale County, an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm, or corporation engaged or continuing within Hale County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one-half of one percent of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

4. Upon every person, firm, or corporation engaged or continuing within Hale County in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 3. An excise tax is hereby imposed on—

(a) The storage, use, or other consumption in Hale County of tangible personal property purchased at retail, on or after the first day of the month next succeeding the month during which this Act shall become a law, for storage, use or other consumption in Hale County, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Hale County or in this state, except as provided in subsections (b) and (c) of this section; and

(b) The storage, use, or other consumption in Hale County of any new or used automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use, or other consumption in Hale County, at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid in the net difference, that is, the difference of the price of the new or used vehicle sold less a credit for the used vehicle taken in trade; and

(c) The storage, use, or other consumption in Hale County of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use, or other consumption in Hale County, at the rate of one-half of one percent of the sales price of such machine or the parts, attachments, or replacements therefor.

There are exempted, however, from the provisions of this section and the tax imposed in this section the storage, use, or other consumption of property the storage, use, or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in Hale County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given pursuant to Section 5 of this Act to the purchaser of any property to be used, stored, or consumed in Hale County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. The taxes levied in Section 2 of this Act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the taxes levied in Section 3 of this Act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied in this Act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes herein levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business that are provided in Section 2 hereof to be used as a measurement of the tax levied in said Section 2, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 3 hereof, the total sales price of all property the use, storage, or other consumption of which became subject to the tax imposed by said Section 3 during the then preceding quarterly period; provided, however, that said report shall include also such other items of information pertinent to the said taxes in the amount thereof as the state department of revenue may require. Any person subject to the taxes levied in Section 2 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the board of education of Hale County, or its designated agent, at reasonable times during business hours.

Section 5. Every registered seller making sales of tangible personal property for storage, use, or other consumption in Hale County (which storage, use, or other consumption is not herein exempted from the tax imposed in Section 3 hereof) shall at the time of making such sale, or, if the storage, use, or other consumption of such tangible personal property in Hale County is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax imposed by Section 2 of this Act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 hereof, each registered seller shall file with the state department of revenue a return for the preceding

quarterly period in such form as may be prescribed by the department, showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed by Section 3 of this Act during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall omit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Hale County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of which is subject to the tax imposed by Section 3 of this Act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4.

Section 6. Each person engaging or continuing within Hale County in a business subject to the taxes levied in Section 2 of this Act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in said Section 2; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 5 hereof to collect. It shall be unlawful for any person subject to the tax levied in said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed by Section 3 of this Act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. The taxes imposed by this Act shall constitute a debt due Hale County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due this state shall apply fully to the collection of the taxes herein levied, and the state department of revenue, for the use and benefit of Hale County shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this a lien upon the property of any collection of the state sales tax and the state use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to

enforce collection of the taxes authorized to be levied by this Act, and to otherwise enforce the provisions of this Act, including any litigation involving this Act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Hale County.

Section 8. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 2 hereof, shall apply to the tax levied in the said Section 2; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 3 hereof, shall apply to the tax levied in the said Section 3. The state commissioner of revenue and the state department of revenue shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied in Sections 2 and 3 hereof that are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable in this Act to the taxes herein levied and to the administration of this Act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. The state department of revenue shall charge Hale County for collecting said special taxes herein levied a percentage of said taxes to be computed on the basis that the total cost of collecting the state sales and use taxes bears to the total of said state taxes collected for each fiscal year. Such charge may be deducted once each month from the special sales and use taxes collected before certifying the amount of special taxes due Hale County. The commissioner of revenue shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Hale County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Hale County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Hale County, in his official capacity, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of Hale County. The custodian of public school funds for Hale County shall deposit the revenue derived

from the taxes levied herein in a special account separate and apart from other public school funds of the county, and shall maintain separate records of such special account.

Section 10. All revenue arising from the taxes herein levied shall be used exclusively and solely for acquiring, providing or constructing school houses and related buildings necessary or convenient for public school purposes, and equipping, furnishing, or replacing any such building and acquiring sites therefor; or other capital outlay purposes for public schools within Hale County, Alabama.

Section 11. This Act supersedes Act No. 86, H. 388, approved June 21, 1957, as amended (Acts 1957, vol. 1, pp. 127-130); provided, that rights and duties that matured, penalties that were incurred, and proceedings that were begun under said Act No. 86 before the effective date of this Act shall not be affected by this Act.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This Act shall become effective on the first day of the month succeeding the month during which the Act shall be approved by the Governor or shall otherwise become a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF HALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared N. H. Cobbs, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Greensboro Watchman, a newspaper of general circulation published in Hale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 3, September 10, September 17, and September 24, all in the year 1959.

N. H. COBBS.

Sworn to and subscribed before me September 24, 1959.

WILLIE L. ARRINGTON,  
Notary Public.

By Mr. Avery (with notice and proof):

H. 838. To amend Section 2 of an act approved June 3, 1953, establishing a board of revenue for Hale County (Act No. 61, H. 209, Acts of Alabama 1953, Vol. I, p. 89) so as to provide for the election of members of the board of revenue by districts.

Local Legislation No. 1.

Notice and Proof 838:

#### LEGAL NOTICE

##### STATE OF ALABAMA COUNTY OF HALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 2 of an act approved June 3, 1953, establishing a board of revenue for Hale County (Act No. 61, H. 209, Acts of Alabama 1953, Vol. I, p. 89) so as to provide for the election of members of the board of revenue by districts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of an act approved June 3, 1953, establishing a board of revenue for Hale County (Act No. 61, H. 209, Acts of Alabama 1953, Vol. I, p. 89) is hereby amended to read as follows:

"Section 2. That for the purpose of this Act and the enforcement thereof the said County of Hale shall be divided into Four subdivisions, to be known as Districts, and numbered respectively, from one to four, both inclusive. District No. 1 shall embrace and be composed of beats or precincts numbered 1, 2, 12 and 16 as now constituted or as the same may be hereafter changed in boundaries according to law. District No. 2 shall embrace and be composed of beats or precincts numbered 6, 7, 8 and 9 as now constituted or as the same may be hereafter changed in boundaries according to law. District No. 3 shall embrace and be composed of beats or precincts numbered 4 and 5 as now constituted or as the same may be hereafter changed in boundaries according to law. District No. 4 shall embrace and be composed of beats or precincts numbered 3, 10, 11, 13, 14 and 18 as now constituted or as the same may be hereafter changed in boundaries according to law. The incumbent members of the board shall continue in office until the expiration of the term for which they were elected. Succeeding members of the board from Districts No. 1 and No. 4 shall hold office for four years from the first Monday after the second Tuesday in January, 1963, and until their successors are elected and qualified such election to be at the regular November election in 1962, and every four years thereafter. The succeeding members of said board from Districts No. 2 and No. 3 shall hold office for four years from the first Monday after the second Tuesday in January, 1961, and until their successors are elected and qualified, such election to be held at the regular November election in 1960, and every four years thereafter. Each member of the board from a district in the county shall be elected by the qualified electors of the district, it being intended that two members of the board from districts in the county shall be elected every two years, commencing with the regular November election of 1960, each to be elected for a term of four years from the first Monday after the second Tuesday in January next after his election, and that each such member of the board shall be elected by the qualified electors of his district. The members of the board from each of the several districts of the county shall be at the time of their appointment or election of the age of twenty-five years or over, and, in addition, each shall be a qualified elector of and reside in the district for which he is elected, both at the time of his election and during his continuance in office."

Section 2. The provisions of this Act shall become effective only if approved by a majority of the qualified electors of Hale County who

vote in a referendum election to be held thereon, such election to be held on the same date as the first countywide election held after the passage of this Act. The board of revenue of Hale County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the referendum the question shall be stated substantially as follows: Shall the provisions of Act No. \_\_\_\_\_ enacted at the 1959 regular session of the Legislature, which change the method of electing members of the board of revenue of Hale County, be adopted? Yes ( ) No ( )." If a majority of the votes cast at the referendum are "Yes" all the provisions of this Act shall become effective immediately. If the majority vote "No" this Act shall have no further force or effect. The judge of probate of Hale County shall certify the results of the referendum to the secretary of state within thirty days after the returns of the election have been canvassed.

STATE OF ALABAMA  
HALE COUNTY

I hereby certify that the foregoing legal notice appeared in The Greensboro Watchman, a weekly newspaper published in Greensboro-Hale County, Alabama, for four consecutive weeks, to-wit; Thursday, August 27, 1959; Thursday, September 3, 1959; Thursday, September 10, 1959; and Thursday, September 17, 1959.

N. H. COBBS,  
editor and owner.

STATE OF ALABAMA  
HALE COUNTY

Sworn to and subscribed before me, Willie L. Arrington, Notary Public in and for said state and county, this the 29th day of September, 1959.

WILLIE L. ARRINGTON,  
Notary Public.

By Mr. Adams (Houston):

H. 839. To amend Sections 4 and 7 of Title 51, Code of Alabama 1940, which relate to applications for exemptions of factories, industries, and plants from ad valorem tax.

Ways and Means.

By Messrs. Brewer, Cook, Lee, Branyon, Oden, Thomas, Harvey, Speaks, Cabiness, Gross, Dodd, Casey, Ray, Gordon, Steagall, McLendon (Bullock), Albea, Merrill, Gilmer, Hardy, Hain, Torbert, Hawkins, Solomon, Adams (Houston), Powell, Turnham, Ingram and Chambers:

H. 840. To further promote the agricultural interests of the State by providing for the acquisition, establishment, equipment, operation, and maintenance of state farmers' markets; and to define the duties, powers, and authority of the State Board of Agriculture and Industries and the Commissioner of Agriculture and Industries in relation to such markets.

Agriculture.

By Mr. Cook (with notice and proof):

H. 841. To alter, rearrange and extend the boundaries of the Town of Kinston in Coffee County.

Local Legislation No. 1.



Notice and Proof H. 841:

STATE OF ALABAMA  
COUNTY OF COFFEE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To alter, rearrange and extend the boundaries of the Town of Kinston in Coffee County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Town of Kinston in Coffee County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality all of the following described lands, lying and being in Coffee County, Alabama, to-wit:

S $\frac{1}{2}$  of SE $\frac{1}{4}$ , Section 7; S $\frac{1}{2}$  of S $\frac{1}{2}$ , Section 8; SW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 9; W $\frac{1}{2}$  of W $\frac{1}{2}$ , Section 16; N $\frac{1}{2}$  of Section 17; N $\frac{1}{2}$  of S $\frac{1}{2}$ , section 17, and SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 17; E $\frac{1}{2}$  of Section 18; E $\frac{1}{2}$  of Section 19; E $\frac{1}{2}$  of E $\frac{1}{2}$ , Section 20; S $\frac{1}{2}$  of SW $\frac{1}{4}$ , Section 20, and SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , section 20; W $\frac{1}{2}$  of W $\frac{1}{2}$ , Section 21; W $\frac{1}{2}$  of NW $\frac{1}{4}$ , Section 28, N $\frac{1}{2}$  of Section 39; NE  $\frac{1}{4}$  of Section 30. All in Township 3N, and Range 19E.

Section 2. All farm land annexed to the Town of Kinston by this Act, together with the improvements thereon and the appurtenances thereunto appertaining, shall be exempt from all ad valorem taxation by the Town of Kinston during the time such property is used for farming purposes.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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STATE OF ALABAMA  
COFFEE COUNTY

Manuel Segall, of said state and county, being first duly sworn, on his oath says:

That he is the publisher of The Enterprise Ledger, a weekly newspaper of general circulation, printed and published in the City of Enterprise in said county and state, and has been such during the time herein after mentioned, and that the advertisement headed:

Town of Kinston Legal

a printed copy of which is hereto attached, was printed and published in every copy of each issue of said newspaper for a period of 4 consecutive weeks, to wit:

First Publication August 20, 1959; Second Publication August 27, 1959; Third Publication September 3, 1959; Fourth Publication September 10, 1959.

MANUEL SEGALL  
Publisher

Sworn to and subscribed before me this the 25 day of September, 1959.

ROY M. SHOFFNER,  
Notary Public.

My Commission expires: 2-27-63.

By Mr. Dodd (with notice and proof):

H. 842. To amend further Act No. 147, H. 472, approved July 17, 1947, entitled "An act to provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and to prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86).

Local Legislation No. 1.

Notice and Proof H. 842:

**STATE OF ALABAMA,  
LAWRENCE COUNTY**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and applications for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend further Act. No. 147, H. 472, approved July 17, 1947, entitled "An act to provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and to prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86).

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 147, H. 472, approved July 17, 1947, entitled "An Act to provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86), as amended, is amended further to read as follows:

"Section 1. That the Clerk of the Circuit Court of Lawrence County, Alabama be and he is hereby authorized to appoint a deputy clerk for said court and said deputy clerk shall hold office at the pleasure of said Circuit Clerk and shall receive a salary of not less than \$250.00 or more than \$300.00 per month, to be fixed by the governing body of Lawrence County, Alabama, and to be paid out of the General Fund of Lawrence County, Alabama. Said deputy clerk shall possess all the powers and authority both ministerial and judicial now or hereafter possessed by the said Circuit Clerk, and shall also be deputy

Register at such time as the clerk of the Circuit Court of Lawrence County, Alabama, is authorized to perform the duties of the register of said court."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

STATE OF ALABAMA,  
LAWRENCE COUNTY.

Before me a Notary Public, in and for said State and County, personally appeared Arthur F. Slaton, publisher of The Moulton Advertiser, a newspaper published in said State and County, who being sworn according to law, deposes and says that, the legal notice, copy of which is herewith attached, was duly published in The Moulton Advertiser for 4 consecutive weekly issues beginning with the issue of September 3, 1959 and ending with the issue of Sept. 24, 1959.

ARTHUR F. SLATON

Subscribed and sworn to before me, this the 28 day of Sept., 1959 at Moulton, Alabama.

BETTY S. DYAR,  
Notary Public.

My commission expires 5-29-63.

By Mr. Roberts:

H. 843. To redefine the term "authorized emergency vehicle" as used in Chapter 1 of Title 36, Code of Alabama 1940; amending further Section 1 of said Title 36, Code 1940.

Judiciary.

By Mr. Lee:

H. 844. To amend Section 620 of Title 52, Code of Alabama (1940), which relates to American Legion scholarships, by adding certain institutions of learning to those mentioned therein.

Military Affairs.

By Messrs. Hearn, Rogers and Johnson (J. T. Tom):

H. 845. To prescribe a minimum salary to be paid school bus drivers.

Ways and Means.

By Messrs. Perry and Locke:

H. 846. To amend further Section 29 of Title 13, Code of Alabama 1940, in relation to the compensation of the chief justice and associate justices of the Supreme Court of Alabama.

Ways and Means.

By Messrs. Hocklander and Trimmier:

H. 847. To prohibit the taking of menhaden and trash fish by the use of trawls, seines or similar devices from certain of the tide-waters under the jurisdiction of the State of Alabama; and to prescribe penalties.

Conservation.

By Messrs. Trimmier and Hocklander:

H. 848. To provide for the reimbursement to Mobile County of certain sums erroneously paid by the tax collector of such county into the state treasury instead of the treasury of Mobile County; and to make an appropriation for this purpose.

Ways and Means.

By Mr. Hocklander:

H. 849. To provide an additional or alternative method of enforcing mechanics', garage owners', and other repairmen's liens against automobiles, trucks and other motor vehicles; authorizing mechanics, garages and other repairmen to hold vehicles against which they have liens until the repairs have been paid for and, if such repairs are not paid for, at least in part, within a specified time thereafter to advertise such vehicles and sell them at public outcry to satisfy such liens; prescribing the contents of such notices; regulating such sales and providing for the disposition of any amount in excess of the lien and costs of sale derived from the sale.

Judiciary.

By Messrs. Gilchrist and Brewer (with notice and proof):

H. 850. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Local Legislation No. 1.

Notice and Proof H. 850:

#### LEGAL NOTICE

As required by Article 4, Section 106, of the Constitution of Alabama of 1901, notice is hereby given of the intention to apply at the next special or regular session of the Legislature of Alabama for the enactment of local law substantially as follows:

#### A BILL TO BE ENTITLED AN ACT

To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines of the City of Decatur, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

#### TRACT 1.

Beginning at the point where the present City Limit line intersects the North right of way line of Alabama Highway 24; thence in a Westerly and Southwesterly direction along the North right of way line of said Highway to the point where said right of way line intersects the West boundary of the E½ of the NE¼ of Section 22, Township 5 South, Range 5 West; thence North along said boundary and the West boundary of the E½ of the SE¼, Section 15, Township 5 South, Range 5 West, to the point of intersection thereof with the South line of the

right of way of the Southern Railway Company; thence in a Westerly direction along the South line of the right of way of the Southern Railway Company to the point where the same intersects the North-South half section line in Section 15, Township 5 South, Range 5 West; thence North along said half section line to the North boundary of the Spring Hill Church and Cemetery property; thence West along the North line of the Spring Hill Church and Cemetery property to the West line of the Mrs. R. W. Holland Subdivision; thence North along the West line of Block B of the Mrs. R. W. Holland Subdivision to the Northwest corner of said Block B; thence in a Northeasterly direction along the North line of said Block B to the North-South centerline of Section 15, Township 5 South, Range 5 West; thence North along the centerline of Section 15, Township 5, Range 5 West, to the South right of way line of U. S. Highway No. 72A; thence East along the South right of way line of U. S. Highway No. 72A to the point where it intersects the present West line of the City Limits of the City of Decatur; thence following the present City Limit line of the City of Decatur in a Southerly and Westerly direction as the same meanders to the point of beginning.

## TRACT 2.

Beginning at the center of Section 31, Township 5 South, Range 4 West, thence South along the North-South centerline of the Section to the South boundary of said Section; thence West along said boundary to the West property line of Jessie Russell; thence South along the West property lines of Jessie Russell, Rube and Rosie Crow, W. F. Lamon and James C. Taylor, to the East-West centerline of Section 6, Township 6 South, Range 4 West; thence East along said centerline to the Northwest corner of Cedar Lake; thence South along the West boundary of Cedar Lake to the South boundary of said Section 6; thence West along said South boundary to the Northeast corner of the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  of the  $NW\frac{1}{4}$ , Section 7, Township 6 South, Range 4 West; thence South to the South boundary of the  $N\frac{1}{2}$  of the  $NW\frac{1}{4}$  of Section 7, Township 6 South, Range 4 West; thence West along said South boundary to the center of the  $NE\frac{1}{4}$  of Section 12, Township 6 South, Range 4 West; thence South to the East-West centerline of said Section 12; thence West to the West boundary of said Section 12; thence North to the Northwest corner of said Section 12; thence West along the South boundary of Section 2, Township 6 South, Range 5 West to the Southwest corner of the  $SE\frac{1}{4}$  of the  $SE\frac{1}{4}$  of said Section 2; thence North to the Northeast corner of the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  of the  $SE\frac{1}{4}$  of said Section 2; thence West along the North boundary of the  $S\frac{1}{2}$  of the  $SW\frac{1}{4}$  of the  $SE\frac{1}{4}$  of said Section 2 to the North-South centerline of said Section 2; thence South along said centerline to the South boundary of said Section 2, thence West along said South boundary to the Southwest corner of the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  of said Section 2; thence North along the East boundary of the  $SW\frac{1}{4}$  of the  $SW\frac{1}{4}$  of said Section 2 to the Northeast corner thereof; thence West to the Northwest corner thereof; thence West along the North boundary of the  $SE\frac{1}{4}$  of the  $SE\frac{1}{4}$  of Section 2 Township 6 South, Range 5 West to the Northwest corner of the  $E\frac{1}{2}$  of the  $SE\frac{1}{4}$  of the  $SE\frac{1}{4}$  of Section 3; thence South along the West boundary of said  $E\frac{1}{2}$  to the North boundary of Section 10, Township 6 South, Range 5 West; thence West along said North boundary to the Northwest corner of the  $NE\frac{1}{4}$  of the  $NE\frac{1}{4}$  of said Section 10; thence South along the West boundary of said forty to the Southwest corner thereof; thence East along the South boundary of said forty to the Chapel Hill Road; thence Southwest along the Chapel Hill road to the East-West centerline of said Section 10; thence East along said centerline to the East boundary of said Section 10; thence South along said East boundary to the Southeast corner of the  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$  of said Section 10; thence West along the South

boundary of the  $N\frac{1}{2}$  of the  $SE\frac{1}{4}$  of said Section 10 to a point 35 rods West of the Southwest corner of the  $NE\frac{1}{4}$  of the  $SE\frac{1}{4}$  of said Section 10; thence South to a point 105 feet North and 35 rods West of the Southeast corner of the  $SW\frac{1}{4}$  of the  $SE\frac{1}{4}$  of said Section 10; thence West a distance of 420 feet; thence South a distance of 105 feet to the South boundary of said Section 10; thence West along said South boundary to the Southwest corner of said Section 10; thence North along Section lines to the half mile post on the East boundary of Section 33, Township 5 South, Range 5 West; thence West to the Southwest corner of the  $E\frac{1}{2}$  of the  $NE\frac{1}{4}$  of said Section 33; thence North to the North boundary of said Section 33; thence East along the Section lines to the point of intersection with the South right of way line of Old Alabama Highway No. 24 (Old Moulton-Decatur Highway); thence Northeastly along said Right of Way Line to the point of intersection with the East boundary of the  $NW\frac{1}{4}$  of the  $NW\frac{1}{4}$  of Section 26, Township 5 South, Range 5 West; thence South along said East boundary to the Southeast corner of said forty; thence East along the North boundary of the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  of said Section 26 to the Northeast corner of the  $W\frac{1}{2}$  of the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  of said Section 26; thence South to the Southeast corner of said half forty; thence East to the center of said Section 26; thence North to the Northwest corner of the  $SW\frac{1}{4}$  of the  $NE\frac{1}{4}$  of said Section 26; thence East to the center of the  $NE\frac{1}{4}$  of said Section 26; thence North along the West boundary of the  $NE\frac{1}{4}$  of the  $NE\frac{1}{4}$  of said Section 26 and the West boundary of the  $E\frac{1}{2}$  of the  $SE\frac{1}{4}$  of Section 23, Township 5 South, Range 5 West, to the point of intersection with the South right of way line of Old Alabama Highway No. 24 (Old Moulton-Decatur Road); thence Northeast along said Right of Way to the point of intersection with the present City Limit line; thence East, South, West, Southeast, South, East, Southwest, West, **South and East along the present City Limits to the point of beginning.**

### TRACT 3.

Beginning at a point on the West boundary of U. S. Highway 31, which is on the present City Limit line of the City of Decatur on the South boundary of the  $NE\frac{1}{4}$  of the  $SW\frac{1}{4}$ , Section 32, Township 5 South, Range 4 West; thence North along the present City Limit line a distance of 396 feet to the South margin of an unnamed road; thence continuing North along the present City Limit line a distance of approximately 40 feet to the North margin of said unnamed road, which is the true point of beginning; thence West along the South boundary of Wilkerson-Garth property to the Southwest corner thereof; thence North along the West boundary of Wilkerson-Garth property to the South boundary of the Rosie Houston property; thence East along the South boundary of the Rosie Houston property to the Southwest corner of the Shug Malone property; thence North along the East boundary of the Rosie Houston property to the East-West centerline of Section 32, Township 5 South, Range 4 West; thence West along said centerline to the Southwest corner of Lot 12, Echols-Faulk Subdivision; thence North along the West boundaries of Lots 12, 7 and 6 to the Southwest corner of Lot 1; thence West along the South boundaries of Lots 2 and 3 to the West boundary of the  $NE\frac{1}{4}$  of the  $NW\frac{1}{4}$  of Section 32, Township 5 South, Range 4 West; thence North along said West boundary to the present City Limit line; thence East, Southeast and South along the present City Limit to the true point of beginning.

### TRACT 4.

Beginning at the point where the present City Limit line intersects the East boundary of Section 5, Township 6 South, Range 4 West; thence South along the Section lines to the half mile post on the East

boundary of Section 8, Township 6 South, Range 4 West; thence West along the East-West centerline of said Section 8 to the West right of way line of the L. & N. Railroad; thence Northwest along said right of way line to a point directly West of the North boundary of Davis & Randall Addition; thence East along the North boundary (extended) to the East right of way line of U. S. Highway 31; thence North along the East right of way line of U. S. Highway 31 to the present City Limit line; thence Southeast and South along the present City Limit line to the point of beginning.

#### TRACT 5

All of the N $\frac{1}{2}$  of the NE $\frac{1}{4}$ , Section 11, Township 6 South, Range 5 West, except the property shown on the map in the Morgan County Tax Assessor's office to be owned by C. W. Mitchell, A. M. Royer, C. L. and Minnie Irick, Wilson Mitchell and Mrs. Sallie Mitchell.

#### TRACT 6

That part of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Section 11, Township 6 South, Range 5 West shown by the map in the Morgan County Tax Assessor's office to be owned by Chas. B. Mitchell, and all of the E $\frac{1}{2}$  of the NW $\frac{1}{4}$ , Section 11, Township 6 South, Range 5 West, except the portions shown by the map in the Morgan County Tax Assessor's office to be owned by C. W. Mitchell and F. L. Bentley.

#### TRACT 7

Beginning at the half mile post on the South boundary of Section 30, Township 5 South, Range 4 West; thence North, Northeast, East and South along the present City Limit line to the Northeast corner of Section 31, Township 5 South, Range 4 West; thence South along the Section line to the intersection with the West right of way line of the L. & N. Railroad; thence Northwest along said right of way line to a point 517.39 feet South of the North boundary of said Section 31; thence West a distance of 1092.53 feet to the West boundary of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 31; thence North along said West boundary to the North boundary of said Section 31; thence West along said North boundary to the point of beginning.

#### TRACT 8

All of Section 4 and the N $\frac{1}{2}$  of Section 9, Township 6 South, Range 4 West lying South of the South right of way line of Alabama Highway 67 and the present City Limit line.

#### TRACT 9.

All of the S $\frac{1}{2}$  of the NW $\frac{1}{4}$ , Section 8, Township 6 South, Range 4 West, lying West of the L. & N. Railroad right of way.

#### TRACT 10

The S $\frac{1}{2}$  of the NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Section 6, Township 6 South, Range 4 West.

#### TRACT 11

Beginning at a point on the present City Limit line identified by TVA Monument No. 79 at the Southwest corner of the E $\frac{1}{2}$  of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 33, Township 5 South, Range 4 West, and running thence North along the West line of said E $\frac{1}{2}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of

Section 33, to the City Limit line at Brookmead Road; thence East along the present City Limit line to the point where said line turns South, which point is 324.80 feet West of the West margin of Meadowbrook Road; thence in a southerly direction along the present City Limit line 1282.06 feet to a point; thence in a Westerly direction along the present City Limit line a distance of 25 feet; thence in a southerly direction along the present City Limit line a distance of 20 feet to a point on the South margin of the NW¼ of said Section 33; thence West along the South margin of the NW¼ of said Section 33 to the point of beginning.

SECTION 2. This Act shall be effective immediately upon its passage and approval by the Governor.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 4, 11, 18, and 25, all in the year 1959.

B. C. SHELTON.

Sworn to and subscribed before me Sept. 26, 1959.

R. L. JERVIS,  
Notary Public.

By Mr. Jenkins (with notice and proof):

H. 851. To provide for the relief of W. E. Sikes, of Roanoke, by Randolph County.

Local Legislation No. 1.

Notice and Proof H. 851:

### NOTICE

#### STATE OF ALABAMA, COUNTY OF RANDOLPH

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Randolph County may appropriate from any funds of the county not otherwise appropriated the sum of one thousand sixty dollars (\$1,060) for the relief of W. E. Sikes, of Roanoke, Randolph County. Such sum shall be provided to said W. E. Sikes as compensation for property damages and for personal injuries sustained as a result of a collision a motor vehicle operated by the said W. E. Sikes and a county truck operated by Dewey Crews on or about



July 31, 1959. The Legislature finds and declares that the claim of the said W. E. Sikes is a normal and just claim against the county but the claimant has not recourse at law to recover his damages, hence this enactment.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF RANDOLPH

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. T. Bailey, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Randolph Press, a newspaper of general circulation published in Randolph County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 27, Sept. 3, Sept. 10, and Sept. 17, all in the year 1959.

R. T. BAILEY.

Sworn to and subscribed before me September 23, 1959.

STEW BENEFIELD,  
Judge of Probate.

By Mr. Callahan:

H. 852. To amend Act No. 653, H. 489, approved September 20, 1957, an act to regulate the teaching and practice of cosmetology (Acts of Alabama 1957, Vol. II, pp. 981-995).

Health.

By Mr. Ferguson:

H. 853. To amend Section 33 of Title 17, Code of Alabama 1940, in relation to refusing applications for registering to vote.

Constitution and Elections.

By Messrs. Callahan and Ferguson (with notice and proof) :

H. 854. To create in the City of Tuscaloosa, Alabama, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departments, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such fund of a proportion of the monthly salary of such members of the fire department and police department of such city as are eligible to participate in the benefits of such fund; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies including mutual and industrial fire insurance companies, doing business within such city, and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such fund, and to prescribe the penalty for

failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerk by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such city, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such fund certain witness fees and certain rewards and gratuities received by firemen and policemen; to provide for the payment into such fund of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing body of such city to make appropriations to such fund out of the city treasury; to create in such city a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the transfer of all monies, securities, property, assets, and things of value in any Firemen's and Policemen's Fund in the City heretofore created to the jurisdiction and control of the Board of Trustees created under this Act; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees of such fund; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department and police department and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind.

Local Legislation No. 1.

Notice and Proof H. 854:

#### LEGAL NOTICE

#### NOTICE OF PROPOSED LEGISLATION

Notice is hereby give that at the present Regular Session of the Legislature of Alabama a bill substantially as follows will be introduced, and application for its passage will be made:

#### A BILL TO BE ENTITLED AN ACT

To create in the City of Tuscaloosa, Alabama, a fund to be known as Firemen' and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and

police departments, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such fund of a proportion of the monthly salary of such members of the fire department and police department of such city as are eligible to participate in the benefits of such fund; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies including mutual and industrial fire insurance companies, doing business within such city and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such funds, and to prescribe the penalty for failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerk by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such city, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such fund certain witness fees and certain rewards and gratuities received by firemen and policemen; to provide for the payment into such fund of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing body of such city to make appropriations to such fund out of the city treasury; to create in such city a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the transfer of all monies, securities, property, assets, and things of value in any Firemen's and Policemen's Fund in the City heretofore created to the jurisdiction and control of the Board of Trustees created under this Act; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees of such fund; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department and police department, and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received herefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind.

### **Be It Enacted by the Legislature of Alabama:**

#### **Section 1. Application.**

This Act shall apply to and have application in the City of Tuscaloosa, Alabama.

#### **Section 2. Definitions.**

The following words, terms, and phrases wherever used in this Act shall have the meanings respectively ascribed to them in this sec-

tion unless the context plainly indicates a contrary meaning: "City" or "such City" or "the City" means the City of Tuscaloosa, Alabama, "Firemen" means any regular full time member of the fire department of such city, exclusive of all irregular, extra, special, or part time members of such department. "Policeman" means any regular full time member of the police department of such city, exclusive of all irregular, extra, special, or part time members of such department. The term "Chairman of the Commission Board" and the term "Mayor" have reference to the officer of the City whose duties are those of chief executive of such city. The term "Commissioner of Public Safety" has reference to the commissioner who has charge of the fire and police departments of such city. The term "Board" and the term "Board of Trustees" means the "Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund" created under this Act. The term "Fund", "the fund", "such fund" and similar expressions, has reference to the "Firemen's and Policemen's Pension and Relief Fund" created under the provisions of this Act. Words used in this Act in the past or present tense include the future as well as the past and present, and words used in the singular include the plural, and the plural the singular. Words in the masculine gender include the feminine.

### Section 3. Creation of Pension Fund.

There is hereby created and established for the City of Tuscaloosa, Alabama, a Firemen's and Policemen's Pension and Relief Fund for the benefit of the persons hereinafter named, to be derived and raised in the manner hereinafter provided. The name by which such fund shall be known is "Firemen's and Policemen's Pension and Relief Fund".

### Section 4. Board of Trustees.

For the management and distribution of such fund, there is hereby created a Board of Trustees to be known as Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund. Such Board of Trustees shall be composed of seven members who shall be the Commissioner, or other elected official of the city, having supervision over the police and fire departments in such city, who shall be Chairman of such Board, the chief of the fire department, the chief of the police department, and two additional members from the fire and two additional members from the police department to be selected as hereinafter provided. Immediately upon the going into effect of this Act the Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund created and elected under and pursuant to Act No. 187 of the Alabama Legislature of 1951, as amended, shall become the Board of Trustees under this Act and the members thereof shall serve as members of the Board of Trustees under this Act until their successors are elected in accordance with the provisions hereof.

### Section 5. Transfer of Assets of Existing Pension Fund.

All assets, funds, contracts, property and records used and employed by the Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund created pursuant to Act No. 187 of the Alabama Legislature of 1951, as amended, are hereby transferred to the jurisdiction and control of the Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund created under the provisions of this Act.

### Section 6. Participation in the Fund.

Every fireman and every policeman, as hereinabove defined, shall be eligible to participate and shall participate in such fund. Provided,

however, that any policeman or any fireman who is employed as such after the effective date of this Act, and who at the time of such employment has reached or exceeded the age of thirty-five (35) years, shall not be eligible to participate in such fund.

#### Section 7. Composition of Fund.

Said firemen's and policemen's pension and relief fund shall be derived, obtained, and created as follows: A. From the salary of each fireman and each policeman there shall be deducted, as the same becomes payable, and paid into said fund, an amount equal to five per centum of the amount of such salary. Provided that whenever a member of the fire or police department of such city is ineligible to participate in the benefits of such fund by reason of the provisions of this Act, neither such ineligible member nor his salary or other compensation shall be subject to any assessment for the benefit of such fund. B. Each fire insurance company, including mutual and industrial fire insurance companies, qualified to do business under the laws of Alabama, and doing business in such city, shall annually and on or before the first day of March of each year hereafter, pay into said Firemen's and Policemen's Pension and Relief Fund, a sum equal to one and one-half per centum of the gross premiums, less return premiums, received by such fire insurance company for and on account of business, including all renewals of fire insurance done by it in the city, during the preceding calendar year; and it shall be unlawful for any such fire insurance company or its agent, to take or receive any premium for insurance against fire within the city unless such fire insurance company shall pay, at the time aforesaid, to the said Firemen's and Policemen's Pension and Relief Fund, the amount herein provided to be paid by such fire insurance company; and any such fire insurance company violating any of the provisions of this section shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund the sum of one Thousand Dollars, to be recovered against such fire insurance company so violating said provisions, or its agent, by suit brought in the name of the city for the use of such fund. Each person, firm or corporation, which conducts a fire insurance agency or brokerage business in such city, shall annually, within the first ten days of each year, make and file a sworn statement in writing, with the city clerk of such city, as treasurer of such fund, giving the name and address of each fire insurance company which such person, firm or corporation represented or did business for, as agent or broker, during the preceding year; and any such person, firm or corporation conducting any such fire insurance agency or brokerage business in such city, violating the provisions of this section shall forfeit to the said Firemen's and Policemen's Pension, and Relief Fund the sum of One Hundred Dollars to be recovered against such person, firm or corporation, so violating such provisions, by suit brought in the name of such city for the use of such fund and all such forfeitures and penalties provided for herein, when collected, shall be and become a part of said Firemen's and Policemen's Pension and Relief Fund. Provided, however, that the said sum equal to one and one-half per centum of gross premiums less return premiums, required by this paragraph of this section to be paid by fire insurance companies into said Firemen's and Policemen's Pension and Relief Fund shall be treated and held to be a part of the maximum of four percent on each one hundred dollars, or major fraction thereof, of gross premiums, less return premiums, which any municipal corporation may by law impose upon any fire insurance company in any one year as a license or privilege tax for the privilege of doing business in such municipality during such year under Section 739 of Title 37 of the Code of Alabama of 1940 as amend-

ed or as the same may be amended. C. All firemen and policemen shall promptly pay into such fund all witness fees in criminal cases, and in cases in which they have been summoned by the city, received by them from any court in the county in which such city is situated, and all moneys received by them or any of them as a reward or gratuity for the apprehension of any person, the furnishing of any evidence, the recovery of saving of any property, services at any fire, or otherwise received by them for similar service or for work in the line of his duty. D. There shall be paid into such fund, as and when received, all liquor seizure fees received by any policeman or to which he may be entitled and all amounts received by the city from the State Alcohol Beverage Control Board for confiscated liquors and beverages delivered to it as required by law. E. The Board of Trustees may take by gift, grant, devise or bequest, any money, **personal property**, real estate or any interest therein or any right of property, and any such gift, grant, devise or bequest may be absolute or in fee simple or upon condition that only rents, income and profits arising therefrom shall be applied to the purposes for which said fund is created. F. The governing body of the city shall cause to be paid into such fund out of the treasury of such city, an amount equal to five per centum of the salary of each member of such fire and police department, who is eligible to participate in the benefits of such fund, such payment to be made to such fund as and when such salary becomes payable, and deduction therefrom is made as provided in this section.

#### Section 8 . Election of Members of Board.

Two members of said Board of Trustees shall be elected from among their number by the policemen who are entitled to vote in such election and two members of said Board shall be elected from among **their number by the firemen who are entitled to vote in such election.** Neither the chief of police nor the chief of the fire department shall be entitled to vote in such elections. Such elections shall be held independently of one another on the second Tuesday in January, 1962, and on the second Tuesday in January of every third year thereafter. The said election shall be held at police headquarters for the police department and at fire station number one for the fire department, or some other place duly designated by the governing body of said city, beginning at nine o'clock in the forenoon and continuing until six o'clock in the afternoon. Only firemen and policemen who are eligible to become members of the said Firemen's and Policemen's Pension and Relief Fund or to participate in the benefits thereof as herein provided shall be entitled to vote in such elections, each being entitled to vote for two candidates in the department of which he is a member. Voting shall be by secret ballot. The city clerk shall prepare the ballots which shall be printed, typewritten or mimeographed. He shall place on said ballots the names only of those nominated as candidates as herein provided, and the names of such as may request in writing that their own names be placed thereon. Any three members of the fire department eligible to vote in such election may nominate in writing a candidate from the fire department, and any three members of the police department eligible to vote in such election may nominate in writing a candidate from the police department. Such nominations and such requests from persons entitled to vote in said election that their own names be placed on such ballot shall be filed with the city clerk not earlier than two weeks before the date of such election and not later than five o'clock in the afternoon of Thursday immediately preceding such election. The two candidates receiving the highest number of votes in each election shall hold office as such trustees for a term of three years beginning on the Monday next following such election and until their successors are elected and accepted by notify-

ing the Chairman of the Board of such acceptance. The chief of the police department and one police officer selected by him and the chief of the fire department and one fireman selected by him shall act as election officials in their respective departments and, on the day of and immediately after the casting of such ballots, shall canvass and count the same for their respective departments and certify in writing in duplicate the number of ballots cast and the number of ballots received by each candidate for the office of trustee. After signing such certificates, each chief shall immediately post one copy thereof at the place of election and not later than twelve o'clock noon on the following day deliver one copy thereof together with all the ballots cast by his department, in a securely sealed envelope, to the Chairman of the Board of Trustees who shall on the day following said election in the presence of the chief of such fire department and of the chief of such police department, open said envelopes, examine said certificates and ascertain and determine the total number of ballots cast at said election for each of the candidates as such trustee, and shall issue certificates of election as such trustee to the candidates receiving the highest number of votes as aforesaid. In case any two or more candidates shall have received the same number of votes, so that there would be no choice under the foregoing provision, then the Chairman of the Board of Trustees shall forthwith determine by lot from the persons so receiving such equal number of votes who shall be the trustee. No election shall be set aside for want of formality in balloting by such members, or in certifying or transmitting returns of such election by the officers or persons in charge thereof. Should a vacancy occur in the position of an elective member of the Board of Trustees, such vacancy shall, with reasonable promptness, be filled for the unexpired term by the remaining members of said Board.

#### Section 9. Board to Manage and Control Fund.

The Board of Trustees shall be the trustee of such fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. It shall have power to adopt and enforce such rules and regulations as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized, and to enable it to properly manage and conduct the business and affairs entrusted to it, provided such rules and regulations shall in no wise contravene the provisions of this Act, but shall be in conformity thereto. The Board of Trustees shall hear and decide all applications for pension or relief under this Act and its decisions on such applications shall be final and conclusive, and not subject to review or reversal, except by said Board. It shall cause to be kept a record of all its meetings and proceedings. From and after the election of members of the Board of Trustees in January of 1962, five members of said Board shall constitute a quorum for the transaction of any and all business of said Board and the affirmative vote of five members shall be necessary and sufficient to adopt any resolution; prior to the election of additional trustees in 1962, three members of the Board shall constitute such quorum. Meetings of said Board shall be held in the council chamber in the city hall at such time as it may be called to meet by the Chairman or by any two members. Neither the secretary, treasurer, custodian, nor any member of said Board, shall receive any salary or compensation for his services.

#### Section 10. Secretary of Board.

The city clerk of such city shall be secretary of the Board of Trustees. It shall be his duty as secretary to keep in a book provided for that purpose a full and complete record of all proceedings of the

Board. The secretary shall perform such other duties as may be assigned to him by the Board.

#### Section 11. Investment of Portion of Fund.

The Board of Trustees, after considering the probable demands upon the fund may invest such portion of it as may be safely withdrawn for the purpose. Such investment shall be only in interest bearing bonds of the United States of America, or of the State of Alabama, or of any bonds lawfully issued by the City of Tuscaloosa. All income from investments shall be and become a part of the fund. All securities belonging to the fund shall be deposited with the treasurer of the fund, and shall be subject to the management and control of the Board of Trustees.

#### Section 12. Annual Report.

On or before the first day of February of each year, the Board of Trustees shall make a report to the Commission Board, or other governing authority of the city, and to the fire department and the police department in the city, of the condition of the fund as of December 31st of the preceding year.

#### Section 13. Depository of Fund.

The Board of Trustees shall appoint a bank or trust company in such city as a depository and the treasurer of such fund shall promptly deposit all money belonging to such fund or coming into his hands as treasurer thereof in such depository. If any of such funds are dissipated or lost by reason of the insolvency or failure of such bank or trust company appointed as such depository as provided herein, such dissipation or loss shall not constitute a liability on the official bond of such city clerk as such treasurer of such fund nor a liability against the sureties thereon. All interest received on such deposits shall be and become a part of such fund.

#### Section 14. Payments from Fund.

No warrant nor check shall be drawn on such fund except by order of the Board of Trustees duly and regularly entered in the record of the proceedings of said Board. The depository of such fund shall not pay out any of such funds except on warrant or check signed by the Chairman of the Board and countersigned by the Secretary thereof.

#### Section 15. Expenses of Board.

The Board of Trustees shall be authorized to pay out of such fund all reasonable and necessary expenses that may be incurred by it in and about the performance of its duties under this Act and in and about the management and administration of such fund.

#### Section 16. List of Retired Policemen and Firemen.

There shall be kept by the secretary of the Board of Trustees a book to be known as the list of retired firemen and policemen, which shall give a full and complete history and record of the action of the said Board of Trustees in retiring any and all persons under this Act, showing the names, date of entering the service of such department, date of retirement, age on retirement, number of years such person has contributed to the fund, and the reason of such retirement, if any.



In such book there shall also be kept a complete list with the name, age and address of all children and the name and address of all widows and widowed mothers of policemen and firemen who have been declared by said board to be entitled to benefits under this Act.

#### Section 17. Treasurer and Custodian of Fund.

The city clerk shall also be treasurer and custodian of all monies belonging to such fund and all monies belonging to such fund shall be promptly paid to him. The city clerk shall also be the custodian of all securities and things of value belonging to such fund. He shall be liable on his official bond as city clerk for the faithful performance of the duties, imposed upon him under this section, and for the faithful accounting for all monies, securities, and things of value which may come into his hands as treasurer of such fund, and he shall keep a separate account thereof which shall at all times show the true condition of such fund. Upon the expiration of the city clerk's term of office, or whenever, from any cause, he ceases to hold office as such city clerk, he shall surrender and deliver up to his successor all bonds, securities, all money and everything else which have come into his hands as treasurer or custodian of such fund. If at any time in the future, some officer other than the city clerk shall be designated by the governing body of the city as the chief fiscal officer, such as comptroller, then such chief fiscal officer shall perform the duties prescribed in this section for the city clerk.

#### Section 18. Pension Benefits to be Paid on Retirement.

Subject to the general limitations set forth in Section 29 hereof and subject to any reductions in benefits that might be required by the provisions of Section 28 hereof, when any fireman or policeman shall be retired and placed upon the pension roll (except when retired under Section 23 hereof), the monthly pension which he shall initially be paid shall be a sum equal to two and six-tenths (2.6) per centum of the amount of his "pension base" multiplied by the number of entire years he has served in the department of which he was a member. The term "pension base" as used herein, means the monthly salary at the time of retirement. Unless: (a) he has been demoted in the five years immediately preceding his retirement, in which case his "pension base" shall be the average monthly salary for the five year period immediately preceding retirement; (b) his salary at the time of his retirement exceeds one hundred and fifteen per cent (115 per cent) of his average monthly salary for the five (5) years immediately preceding his retirement, in which case his "pension base" shall be one hundred and fifteen per cent (115 per cent) of his average monthly salary for the five year period immediately preceding his retirement.

#### Section 19. Continued Payments of Existing Pensions.

All pensions and all benefits heretofore directed to be paid by the Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund, created under and pursuant to Act No. 187 of the Alabama Legislature of 1951, as amended, shall be continued and shall be paid from the Fund and by the Board of Trustees of such fund created under this Act. All such pensions and such such benefits directed to be paid by the Board of Trustees under and pursuant to said Act No. 187, as amended, shall not be changed by this Act but shall continue in force and shall continue to be calculated and paid according to the schedule of payments prescribed in said Act No. 187, as amended.

#### Section 20. Weekly Benefits for Sickness or other Disability; Retirement for Disability.

When any fireman or policeman shall be confined to his bed under the necessary care of a physician, by reason of sickness or other disability not otherwise provided for, for as long a period as fifteen days, the said Board of Trustees shall direct the payment to such fireman or policeman from such fund the sum of Thirty Dollars (\$30.00) weekly while so confined, not to exceed in any event twelve weeks; provided, however, that if such policeman or fireman has been in the service of the department of which he is a member for a period of ten years or more and the Board of Trustees shall determine at the end of such twelve weeks that such disability is, or has become permanent, they shall retire such disabled person and place him upon the pension roll; provided further, that such fireman or policeman shall not be entitled to any benefits or relief under this section, if such sickness or disability shall be caused by dissipation, immoral conduct or vicious habits, or during such time as he shall receive his regular compensation from such City.

#### Section 21. Retirement by Reason of Age.

The Board of Trustees shall have the power and authority to retire from active service, and they may retire from active service, every fireman and every policeman, without regard to his length of service upon his attaining the age of sixty-five (65) years.

#### Section 22. Retirement by Reason of Service and Age.

Any fireman or policeman who has been in the service of the police or fire department for as long as twenty-five (25) years and who has reached the age of fifty (50) years or who has been in the service of said department for as long as twenty (20) years and who has reached the age of sixty (60) years, upon application by him shall be retired and placed on the pension roll by said Board of Trustees.

#### Section 23. Monthly Benefits for Temporary Disability Arising as Result of Service in Department; Retirement for Permanent Disability.

Whenever the Board of Trustees shall determine that any fireman or policeman has become temporarily disabled, mentally or physically, for service in the department of which he is a member, and that such disability arose from any injury received or accident occurring while engaged in the performance of his duty or is otherwise a direct result of his service in such department the Board of Trustees shall order that such disabled fireman or policeman be paid monthly out of such fund, during the period of such disability, a sum equal to sixty-five (65) per cent of the monthly compensation paid such fireman or policeman as salary at the time of his having become so disabled; provided, that any benefits payable under this section shall be reduced by an amount equal to the amount, if any, which the beneficiary shall receive from such city as salary. The Board of Trustees shall be the sole judge of the extent and cause of any such disability and of the time when such disability has ceased to exist, and the Board's determination thereof shall be final. Whenever the Board of Trustees shall determine that such disability is, or has become, permanent, they shall retire such disabled person and place him upon the Pension Roll and (subject to the limitations set forth in Section 29 hereof) pay him an initial monthly pension equal to sixty-five (65) per cent of the monthly compensation paid such fireman or policeman at the time of his having become so disabled.

#### Section 24. Re-examination of Member Retired for Disability; Corrective Medical Treatment or Surgery.

After any member of the fire department or of the police department shall have retired upon pension voluntarily or by reason of disability, said Board of Trustees shall have the right, at any time, to cause such retired member to be brought before it and again examined by the city physician or other competent physicians and surgeons, to be selected by it, and also to examine other witnesses for the purpose of discovering whether such disability still continues, and whether such retired member should be continued on the pension roll, or returned to active duty, but such retired member shall remain upon the pension roll until reinstated in the active service of such department. The said Board of Trustees may also, at its discretion, and after a hearing, require the said retired member of the fire department or of the police department to undergo or submit to such corrective medical treatment or surgery as the Board of Trustees may deem proper and reasonably safe as a condition to his continuing upon the pension roll, and upon the failure or refusal of the said retired member to comply with any such orders made by the Board of Trustees concerning corrective medical treatment or surgery, the said retired member may be discontinued from the pension roll. In the event that the said retired fireman or policeman is suffering a disability which arose from an injury received or accident occurring while engaged in the performance of his duty or is otherwise a direct result of his service, the City of Tuscaloosa, may, with the approval of the Commission Board of the City of Tuscaloosa, bear the expenses of the said corrective medical treatment or surgery, and in all other cases the retired fireman or policeman involved shall bear the expenses, but in any event the Board of Trustees may, in its discretion, designate the physician or surgeon who shall supervise the corrective medical treatment or surgery. Such retired members shall be entitled to notice, and be present at the hearing of any such evidence, shall be permitted to propound any questions pertinent or relevant to such matter, and shall also have the right to introduce upon his own behalf any competent evidence he may see fit. All witnesses so produced shall be examined under oath; and any member of such Board of Trustees is hereby authorized and empowered to administer such oath to such witnesses. The decision of such Board of Trustees shall be final and conclusive and no appeal shall be allowed there from nor shall the same be subject to review or reversal, except by said Board of Trustees.

#### Section 25. Payments to Dependents of Member.

For the purpose of this section, children of any policeman or fireman who are under the age of eighteen (18) years, and also the widow of any policeman or fireman while unmarried shall be conclusively presumed to be entirely dependent upon such fireman or policeman.

If any fireman or policeman shall, while in the performance of his duty be killed, or die as a result of any injury received in the line of his duty, or shall die from any cause whatsoever as the result of his service, in such department and while in such service; or after having served in such department for more than ten years, the last five years of which more consecutive shall die from any cause while in the service or on the retired or disabled list, and shall leave a surviving spouse (if retired, to whom he was married at the time of his retirement) surviving him, and entirely dependent upon him, the Board of Trustees shall direct the payment to such surviving spouse monthly during his or her natural life, and while unmarried and entirely dependent on such payment, a sum equal to twenty-five percent of such fireman's salary if a fireman, and twenty-five percent of such policeman's salary if a policeman. If such fireman or policeman leaves surviving him a child or children under eighteen years of age, said Board shall direct the

payment monthly from such fund to their surviving parent, whether married or unmarried, for their use, and benefit, an amount equal to fifteen percent of such policeman's or fireman's salary at the time of his death for each child under eighteen years of age not to exceed in the aggregate an amount equal to forty-five percent of such salary, so long as such child or children live with their surviving parent and are under eighteen years of age and are supported by such surviving parent. If such child or children have no surviving parent, or such surviving parent dies during the time such child or children are entitled to such benefit, such sum may be paid by the Board of Trustees to the person having control and custody of such child or children or to such other person as said Board of Trustees may direct, to be expended by such person for the benefit of such child or children as may be prescribed by said Board of Trustees. Should such deceased fireman or policeman leave no surviving spouse or child entitled to benefits as hereinabove set out, but a widowed mother entirely dependent upon him for support, said Board of Trustees shall pay to her monthly during her natural life and so long as she remains unmarried, a sum equal to twenty-five percent of such fireman's monthly salary, if a fireman, and a sum equal to twenty-five percent of such policeman's monthly salary, if a policeman.

**Section 26. Procedure by Surviving Spouse or Dependents in Obtaining Payments.**

When the surviving spouse or child or children or widowed mother, or either of them shall be entitled to a pension as provided in this Act, such surviving spouse or child or children or widowed mother shall make or cause to be made an application to the Board of Trustees through the secretary of such board, on a form to be provided by said board, which shall show, in the case of the surviving spouse, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence and such proof of dependency as the Board may direct; And proof of the widowhood of the mother of such deceased member, and her dependency for support upon him which shall be shown by affidavits of such widowed mother or disinterested persons; and the birth and ages of such children shall be shown by affidavits of the mother of such children or of disinterested persons, or by any other competent evidence. All applications and proofs shall be kept and retained in the custody of the said Board of Trustees.

**Section 27. Payments to be on Salary Percentage Basis.**

All pensions and relief and retirement pay provided for in this Act shall be on a salary percentage basis and shall increase or decrease in accord with the increase or decrease of the salaries of active members of such fire and police department.

**Section 28. Decreased Benefits.**

The annual income of the fund shall mean all revenues paid into the fund during the preceding fiscal year plus the increase during such year in the actual value of investments held (or minus the decrease in the actual value of investments held). The annual expense to the fund shall mean the sum of all monies paid out not including monies paid out and invested for the use of the fund.

If and when two consecutive fiscal years pass in which the annual income is less than the annual expense, every monthly benefit paid from the fund for the following year shall be decreased by multiplying each such benefit by the following ratio: preceding year's income divided

by preceding year's expense (the monthly benefit to equal the product of such multiplication), and this procedure shall continue until the annual income equals or exceeds the annual expense, at which time monthly benefits shall be restored, and paid without such deduction.

Section 29. Limitations on Amount of Pension Benefits.

Under no circumstances shall any retired fireman or policeman be paid a pension or other benefit of more than One Hundred Twenty-five Dollars (\$125.00) if he has contributed to the fund for less than five years, or more than One Hundred and Fifty Dollars (\$150.00) per month if he has contributed to the fund for five years and less than ten years, or more than One Hundred Seventy-five Dollars (\$175.00) per month if he has contributed to the fund for ten years and less than fifteen years, or more than Three Hundred Dollars (\$300.00) per month if he has contributed to the fund for fifteen years or more, and under no circumstances shall the surviving spouse and-or children or widowed mother of a deceased fireman or policeman be paid a pension or other benefit in excess of Two Hundred Dollars (\$200.00) per month.

Section 30. Member Leaving Employment Forfeits Right to Benefits.

If any fireman or policeman be discharged, or for any other reason leaves the employment of the police department or fire department before he becomes entitled to any of the retirement benefits provided for in this Act, he shall forfeit all right to all benefits under the Act, but he shall be paid by said Board of Trustees any monies, without interest, that may have been paid into such fund by him by deduction from salary, less one-half of any sick benefits which have been paid to him from such fund. If any policeman or fireman is killed or dies, his death not resulting from action while in line of duty, and he does not have ten years service so as to entitle his surviving spouse or minor children to a pension or allowance under the other provisions of this Act, the surviving spouse, or the legal guardian of the minor children, shall be paid by the Board of Trustees any monies, without interest, that may have been paid into such fund or into any fund which preceded such fund by means of deductions from the salary of the policeman or fireman at any time since July 9th, 1943, less one-half of any sick benefits which have been paid in from such fund.

Section 31. Fund not Subject to Attachment, Assignments Prohibited; No Vested Rights in Fund.

No portion of said fund whether in cash or securities either before or after its distribution by the Board of Trustees to the person or persons entitled thereto under the provisions of this Act shall be held, seized, taken, subjected to, detained or levied upon by virtue of any attachment, garnishment, execution, injunction, writ, order, decree or any other process whatsoever issued out of any court of this state, for the payment or satisfaction, in whole or in part of any debt, damage, demand, claim, judgment or decree against any beneficiary of such fund; but shall be exempt therefrom without any claim therefor. Nor shall any assignment be made of any portion of said fund or of any right or interest therein by any beneficiary or prospective beneficiary thereof, and all such assignments or attempted assignments shall be void. Said fund shall be sacredly kept, held and distributed for the purposes named in this Act, and for no other purposes, whatsoever. Neither the employment, payment of benefits to, nor the retirement of any person, nor the payment of any money into such fund by any person nor any act of the Board of Trustees or of the city governing

body shall give right to any contractual or vested rights hereunder; but the legislature reserves full power and right to amend, or repeal any and every provision hereof and make disposition of such fund.

Section 32. City Attorney to Advise and Represent Board.

It shall be the duty of the City Attorney to give advice to the said Board of Trustees in all matters pertaining to the duties of the said Board of Trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said Board of Trustees as its attorney in all suits and actions at law or in equity that may be required or determined upon by said Board of Trustees; and the said Board of Trustees shall have the authority to employ such other counsel as it may see fit in such matters, and to pay out of such fund reasonable attorney's fees to such counsel as it may employ as aforesaid.

Section 33. Superseding Former Pension Acts.

This Act shall supersede Act Number 187 S. 339, approved June 29th, 1951 (General Acts of Alabama of 1951) as amended, in so far as said Act 187 applies to the City of Tuscaloosa, Alabama.

Section 34. The Provisions of this Act are Severable.

Should any part of this Act be declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 35. Effective Date.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Buford Boone, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Tuscaloosa News, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 27th, Sept. 3rd, Sept. 10th, and Sept. 17th, all in the year 1959.

BUFORD BOONE

Sworn to and subscribed before me September 19th, 1959.

ELLEN G. LA COUR  
Notary Public

By Messrs. Shumate and Bevill:

H. 855. To permit any water works board organized under the provisions of Sections 394 to 402, inclusive, of Title 37 of the Code of Alabama of 1940 which has acquired or may hereafter acquire a gas plant and system pursuant to Act No. 154 adopted at the 1947 Regular Session of the Legislature of Alabama, to issue revenue bonds for certain water works purposes and to pledge for payment of such revenue bonds not only water revenues, but also any available gas revenues and to provide

that in order so to issue revenue bonds it shall not be necessary for such water works board to combine such water and gas systems.

Local Government.

By Messrs. Bevill and Shumate (with notice and proof):

H. 856. To abolish the office of comptroller of Walker County, and establish in lieu thereof a county depository; and to provide for the performance of certain duties relative to county funds by the county depository and other duties relative thereto by the Board of Finance and Control of Walker County and the President thereof, or any other like governing body of such county and its presiding officer.

Local Legislation No. 1.

Notice and Proof H. 856:

A BILL  
TO BE ENTITLED  
AN ACT

To abolish the office of comptroller of Walker County, and establish in lieu thereof a county depository; and to provide for the performance of certain duties relative to county funds by the county depository and other duties relative thereto by the Board of Finance and Control of Walker County and the President thereof, or any other like governing body of such county and its presiding officer

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the expiration of the term of office of the incumbent comptroller of Walker County the office of comptroller of such county, which was created and established by Act No. 388, H. 943, approved September 4, 1957 (Acts of Alabama 1957, page 521), is hereby abolished In lieu thereof a county depository is hereby established, and except as herein otherwise provided, all the provisions of Article 2, Chapter 3, Title 12, Code of Alabama, 1940, and any and all other laws of this State applying to or with reference to county depositories in counties having a population of less than fifty-six thousand shall apply fully to the depository hereby established.

Section 2. On the first Monday after the second Tuesday in January 1961 the comptroller shall make a settlement with the Board of Finance and Control or other like governing body of Walker County and pay over the balance of money on hand to the order of the Board of Finance and Control, or other like county governing body, to the credit of Walker County

Section 3. On and after the first Monday after the second Tuesday in January 1961 all moneys theretofore required by law to be paid to the comptroller of Walker County shall be deposited in a bank or banks designated by the Board of Finance and Control or other like governing body of Walker County as a county depository in the manner and at the time prescribed in said Article 2 of Chapter 3 of Title 12 of the Code of Alabama, 1940, for designating county depositories in counties having a population of less than fifty-six thousand; and all sworn reports required by law to be made relative to collections and disbursements of county funds or the county's financial condition shall be made by the Board of Finance and Control or other like governing body of Walker County.

Section 4. When a county depository for Walker County has been established pursuant to this Act, accounts shall be opened, kept and disbursements made therefrom in the same manner prescribed by law for the opening and keeping of accounts and the making of disbursements therefrom for county depositories established pursuant to said Article 2, Chapter 3, Title 12, Code of Alabama, 1940; and any bank or banks in Walker County designated as a county depository pursuant to this Act shall perform the same duties, shall be liable to the same pains and penalties, and shall be required to give bond or other security for the safety of deposits made therein as banks designated as county depositories pursuant to said Article 2, Chapter 3 of Title 12.

Section 5. Upon the abolition of the office of comptroller, the president of the Board of Finance and Control, or other presiding officer of a like county governing body of Walker County shall perform all acts, required by law to be performed with respect to county funds other than the receipt and disbursement of such funds by the county depository. It is specifically provided however, that, with the approval of the county governing body, he may delegate any duties hereby imposed on him which are purely clerical to the chief clerk or an assistant clerk of such governing body, or may be furnished, at county expense, such clerical assistance as is reasonably necessary for the efficient performance of the duties hereby imposed upon him.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared William G. Jones, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Walker County Times, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 28, Sept. 3, Sept. 10, and Sept. 17, all in the year 1959.

WILLIAM G. JONES, JR.

Sworn to and subscribed before me September 17, 1959.

LATHAM G. SADDLER  
Notary Public

By Messrs. Oakley, Long (Perry), Avery, Barnett, Nettles:

H. 857. To regulate further the poultry industry in Alabama; to require poultry processing plants and poultry dealers to be licensed, to open certain of their books and records for such inspections as are neces-



sary to the proper enforcement of this Act, and to pay promptly for all birds they buy; to provide for the issuance, denial, and revocation of poultry processing plant licenses and poultry dealers' licenses by the commissioner of agriculture and industries; to fix the fees to be charged for such licenses; to provide for appeals from the decisions of the commissioner of agriculture and industries, denying or revoking such licenses; to charge the commissioner of agriculture and industries with the duty of enforcing this Act; to prescribe the procedures for enforcing it; and to prescribe penalties.

Ways and Means.

By Messrs. Perry, Dodd and Branyon:

H. 858. To provide for the support, operation and maintenance of the Alabama Wing, Civil Air Patrol; making appropriations for such purpose.

Ways and Means.

By Mr. Avery (with notice and proof):

H. 859. To alter, re-arrange and extend the boundaries and corporate limits of the municipality of Greensboro in Hale County; annexing certain territory to said municipality.

Local Legislation No. 1.

Notice and Proof H. 859:

#### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF HALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the municipality of Greensboro in Hale County; annexing certain territory to said municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Greensboro in Hale County are hereby altered, re-arranged and extended so as to embrace within the corporate limits of said municipality all the territory now lying within said limits, and in addition thereto, the following described lands lying and being in said county, to-wit:

Commence at the Southeast corner of Section 16, Township 20 North, Range 5 East, and run West along the south line of said section 398 feet to a point on the present corporate limit, run thence North along the present corporate limit 1361 feet to the center of the old creek bed of Caldwell Creek and the point of beginning; run thence North and parallel with the East line of said section 1282 feet to a point on the North boundary of the Southeast Quarter of said section; run thence West along the North boundary of the Southeast Quarter of said section 1200 feet, more or less, to a point in the center of the old creek

bed of Caldwell Creek; and run thence Southeasterly along the center of said creek bed to the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA HALE COUNTY

Before me, the undersigned authority in and for said County in said State, this day personally appeared N. H. Cobbs, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Greensboro Watchman, a newspaper of general circulation published in Hale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Thursday, September 3, 1959; Thursday, September 10, 1959; Thursday, September 17, 1959; and Thursday, September 24, 1959.

N. H. COBBS,  
publisher

Sworn to and subscribed before me this 24th day of September, 1959.

WILLIE L. ARRINGTON  
Notary Public

By Messrs. Long (Perry), Barnett, Gilmer, Hardy, Dickson, Britton, Grant, Daniel, Nettles, Oakley, Lee, Johnson (Hardaway) and Johnston (Leonard):

H. 860. To amend Section 215 of Title 22, Code of Alabama (1940), which prescribes the license fees payable by persons licensed by the Alabama State Milk Control Board.

#### Ways and Means.

By Messrs. Sessions, Perry, Locke, Morrow, Edwards, Rast and Hawkins (with notice and proof):

H. 861. To alter and re-arrange the boundary lines of the City of Homewood, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

#### Local Legislation No. 2.

#### Notice and Proof H. 861:

#### NOTICE

Notice is hereby given of intention to apply at the current regular session or any special session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distin-

guished from details, is and will be in substance, as distinguished from detail, as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To alter and re-arrange the boundary lines of the City of Homewood, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson, County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1, That from and after the passage and approval of this Act the boundary lines of the City of Homewood, Jefferson County, Alabama, be and the same are altered and re-arranged so as to include within the corporate limits of said City, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said City, more particularly described as follows:

All that part of the NW1/4 of the SW1/4 of Section 17, Township 18 South, Range 2 West, situated in Jefferson County Alabama, which lies Southeast of Shades Creek and East of the right-of-way of the Montgomery Highway as described in deed to Jefferson County recorded in Vol. 3082, Page 147, in the Office of the Judge of Probate of said County; also all that part of the NE 1/4 of the SW1/4 of Section 17 Township 18 South, Range 2 West, which lies Southeast of Shades Creek and Southwest of the Smyer Road.

Also, all that part of the South Half of the SW1/4 of Section 17, Township 18 South, Range 2 West, which lies North of the northerly right-of-way line of Alabama Power Company transmission line. Also a triangular parcel of land in the SE1/4 of SE1/4 of Section 18, Township 18 South, Range 2 West, lying North of the Alabama Power Company's right-of-way, West of the East line of Section 18, Township 18 South, Range 2 West and Southeast of the New Montgomery Highway except that part of said parcel heretofore deeded to Jefferson County, 2.2 acres, more or less and being the same land conveyed on August 4, 1955 by John G. Burton, Hampton C. Hopkins, Ray Frank Robbins, et al to Cherokee Land Company, Inc., which deed is filed in Vol. 5431, Page 323, Record of Deeds in the Probate Office of Jefferson County, Alabama.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Eleanor Abercrombie, who, being by me first duly sworn, deposes and says that she is the publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the

13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of August 15, 22, 29, Sept. 5, 1959, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE  
Publisher

Sworn and subscribed to on this the 7th. day of September, 1959.

SARA WHEELER  
Notary Public

By Messrs. Brewer, Speaks, Cornett, Smith (Russell), Goodwyn, Steagall, Merrill, Hanby, Gilchrist, Beville, Callahan, Brannan, Ashworth and Self:

H. 862. To provide for the taking of depositions of witnesses and parties upon oral examination for discovery or for use as evidence; to prescribe the scope of such examination, the use of such depositions, and the effect of using such depositions; to provide a method of compelling the attendance of the person sought to be examined; to prescribe the penalties for failure of such person to appear for such examination; to regulate and conform practice and procedure with respect to such examinations and depositions; to make said examinations and depositions available to litigants in suits in equity; to validate certain depositions taken under pre-existing law; and to repeal conflicting statutes and rules of practice.

Judiciary.

### BILLS ON THIRD READING

#### H. 529 INDEFINITELY POSTPONED

On motion of Mr. Bishop, the bill, H. 529, was indefinitely postponed.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Goodwyn to suspend the rules in order to take up the bill, S. 312, in place of the bill, H. 664, was adopted.

And the bill:

S. 312. To create within any county in this state having a population of not less than 125,000 nor more than 225,000 according to the last or any subsequent federal decennial census, a domestic relations division of the circuit court of such county; defining its jurisdiction and authority; providing it with officers, and prescribing their duties, authority, and compensation; regulating its procedure; abolishing the juvenile court or any other special court having jurisdiction only of juveniles and domestic relations.

Was taken up.

Mr. Goodwyn offered the following amendment to the bill, S. 312:

#### AMENDMENT TO S. B. 312

In Section 10, strike out the last sentence and insert the following sentence:

Provided, the local costs of operation of the family relations division of the circuit court up to but not exceeding 80 thousand dollars per

annum shall be borne, share and share alike, by the county and the most populous city in the county. Such costs shall be paid by the county in the first instance, and the council, commission, or other like governing body of the city shall reimburse the county for its share.

And the amendment was adopted.

Yeas 85; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Dodd        | Ingram                        | Phillips                     |
| Adams <sup>(Houston)</sup> | Edwards     | Jenkins                       | Pierce                       |
| Albea                      | Ferguson    | Johnston <sup>(Leonard)</sup> | Powell                       |
| Ashworth                   | Franklin    | Jones <sup>(Monroe)</sup>     | Ramey                        |
| Barnett                    | Gilchrist   | Lee                           | Rast                         |
| Bassett                    | Gilmer      | Locke                         | Ray                          |
| Bevill                     | Glass       | Long <sup>(Lauderdale)</sup>  | Roberts                      |
| Bishop                     | Goldthwaite | Long <sup>(Perry)</sup>       | Rogers                       |
| Boyd                       | Goodwyn     | McClendon <sup>(Chamb)</sup>  | Rozelle                      |
| Brannan                    | Gordon      | McCorquodale                  | Self                         |
| Branyon                    | Grant       | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Britton                    | Gross       | Martin                        | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Grouby      | Meade                         | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Hanby       | Merrill                       | Solomon                      |
| Cabiness                   | Hankins     | Morrow                        | Speaks                       |
| Callahan                   | Hardy       | Nettles                       | Steagall                     |
| Camp                       | Harris      | Nichols                       | Sullivan                     |
| Casey                      | Harvey      | Oakley                        | Taylor                       |
| Chambers                   | Hawkins     | Oden                          | Thomas                       |
| Copeland                   | Hearn       | Owens                         | Trimmier                     |
| Daniel                     | Hocklander  | Perry                         | Turnham                      |
| Dickson                    |             |                               |                              |

—85

And said bill, S. 312, as thus amended, was read a third time at length and passed.

Yeas 84; Nays 2.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Hearn                         | Perry                        |
| Adams <sup>(Houston)</sup> | Dickson     | Ingram                        | Phillips                     |
| Albea                      | Dodd        | Jenkins                       | Pierce                       |
| Ashworth                   | Edwards     | Johnston <sup>(Leonard)</sup> | Powell                       |
| Barnett                    | Ferguson    | Jones <sup>(Monroe)</sup>     | Ramey                        |
| Bassett                    | Franklin    | Lee                           | Rast                         |
| Bevill                     | Gilchrist   | Locke                         | Ray                          |
| Bishop                     | Gilmer      | Long <sup>(Lauderdale)</sup>  | Roberts                      |
| Boyd                       | Glass       | Long <sup>(Perry)</sup>       | Rogers                       |
| Brannan                    | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Rozelle                      |
| Branyon                    | Goodwyn     | McCorquodale                  | Self                         |
| Brewer                     | Gordon      | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Britton                    | Grant       | Martin                        | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Gross       | Meade                         | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Grouby      | Merrill                       | Solomon                      |
| Cabiness                   | Hanby       | Morrow                        | Speaks                       |
| Callahan                   | Hankins     | Nettles                       | Sullivan                     |
| Camp                       | Hardy       | Nichols                       | Taylor                       |
| Casey                      | Harris      | Oakley                        | Thomas                       |
| Chambers                   | Harvey      | Oden                          | Trimmier                     |
| Copeland                   | Hawkins     | Owens                         | Turnham                      |

—84

**Nays:** Messrs. Bailey and Hocklander.

—2

### H. 664 INDEFINITELY POSTPONED

On motion of Mr. Goodwyn, the bill, H. 664, was indefinitely postponed.

And the bill:

H. 690. Relating to the purchase of supplies, materials, equipment, and contractual services, and the sale or exchange of property, by or for Autauga County; providing for competitive bidding on certain contracts, purchases, sales, and exchanges; prescribing penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

#### Yeas:

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Daniel      | Hearn                         | Perry                          |
| Adams <sup>(Houston)</sup> | Dickson     | Hocklander                    | Phillips                       |
| Albea                      | Dodd        | Ingram                        | Pierce                         |
| Ashworth                   | Edwards     | Jenkins                       | Powell                         |
| Avery                      | Ferguson    | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Bailey                     | Franklin    | Jones <sup>(Covington)</sup>  | Rast                           |
| Barnett                    | Gilchrist   | Jones <sup>(Monroe)</sup>     | Ray                            |
| Bassett                    | Gilmer      | Lee                           | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Glass       | Locke                         | Rogers                         |
| Bishop                     | Goldthwaite | Long <sup>(Perry)</sup>       | Rozelle                        |
| Boyd                       | Goodwyn     | McClendon <sup>(Onam)</sup>   | Self                           |
| Brannan                    | Gordon      | McCorquodale                  | Sessions                       |
| Branyon                    | Grant       | McLendon <sup>(Bullock)</sup> | Shumate                        |
| Brewer                     | Gross       | Martin                        | Smith <sup>(Russell)</sup>     |
| Britton                    | Grouby      | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Guthrie     | Merrill                       | Solomon                        |
| Brooks                     | Hanby       | Morrow                        | Speaks                         |
| Cabiness                   | Hankins     | Nettles                       | Steagall                       |
| Camp                       | Hardy       | Nichols                       | Thomas                         |
| Casey                      | Harris      | Oakley                        | Torbert                        |
| Chambers                   | Harvey      | Oden                          | Trimmier                       |
| Copeland                   | Hawkins     | Owens                         | Turnham                        |
| Cornett                    |             |                               |                                |

—89

And the bill:

H. 691. To regulate the compensation of the solicitor of Autauga County; amending Section 5 of Act No. 77, H. 325, approved July 7, 1947 (Local Acts 1947, p. 55).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

#### Yeas:

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Mr. Speaker                | Barnett | Branyon   | Camp     |
| Adams <sup>(Houston)</sup> | Bassett | Brewer    | Casey    |
| Albea                      | Bevill  | Britton   | Chambers |
| Ashworth                   | Bishop  | Broadfoot | Cook     |
| Avery                      | Boyd    | Brooks    | Copeland |
| Bailey                     | Brannan | Cabiness  | Daniel   |

|           |                    |          |                     |
|-----------|--------------------|----------|---------------------|
| Dodd      | Harris             | Martin   | Reynolds (Chambers) |
| Edwards   | Harvey             | Meade    | Rogers              |
| Faulk     | Hawkins            | Merrill  | Rozelle             |
| Ferguson  | Hearn              | Morrow   | Self                |
| Franklin  | Hocklander         | Nettles  | Sessions            |
| Gilchrist | Ingram             | Nichols  | Shumate             |
| Gilmer    | Jenkins            | Oakley   | Smith (Russell)     |
| Glass     | Johnston (Leonard) | Oden     | Smith (St. Clair)   |
| Goodwyn   | Jones (Monroe)     | Owens    | Solomon             |
| Gordon    | Lee                | Perry    | Speaks              |
| Grant     | Locke              | Phillips | Steagall            |
| Gross     | Long (Lauderdale)  | Pierce   | Sullivan            |
| Grouby    | Long (Perry)       | Powell   | Thomas              |
| Hanby     | McClendon (Chamb)  | Ramey    | Torbert             |
| Hankins   | McCorquodale       | Rast     | Trimmier            |
| Hardy     | McLendon (Bullock) | Ray      | Turnham             |

—88

And the bill:

H. 692. To provide for the repair, maintenance, and servicing of motor vehicles, automotive equipment, and machinery used in the construction and maintenance of public roads and bridges in Autauga County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Cornett   | Hocklander         | Powell              |
| Adams (Houston) | Daniel    | Ingram             | Ramey               |
| Albea           | Dickson   | Jenkins            | Rast                |
| Ashworth        | Dodd      | Johnston (Leonard) | Ray                 |
| Avery           | Edwards   | Jones (Monroe)     | Reynolds (Chambers) |
| Bailey          | Faulk     | Lee                | Roberts             |
| Barnett         | Ferguson  | Long (Lauderdale)  | Rogers              |
| Bassett         | Franklin  | Long (Perry)       | Rozelle             |
| Bevill          | Gilchrist | McClendon (Chamb)  | Self                |
| Bishop          | Gilmer    | McCorquodale       | Sessions            |
| Boyd            | Glass     | McLendon (Bullock) | Shumate             |
| Brannan         | Goodwyn   | Martin             | Smith (Russell)     |
| Branyon         | Gordon    | Meade              | Smith (St. Clair)   |
| Brewer          | Grant     | Merrill            | Solomon             |
| Britton         | Gross     | Morrow             | Speaks              |
| Broadfoot       | Grouby    | Nettles            | Steagall            |
| Brooks          | Hanby     | Nichols            | Sullivan            |
| Cabiness        | Hankins   | Oakley             | Taylor              |
| Camp            | Hardy     | Oden               | Thomas              |
| Casey           | Harris    | Owens              | Torbert             |
| Chambers        | Harvey    | Perry              | Trimmier            |
| Cook            | Hawkins   | Phillips           | Turnham             |
| Copeland        | Hearn     | Pierce             |                     |

—91

And the bill:

H. 698 (with substitute). Relating to and providing for purgation of voter lists in Coffee County; requiring the reidentification of qualified electors of the county; imposing certain duties in this respect on voters, the registrars of the county, the probate judge, the county gov-

erning body, election officials, and persons who are required by law to prepare and file death certificates; prescribing penalties.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to and providing for the reidentification of electors in Coffee County; directing the board of registrars to purge the lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Coffee County is hereby directed to purge all lists of the registered electors of the county to the end that the names of all who are deceased or nonresidents of the county, or who have otherwise become disqualified from voting therein, shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars of Coffee County shall omit and remove from the lists of qualified electors of the county the name of every person who fails to reidentify himself in one of the ways hereinafter provided before the first day of October, 1962; provided, however, that no one who has registered as a qualified elector of the county since January 1, 1959, shall be required to reidentify himself. No person removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector, nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote at elections held in the county after the first day of October, 1962.

Section 3. A qualified elector may reidentify himself in any one of the following ways:

(a) He may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate of Coffee County, or before one of the duly authorized employees of the judge of probate, and answering such questions and submitting such proof as may be set forth hereinafter to establish the elector's identity and place of legal residence and that the elector has not become disqualified from voting in the county. The judge of probate shall deliver all completed questionnaires to the chairman of the board of registrars once a month.

(b) He may also reidentify himself at any election at which the elector votes prior to October 1, 1962, by answering and signing the questionnaire hereinafter provided for, in the presence of a clerk, manager, inspector, or returning officer at such election, who also shall sign the questionnaire as an attesting witness. The managers at each polling place shall see to it that each voter is offered a blank questionnaire form and is requested to complete it, and shall also provide a



box or other receptacle in which completed questionnaires shall be deposited and held until the polls are closed. The returning officer shall transmit the signed questionnaires to the judge of probate who shall transmit them to the chairman of the board of registrars.

(c) A qualified elector who is on active duty in the Armed Forces of the United States, or the husband or wife of a member of the Armed Forces on active duty, may also reidentify himself or herself by filling in and mailing to the office of the judge of probate the completed answers to such questions as are set forth in the questionnaire hereinafter detailed, and the elector's signature to such questionnaire must be witnessed by a commissioned officer of the Armed Forces. Blank questionnaire forms shall be mailed to members of the Armed Forces upon their request.

(d) The board of registrars shall furnish a sufficient number of blank questionnaires to the judge of probate, and also to the sheriff, party executive committee, or other officer, agency, or committee charged with the duty of sending out election supplies, who shall cause a sufficient number thereof to be sent to each voting place at each election to be held prior to October 1, 1962.

(e) The questionnaire shall be in substantially the following form:

#### VOTERS REIDENTIFICATION QUESTIONNAIRE

Date: \_\_\_\_\_, 19\_\_\_\_

Name: \_\_\_\_\_  
(First) (Middle) or (Maiden) (Last)

Legal Residence Address: \_\_\_\_\_  
(Street or Route)

City or Town: \_\_\_\_\_

State: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Sex \_\_\_\_\_ Color \_\_\_\_\_

I now vote and I am a qualified elector in Precinct or Beat No. \_\_\_\_\_, Box No. \_\_\_\_\_, and I have not been convicted of a criminal offense which disqualifies me from voting nor am I otherwise disqualified from voting in this county.

I have resided in Precinct or Beat No. \_\_\_\_\_ for the past three months.

Signed: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Elector)

Witnessed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Registrar - Judge of Probate - Election Official - Commissioned Officer  
U. S. Armed Forces.

Section 4. Any qualified elector of Coffee County who shall have his or her name omitted or removed from the lists of qualified electors in the county by reason of his or her failure to reidentify himself or herself as hereinabove provided, or whose name is otherwise purged therefrom, shall be entitled to have his or her name restored to the list of qualified electors by appearing in person and reidentifying himself

or herself in person at the office of the board of registrars or judge of probate in the manner hereinabove provided. However, after September 1, 1962, every qualified elector must have reidentified himself or herself at least thirty days prior to voting.

Section 5. Whoever knowingly makes a false statement in answer to the reidentification questionnaire to the board of registrars or the judge of probate or the duly authorized employees of the judge of probate or to the clerk, manager, inspector or returning officer or to the commissioned officer of the United States Armed Forces, is guilty of perjury, and upon conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 6. The court of county commissioners, board of revenue, or like governing body of Coffee County is hereby authorized and directed to furnish the board of registrars and the judge of probate the supplies, equipment, printed forms, stationery, stamps, clerical help and advertisements necessary for the reidentification of voters as herein provided.

Section 7. The board of registrars shall meet as often as necessary and on such dates as the board may by order fix for the purpose of purging the list of qualified electors of the county. The board may meet any number of days not exceeding thirty days from October 1, 1962, until April 1, 1963, in excess of the maximum now provided by law, for the purpose of purging such list, and shall be entitled to the same per diem allowances for meeting on such dates, in excess of the maximum, as now provided by law. The chairman of the board of registrars shall secure from the local registrar of vital statistics, before each purging session of the board, the names of all persons over age 21 who have died in the county since the last purging session of the board, and shall likewise secure from the clerk of the circuit court the names of all persons over age 21 who have been convicted in the county of a disqualifying crime.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 88; Nays 0.

#### Yeas:

|                            |          |            |                               |
|----------------------------|----------|------------|-------------------------------|
| Mr. Speaker:               | Brooks   | Gilchrist  | Ingram                        |
| Adams <sup>(Houston)</sup> | Cabiness | Gilmer     | Jenkins                       |
| Albea                      | Camp     | Glass      | Johnston <sup>(Leonard)</sup> |
| Ashworth                   | Casey    | Goodwyn    | Jones <sup>(Monroe)</sup>     |
| Bailey                     | Chambers | Gordon     | Lee                           |
| Barnett                    | Cook     | Grant      | Locke                         |
| Bassett                    | Copeland | Gross      | Long <sup>(Lauderdale)</sup>  |
| Bevill                     | Cornett  | Hanby      | Long <sup>(Perry)</sup>       |
| Bishop                     | Daniel   | Hankins    | McClendon <sup>(Chamb)</sup>  |
| Boyd                       | Dickson  | Hardy      | McCorquodale                  |
| Brannan                    | Dodd     | Harris     | McLendon <sup>(Bullock)</sup> |
| Branyon                    | Edwards  | Harvey     | Martin                        |
| Brewer                     | Faulk    | Hawkins    | Meade                         |
| Britton                    | Ferguson | Hearn      | Merrill                       |
| Broadfoot                  | Franklin | Hocklander | Morrow                        |

|          |         |                   |          |
|----------|---------|-------------------|----------|
| Nettles  | Pierce  | Self              | Steagall |
| Nichols  | Powell  | Sessions          | Sullivan |
| Oakley   | Ramey   | Shumate           | Taylor   |
| Oden     | Rast    | Smith (Russell)   | Thomas   |
| Owens    | Ray     | Smith (St. Clair) | Torbert  |
| Perry    | Rogers  | Solomon           | Trimmier |
| Phillips | Rozelle | Speaks            | Turnham  |

—88

And said bill, H. 698, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                 |             |                    |                   |
|-----------------|-------------|--------------------|-------------------|
| Mr. Speaker:    | Cornett     | Hearn              | Phillips          |
| Adams (Houston) | Daniel      | Hocklander         | Pierce            |
| Albea           | Dickson     | Ingram             | Powell            |
| Ashworth        | Dodd        | Jenkins            | Ramey             |
| Avery           | Edwards     | Johnston (Leonard) | Rast              |
| Bailey          | Faulk       | Jones (Monroe)     | Ray               |
| Barnett         | Ferguson    | Lee                | Roberts           |
| Bassett         | Franklin    | Long (Lauderdale)  | Rogers            |
| Bevill          | Gilchrist   | Long (Perry)       | Rozelle           |
| Bishop          | Gilmer      | McClendon (Chamb)  | Self              |
| Boyd            | Glass       | McCorquodale       | Sessions          |
| Brannan         | Goldthwaite | McLendon (Bullock) | Smith (Russell)   |
| Branyon         | Goodwyn     | Martin             | Smith (St. Clair) |
| Brewer          | Gordon      | Meade              | Solomon           |
| Britton         | Grant       | Merrill            | Speaks            |
| Broadfoot       | Gross       | Morrow             | Steagall          |
| Cabiness        | Hanby       | Nettles            | Sullivan          |
| Camp            | Hankins     | Nichols            | Taylor            |
| Casey           | Hardy       | Oakley             | Thomas            |
| Chambers        | Harris      | Oden               | Torbert           |
| Cook            | Harvey      | Owens              | Trimmier          |
| Copeland        | Hawkins     | Perry              | Turnham           |

—88

And the bill:

H. 704. TO alter and re-arrange the boundary lines of the City of Brewton, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                 |         |           |          |
|-----------------|---------|-----------|----------|
| Mr. Speaker:    | Bevill  | Broadfoot | Copeland |
| Adams (Houston) | Bishop  | Brooks    | Cornett  |
| Albea           | Boyd    | Cabiness  | Daniel   |
| Ashworth        | Brannan | Camp      | Dickson  |
| Avery           | Branyon | Casey     | Dodd     |
| Barnett         | Brewer  | Chambers  | Edwards  |
| Bassett         | Britton | Cook      | Faulk    |

|             |                     |          |                   |
|-------------|---------------------|----------|-------------------|
| Ferguson    | Hearn               | Meade    | Rogers            |
| Franklin    | Hocklander          | Merrill  | Rozelle           |
| Gilmer      | Ingram              | Morrow   | Self              |
| Glass       | Jenkins             | Nettles  | Sessions          |
| Goldthwaite | Johnson (J. T. Tom) | Nichols  | Shumate           |
| Goodwyn     | Johnston (Leonard)  | Oakley   | Smith (Russell)   |
| Gordon      | Jones (Covington)   | Oden     | Smith (St. Clair) |
| Gross       | Jones (Monroe)      | Owens    | Solomon           |
| Grouby      | Lee                 | Perry    | Speaks            |
| Guthrie     | Locke               | Phillips | Steagall          |
| Hanby       | Long (Lauderdale)   | Pierce   | Sullivan          |
| Hankins     | Long (Perry)        | Powell   | Taylor            |
| Hardy       | McClendon (Chamb)   | Ramey    | Thomas            |
| Harris      | McCorquodale        | Rast     | Trimmier          |
| Harvey      | McLendon (Bullock)  | Ray      | Turnham           |
| Hawkins     | Martin              |          |                   |

—90

And the bill:

H. 707. To levy county sales and use taxes for public school purposes in Greene County; to provide for the collection of such taxes by the state department of revenue, and for the distribution and use of the proceeds thereof; to provide for the enforcement of the Act; to provide penalties for violations of the Act; to supersede and repeal Act No. 24, H. 15, approved February 19, 1959.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker:    | Dodd        | Ingram              | Perry             |
| Adams (Houston) | Edwards     | Jenkins             | Phillips          |
| Albea           | Faulk       | Johnson (J. T. Tom) | Pierce            |
| Ashworth        | Ferguson    | Johnston (Leonard)  | Powell            |
| Avery           | Franklin    | Jones (Covington)   | Ramey             |
| Barnett         | Gilmer      | Jones (Monroe)      | Rast              |
| Bassett         | Glass       | Lee                 | Ray               |
| Bevill          | Goldthwaite | Locke               | Roberts           |
| Bishop          | Goodwyn     | Long (Perry)        | Rogers            |
| Boyd            | Gordon      | McClendon (Chamb)   | Rozelle           |
| Brannan         | Grant       | McCorquodale        | Self              |
| Branyon         | Gross       | McLendon (Bullock)  | Sessions          |
| Brewer          | Grouby      | Martin              | Shumate           |
| Brooks          | Hanby       | Meade               | Smith (Russell)   |
| Cabiness        | Hankins     | Merrill             | Smith (St. Clair) |
| Camp            | Hardy       | Morrow              | Speaks            |
| Casey           | Harris      | Nettles             | Steagall          |
| Cook            | Harvey      | Nichols             | Sullivan          |
| Copeland        | Hawkins     | Oakley              | Taylor            |
| Cornett         | Hearn       | Oden                | Thomas            |
| Daniel          | Hocklander  | Owens               | Trimmier          |
| Dickson         |             |                     |                   |

—85

And the bill:

H. 706. Proposing an amendment to the Constitution of Alabama relating to the industrial development of Franklin County and the municipalities therein.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker:    | Dickson     | Jenkins             | Pierce            |
| Adams (Houston) | Dodd        | Johnson (J. T. Tom) | Powell            |
| Albea           | Edwards     | Johnston (Leonard)  | Ramey             |
| Ashworth        | Faulk       | Jones (Monroe)      | Rast              |
| Avery           | Ferguson    | Lee                 | Ray               |
| Barnett         | Gilmer      | Locke               | Roberts           |
| Bassett         | Glass       | Long (Lauderdale)   | Rogers            |
| Bevill          | Goldthwaite | Long (Perry)        | Rozelle           |
| Bishop          | Goodwyn     | McClendon (Chamb)   | Self              |
| Boyd            | Gordon      | McCorquodale        | Sessions          |
| Branyon         | Grant       | McLendon (Bullock)  | Shumate           |
| Brewer          | Gross       | Martin              | Smith (Russell)   |
| Britton         | Grouby      | Meade               | Smith (St. Clair) |
| Cabiness        | Hanby       | Merrill             | Solomon           |
| Camp            | Hankins     | Morrow              | Speaks            |
| Casey           | Hardy       | Nettles             | Steagall          |
| Chambers        | Harris      | Nichols             | Sullivan          |
| Cook            | Hawkins     | Oden                | Taylor            |
| Copeland        | Hearn       | Owens               | Thomas            |
| Cornett         | Hocklander  | Perry               | Trimmier          |
| Daniel          | Ingram      | Phillips            |                   |

—83

And the bill:

H. 715. Proposing an amendment to the Constitution of Alabama (1901) relative to the election of a chief of police of the City of Scottsboro, in Jackson County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker:    | Daniel      | Ingram              | Phillips          |
| Adams (Houston) | Dickson     | Jenkins             | Pierce            |
| Albea           | Dodd        | Johnson (J. T. Tom) | Powell            |
| Ashworth        | Edwards     | Johnston (Leonard)  | Ramey             |
| Avery           | Faulk       | Jones (Monroe)      | Rast              |
| Barnett         | Ferguson    | Lee                 | Ray               |
| Bassett         | Franklin    | Locke               | Roberts           |
| Bevill          | Gilmer      | Long (Lauderdale)   | Rogers            |
| Bishop          | Glass       | Long (Perry)        | Rozelle           |
| Boyd            | Goldthwaite | McClendon (Chamb)   | Self              |
| Branyon         | Goodwyn     | McCorquodale        | Smith (Russell)   |
| Brewer          | Gordon      | McLendon (Bullock)  | Smith (St. Clair) |
| Britton         | Grant       | Martin              | Solomon           |
| Broadfoot       | Gross       | Meade               | Speaks            |
| Cabiness        | Grouby      | Merrill             | Steagall          |
| Camp            | Hankins     | Morrow              | Sullivan          |
| Casey           | Hardy       | Nettles             | Taylor            |
| Chambers        | Harris      | Oakley              | Thomas            |
| Cook            | Hawkins     | Owens               | Torbert           |
| Copeland        | Hearn       | Perry               | Turnham           |
| Cornett         | Hocklander  |                     |                   |

—82

And the bill:

H. 736. To Amend further Act No. 415, H. 665, approved September 24, 1919, as amended and revised by Act No. 66, H. 261 (Local Acts of Alabama, 1947, page 46) and as thereafter further amended, which established the Morgan County Court in order to authorize the judge of such court to fix, within a prescribed maximum, the salary of the reporter for such court and to give the Act retroactive effect.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

|              |             |                     |                     |
|--------------|-------------|---------------------|---------------------|
| Mr. Speaker: | Cornett     | Hocklander          | Perry               |
| Albea        | Daniel      | Ingram              | Phillips            |
| Ashworth     | Dickson     | Jenkins             | Pierce              |
| Avery        | Dodd        | Johnson (J. T. Tom) | Powell              |
| Barnett      | Faulk       | Johnston (Leonard)  | Ramey               |
| Bassett      | Ferguson    | Jones (Monroe)      | Rast                |
| Bevill       | Franklin    | Lee                 | Ray                 |
| Bishop       | Gilchrist   | Locke               | Reynolds (Chambers) |
| Boyd         | Gilmer      | Long (Perry)        | Roberts             |
| Branyon      | Glass       | McClendon (Chamb)   | Rogers              |
| Brewer       | Goldthwaite | McCorquodale        | Rozelle             |
| Britton      | Gordon      | McLendon (Bullock)  | Self                |
| Broadfoot    | Grant       | Martin              | Smith (St. Clair)   |
| Brooks       | Grouby      | Meade               | Solomon             |
| Cabness      | Hanby       | Merrill             | Speaks              |
| Camp         | Hankins     | Morrow              | Steagall            |
| Casey        | Hardy       | Nettles             | Thomas              |
| Chambers     | Hawkins     | Oakley              | Trimmier            |
| Copeland     | Hearn       | Owens               |                     |

—75

And the bill:

H. 737. To amend further Section 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), which placed the judge of probate of Morgan County on a salary, prescribed certain duties of the judge of probate, and provided for clerical assistance, office space, supplies, and equipment necessary for the operation of his office; providing further for the clerk-hire allowance of the judge of probate.

Was taken up.

Messrs. Brewer and Gilchrist offered the following amendment to the bill, H. 737:

Amend the bill, H. B. 737, as follows:

Amend H. B. 737 by striking the words and figures nineteen thousand and three hundred dollars (\$19,300.00) where the same appear therein and by substituting in lieu thereof the words and figures twenty thousand and dollars (\$20,000.00).

Further amend said bill by amending Section 2 thereof to read as follows:

"Section 2. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law and shall be retroactive to October 1, 1959."

And the amendment was adopted.

Yeas 79; Nays 0.

**Yeas:**

|                            |            |                                |                              |
|----------------------------|------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Daniel     | Ingram                         | Owens                        |
| Adams <sup>(Houston)</sup> | Dickson    | Jenkins                        | Perry                        |
| Albea                      | Dodd       | Johnson <sup>(J. T. Tom)</sup> | Phillips                     |
| Barnett                    | Faulk      | Johnston <sup>(Leonard)</sup>  | Pierce                       |
| Bassett                    | Ferguson   | Jones <sup>(Covington)</sup>   | Powell                       |
| Bevill                     | Franklin   | Jones <sup>(Monroe)</sup>      | Ramey                        |
| Bishop                     | Gilchrist  | Lee                            | Ray                          |
| Boyd                       | Gilmer     | Locke                          | Roberts                      |
| Branyon                    | Gordon     | Long <sup>(Lauderdale)</sup>   | Rogers                       |
| Brewer                     | Grant      | Long <sup>(Perry)</sup>        | Rozelle                      |
| Britton                    | Grouby     | McClendon <sup>(Chamb)</sup>   | Self                         |
| Broadfoot                  | Guthrie    | McCorquodale                   | Sessions                     |
| Brooks                     | Hanby      | McLendon <sup>(Bullock)</sup>  | Shumate                      |
| Cabiness                   | Hankins    | Martin                         | Smith <sup>(St. Clair)</sup> |
| Camp                       | Hardy      | Meade                          | Solomon                      |
| Casey                      | Harris     | Merrill                        | Speaks                       |
| Chambers                   | Harvey     | Morrow                         | Steagall                     |
| Cook                       | Hawkins    | Nichols                        | Thomas                       |
| Copeland                   | Hearn      | Oakley                         | Trimmier                     |
| Cornett                    | Hocklander | Oden                           |                              |

—79

And said bill, H. 737, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

**Yeas:**

|                            |            |                                |                              |
|----------------------------|------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Daniel     | Ingram                         | Owens                        |
| Adams <sup>(Houston)</sup> | Dickson    | Jenkins                        | Phillips                     |
| Albea                      | Dodd       | Johnson <sup>(J. T. Tom)</sup> | Pierce                       |
| Ashworth                   | Edwards    | Johnston <sup>(Leonard)</sup>  | Powell                       |
| Barnett                    | Faulk      | Jones <sup>(Covington)</sup>   | Ramey                        |
| Bassett                    | Ferguson   | Jones <sup>(Monroe)</sup>      | Rast                         |
| Bevill                     | Franklin   | Lee                            | Ray                          |
| Bishop                     | Gilchrist  | Locke                          | Roberts                      |
| Boyd                       | Gilmer     | Long <sup>(Lauderdale)</sup>   | Rogers                       |
| Brannan                    | Glass      | Long <sup>(Perry)</sup>        | Rozelle                      |
| Branyon                    | Gordon     | McClendon <sup>(Chamb)</sup>   | Self                         |
| Brewer                     | Grant      | McCorquodale                   | Sessions                     |
| Britton                    | Grouby     | McLendon <sup>(Bullock)</sup>  | Shumate                      |
| Broadfoot                  | Guthrie    | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Hanby      | Meade                          | Solomon                      |
| Cabiness                   | Hankins    | Merrill                        | Speaks                       |
| Camp                       | Hardy      | Morrow                         | Steagall                     |
| Casey                      | Harris     | Nettles                        | Taylor                       |
| Chambers                   | Harvey     | Nichols                        | Thomas                       |
| Cook                       | Hawkins    | Oakley                         | Trimmier                     |
| Copeland                   | Hearn      | Oden                           | Turnham                      |
| Cornett                    | Hocklander |                                |                              |

—86

**MOTION TO RECONSIDER ADOPTED**

The motion of Mr. Gross to reconsider the vote by which the bill, H. 715, was passed, was adopted.

And the bill:

H. 738. To amend further Act No. 437, H. 937, approved August 17, 1951 (Acts of Alabama, 1951, page 789) as amended, which fixes the compensation of members of the Board of Revenue and Control of Morgan County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker:    | Daniel      | Jenkins             | Perry             |
| Adams (Houston) | Dickson     | Johnson (Hardaway)  | Phillips          |
| Albea           | Dodd        | Johnson (J. T. Tom) | Pierce            |
| Ashworth        | Edwards     | Johnston (Leonard)  | Powell            |
| Bailey          | Ferguson    | Jones (Covington)   | Ramey             |
| Barnett         | Franklin    | Jones (Monroe)      | Rast              |
| Bassett         | Gilchrist   | Lee                 | Ray               |
| Bevill          | Gilmer      | Locke               | Roberts           |
| Bishop          | Glass       | Long (Lauderdale)   | Rogers            |
| Boyd            | Goldthwaite | McClendon (Chamb)   | Rozelle           |
| Brannan         | Gordon      | McCorquodale        | Self              |
| Branyon         | Grant       | McLendon (Bullock)  | Sessions          |
| Brewer          | Gross       | Martin              | Smith (Russell)   |
| Britton         | Grouby      | Meade               | Smith (St. Clair) |
| Broadfoot       | Guthrie     | Merrill             | Speaks            |
| Brooks          | Hanby       | Morrow              | Steagall          |
| Cabiness        | Hankins     | Nettles             | Sullivan          |
| Casey           | Hardy       | Nichols             | Thomas            |
| Chambers        | Harris      | Oakley              | Torbert           |
| Cook            | Hearn       | Oden                | Trimmier          |
| Copeland        | Hocklander  | Owens               | Turnham           |
| Cornett         |             |                     |                   |

—85

And the bill:

H. 739. To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama.

Was taken up.

Messrs. Brewer and Gilchrist offered the following amendment to the bill, H. 739:

Amend H. B. 739 as follows:

Amend Section 4 of H. B. 739 by adding following the period at the end of Section 4 thereof the following:

"The Committee shall have the authority to purchase such personal property as may be necessary to operate said library."

Further amend the bill by inserting following Section 7 the following section:

"Section 7a. The Secretary of State of the State of Alabama shall furnish to said Committee two sets of each Code adopted by the State



of Alabama and two copies of each supplement thereto as the same are adopted or published."

Further amend said bill by amending Section 8 thereof to read as follows:

"This Act shall become effective following its passage and approval by the Governor or upon its otherwise becoming a law on February 1, 1960."

And the amendment was adopted.

Yeas 88; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker:    | Cornett     | Hocklander          | Perry             |
| Adams (Houston) | Daniel      | Jenkins             | Phillips          |
| Albea           | Dickson     | Johnson (Hardaway)  | Pierce            |
| Ashworth        | Dodd        | Johnson (J. T. Tom) | Powell            |
| Avery           | Faulk       | Johnston (Leonard)  | Ramey             |
| Bailey          | Ferguson    | Jones (Covington)   | Rast              |
| Barnett         | Franklin    | Jones (Monroe)      | Ray               |
| Bassett         | Gilchrist   | Lee                 | Roberts           |
| Bevill          | Gilmer      | Locke               | Rogers            |
| Bishop          | Glass       | Long (Lauderdale)   | Rozelle           |
| Boyd            | Goldthwaite | Long (Perry)        | Self              |
| Brannan         | Gordon      | McClendon (Chamb)   | Sessions          |
| Branyon         | Grant       | McLendon (Bullock)  | Shumate           |
| Brewer          | Gross       | Martin              | Smith (Russell)   |
| Britton         | Grouby      | Meade               | Smith (St. Clair) |
| Broadfoot       | Guthrie     | Merrill             | Speaks            |
| Brooks          | Hanby       | Morrow              | Steagall          |
| Camp            | Hankins     | Nettles             | Sullivan          |
| Casey           | Hardy       | Nichols             | Taylor            |
| Chambers        | Harris      | Oakley              | Thomas            |
| Cook            | Harvey      | Oden                | Trimmier          |
| Copeland        | Hearn       | Owens               | Turnham           |

—88

And said bill, H. 739, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|                 |           |             |                     |
|-----------------|-----------|-------------|---------------------|
| Mr. Speaker:    | Broadfoot | Franklin    | Hawkins             |
| Adams (Houston) | Brooks    | Gilchrist   | Hearn               |
| Albea           | Cabiness  | Gilmer      | Hocklander          |
| Ashworth        | Camp      | Glass       | Jenkins             |
| Avery           | Casey     | Goldthwaite | Johnson (Hardaway)  |
| Bailey          | Chambers  | Gordon      | Johnson (J. T. Tom) |
| Barnett         | Cook      | Grant       | Johnston (Leonard)  |
| Bassett         | Copeland  | Gross       | Jones (Covington)   |
| Bevill          | Cornett   | Grouby      | Jones (Monroe)      |
| Bishop          | Daniel    | Guthrie     | Lee                 |
| Boyd            | Dickson   | Hanby       | Locke               |
| Brannan         | Dodd      | Hankins     | Long (Lauderdale)   |
| Branyon         | Edwards   | Hardy       | Long (Perry)        |
| Brewer          | Faulk     | Harris      | McClendon (Chamb)   |
| Britton         | Ferguson  | Harvey      | McLendon (Bullock)  |

|         |          |                              |          |
|---------|----------|------------------------------|----------|
| Martin  | Owens    | Roberts                      | Speaks   |
| Meade   | Perry    | Rogers                       | Steagall |
| Merrill | Phillips | Rozelle                      | Sullivan |
| Morrow  | Pierce   | Self                         | Thomas   |
| Nettles | Powell   | Sessions                     | Torbert  |
| Nichols | Ramey    | Shumate                      | Trimmier |
| Oakley  | Rast     | Smith <sup>(Russell)</sup>   | Turnham  |
| Oden    | Ray      | Smith <sup>(St. Clair)</sup> |          |

—91

And the bill:

H. 740. To amend further Act No. 415, H. 665, approved September 24, 1919, the act that established the county court for Morgan County (Local Acts 1919, p. 194), in relation to the compensation of the register of the circuit court of Morgan County for ex officio services performed in said court.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Cornett     | Hearn                          | Perry                        |
| Adams <sup>(Houston)</sup> | Daniel      | Hocklander                     | Phillips                     |
| Albea                      | Dickson     | Jenkins                        | Pierce                       |
| Ashworth                   | Dodd        | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Avery                      | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Bailey                     | Faulk       | Johnston <sup>(Leonard)</sup>  | Ray                          |
| Barnett                    | Ferguson    | Jones <sup>(Covington)</sup>   | Roberts                      |
| Bassett                    | Franklin    | Jones <sup>(Monroe)</sup>      | Rogers                       |
| Bevill                     | Gilchrist   | Lee                            | Rozelle                      |
| Bishop                     | Gilmer      | Long <sup>(Perry)</sup>        | Self                         |
| Boyd                       | Glass       | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Brannan                    | Goldthwaite | McCorquodale                   | Shumate                      |
| Branyon                    | Gordon      | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Brewer                     | Gross       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Britton                    | Grouby      | Meade                          | Speaks                       |
| Broadfoot                  | Guthrie     | Merrill                        | Steagall                     |
| Cabiness                   | Hanby       | Morrow                         | Sullivan                     |
| Camp                       | Hankins     | Nettles                        | Thomas                       |
| Casey                      | Hardy       | Nichols                        | Torbert                      |
| Chambers                   | Harris      | Oakley                         | Trimmier                     |
| Cook                       | Harvey      | Oden                           | Turnham                      |
| Copeland                   | Hawkins     | Owens                          |                              |

—87

And the bill:

H. 741. To amend further Sections 1 and 3 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor.

Was taken up.

Messrs. Brewer and Gilchrist offered the following amendment to the bill, H. 741:

Amend the bill, H. B. 741, by striking the words and figures six thousand two hundred dollars (\$6,200.00) where the same appear therein

and by substituting in lieu thereof the words and figures seven thousand dollars (\$7,000.00).

Further amend said bill by amending Section 3 thereof to read as follows:

"Section 3. Section 1 of this Act shall become effective upon the expiration of the term of the incumbent tax assessor of Morgan County in accordance with the provisions of Amendment XCII to the Constitution of Alabama. Section 2 of this Act shall become effective on its passage and approval by the Governor or upon its otherwise becoming a law, and shall be retroactive to October 1, 1959."

And the amendment was adopted.

Yeas 90; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Daniel      | Ingram                         | Perry                        |
| Adams <sup>(Houston)</sup> | Dickson     | Jenkins                        | Phillips                     |
| Albea                      | Dodd        | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Avery                      | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Bailey                     | Faulk       | Johnston <sup>(Leonard)</sup>  | Ramey                        |
| Barnett                    | Ferguson    | Jones <sup>(Monroe)</sup>      | Rast                         |
| Bassett                    | Franklin    | Lee                            | Ray                          |
| Bevill                     | Gilchrist   | Locke                          | Roberts                      |
| Bishop                     | Gilmer      | Long <sup>(Lauderdale)</sup>   | Rogers                       |
| Boyd                       | Glass       | Long <sup>(Perry)</sup>        | Rozelle                      |
| Brannan                    | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Self                         |
| Branyon                    | Goodwyn     | McCorquodale                   | Sessions                     |
| Brewer                     | Gordon      | McLendon <sup>(Bullock)</sup>  | Shumate                      |
| Britton                    | Grant       | Martin                         | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Grouby      | Meade                          | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Guthrie     | Merrill                        | Speaks                       |
| Cabiness                   | Hanby       | Morrow                         | Steagall                     |
| Camp                       | Hankins     | Nettles                        | Sullivan                     |
| Casey                      | Hardy       | Nichols                        | Taylor                       |
| Chambers                   | Harris      | Oakley                         | Thomas                       |
| Cook                       | Harvey      | Oden                           | Trimmier                     |
| Copeland                   | Hawkins     | Owens                          | Turnham                      |
| Cornett                    | Hocklander  |                                |                              |

—90

And said bill, H. 741, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                            |           |           |             |
|----------------------------|-----------|-----------|-------------|
| Mr. Speaker:               | Brannan   | Cornett   | Goldthwaite |
| Adams <sup>(Houston)</sup> | Branyon   | Daniel    | Goodwyn     |
| Albea                      | Brewer    | Dickson   | Gordon      |
| Ashworth                   | Britton   | Dodd      | Grant       |
| Avery                      | Broadfoot | Edwards   | Gross       |
| Bailey                     | Cabiness  | Faulk     | Grouby      |
| Barnett                    | Camp      | Ferguson  | Guthrie     |
| Bassett                    | Casey     | Franklin  | Hanby       |
| Bevill                     | Chambers  | Gilchrist | Hankins     |
| Bishop                     | Cook      | Gilmer    | Hardy       |
| Boyd                       | Copeland  | Glass     | Harris      |

|                     |                    |          |                   |
|---------------------|--------------------|----------|-------------------|
| Harvey              | Long (Perry)       | Owens    | Self              |
| Hawkins             | McClendon (Chamb)  | Perry    | Sessions          |
| Hocklander          | McCorquodale       | Phillips | Shumate           |
| Ingram              | McLendon (Bullock) | Pierce   | Smith (Russell)   |
| Jenkins             | Martin             | Powell   | Smith (St. Clair) |
| Johnson (Hardaway)  | Meade              | Ramey    | Speaks            |
| Johnson (J. T. Tom) | Merrill            | Rast     | Steagall          |
| Johnston (Leonard)  | Morrow             | Ray      | Sullivan          |
| Jones (Monroe)      | Nettles            | Roberts  | Thomas            |
| Lee                 | Nichols            | Rogers   | Trimmier          |
| Locke               | Oakley             | Rozelle  | Turnham           |
| Long (Lauderdale)   | Oden               |          |                   |

—90

And the bill:

H. 742. To alter, rearrange, and redefine the boundaries of the four subdivisions of Morgan County heretofore designated as districts for certain purposes prescribed by law.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker:    | Dickson     | Ingram              | Phillips          |
| Adams (Houston) | Dodd        | Jenkins             | Pierce            |
| Albea           | Edwards     | Johnson (Hardaway)  | Powell            |
| Ashworth        | Faulk       | Johnson (J. T. Tom) | Ramey             |
| Avery           | Ferguson    | Jones (Monroe)      | Rast              |
| Barnett         | Franklin    | Lee                 | Ray               |
| Bassett         | Gilchrist   | Locke               | Roberts           |
| Bevill          | Gilmer      | Long (Lauderdale)   | Rogers            |
| Bishop          | Glass       | Long (Perry)        | Rozelle           |
| Boyd            | Goldthwaite | McClendon (Chamb)   | Self              |
| Brannan         | Goodwyn     | McCorquodale        | Sessions          |
| Branyon         | Gordon      | McLendon (Bullock)  | Shumate           |
| Brewer          | Grant       | Martin              | Smith (Russell)   |
| Britton         | Gross       | Meade               | Smith (St. Clair) |
| Broadfoot       | Grouby      | Merrill             | Solomon           |
| Cabiness        | Guthrie     | Morrow              | Speaks            |
| Camp            | Hanby       | Nettles             | Steagall          |
| Casey           | Hankins     | Nichols             | Sullivan          |
| Chambers        | Hardy       | Oakley              | Thomas            |
| Cook            | Harris      | Oden                | Torbert           |
| Copeland        | Harvey      | Owens               | Trimmier          |
| Cornett         | Hawkins     | Perry               | Turnham           |
| Daniel          | Hocklander  |                     |                   |

—90

And the bill:

H. 743. To amend further Sections 1 and 3 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, P. 278), which fixed the compensation or salary to be paid the tax collector of Morgan County, provided clerical assistance, supplies and equipment for the conduct of his office, and prescribed certain duties of the tax collector.

**Was taken up.**

Messrs. Brewer and Gilchrist offered the following amendment to the bill, H. 743:

Amend the bill, H. B. 743, by striking the words and figures six thousand two hundred dollars (\$6,200.00) where the same appear therein and by substituting in lieu thereof the words and figures seven thousand dollars (\$7,000.00).

Further amend said bill by amending Section 3 thereof to read as follows:

"Section 3. Section 1 of this Act shall become effective upon the expiration of the term of the incumbent tax collector of Morgan County in accordance with the provisions of Amendment XCII to the Constitution of Alabama. Section 2 of this Act shall become effective on its passage and approval by the Governor or upon its otherwise becoming a law, and shall be retroactive to October 1, 1959."

And the amendment was adopted.

Yeas 88; Nays 0.

**Yeas:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker:               | Cornett   | Hocklander                     | Perry                        |
| Adams <sup>(Houston)</sup> | Daniel    | Ingram                         | Phillips                     |
| Albea                      | Dickson   | Jenkins                        | Pierce                       |
| Ashworth                   | Dodd      | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Avery                      | Edwards   | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Bailey                     | Faulk     | Jones <sup>(Covington)</sup>   | Rast                         |
| Barnett                    | Franklin  | Jones <sup>(Monroe)</sup>      | Ray                          |
| Bassett                    | Gilchrist | Lee                            | Roberts                      |
| Bevill                     | Gilmer    | Locke                          | Rogers                       |
| Bishop                     | Glass     | Long <sup>(Lauderdale)</sup>   | Rozelle                      |
| Boyd                       | Goodwyn   | Long <sup>(Perry)</sup>        | Self                         |
| Brannan                    | Gordon    | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Branyon                    | Grant     | McCorquodale                   | Shumate                      |
| Brewer                     | Gross     | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Britton                    | Grouby    | Martin                         | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Guthrie   | Merrill                        | Solomon                      |
| Cabiness                   | Hanby     | Morrow                         | Speaks                       |
| Camp                       | Hankins   | Nettles                        | Steagall                     |
| Casey                      | Hardy     | Nichols                        | Sullivan                     |
| Chambers                   | Harris    | Oakley                         | Thomas                       |
| Cook                       | Harvey    | Oden                           | Trimmier                     |
| Copeland                   | Hawkins   | Owens                          | Turnham                      |

—88

And said bill, H. 743, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                            |           |          |             |
|----------------------------|-----------|----------|-------------|
| Mr. Speaker:               | Bishop    | Camp     | Edwards     |
| Adams <sup>(Houston)</sup> | Boyd      | Casey    | Faulk       |
| Albea                      | Brannan   | Chambers | Ferguson    |
| Ashworth                   | Branyon   | Cook     | Franklin    |
| Avery                      | Brewer    | Copeland | Gilchrist   |
| Bailey                     | Britton   | Cornett  | Gilmer      |
| Barnett                    | Broadfoot | Daniel   | Glass       |
| Bassett                    | Brooks    | Dickson  | Goldthwaite |
| Bevill                     | Cabiness  | Dodd     | Gordon      |

|            |                     |          |                   |
|------------|---------------------|----------|-------------------|
| Grant      | Johnson (J. T. Tom) | Nichols  | Rozelle           |
| Gross      | Johnston (Leonard)  | Oakley   | Self              |
| Grouby     | Lee                 | Oden     | Sessions          |
| Guthrie    | Locke               | Owens    | Shumate           |
| Hanby      | Long (Perry)        | Perry    | Smith (Russell)   |
| Hankins    | McClendon (Chamb)   | Phillips | Smith (St. Clair) |
| Hardy      | McCorquodale        | Pierce   | Solomon           |
| Harris     | McLendon (Bullock)  | Powell   | Speaks            |
| Harvey     | Martin              | Ramey    | Steagall          |
| Hawkins    | Meade               | Rast     | Sullivan          |
| Hocklander | Merrill             | Ray      | Thomas            |
| Ingram     | Morrow              | Roberts  | Trimmier          |
| Jenkins    | Nettles             | Rogers   | Turnham           |

—88

And the bill:

S. 311. To amend further Section 1 of Act No. 311, S. 411, approved July 31, 1951, an act regulating the office of sheriff in counties of more than 96,000 population and less than 140,000 population, according to the last or any subsequent federal decennial census (Acts 1951 Regular Session, Vol. I, p. 606), in relation to the employment of deputies, clerks, wardens, jailers, and other assistants by the sheriffs of such counties.

Was read a third time at length and passed.

Yeas 89; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker:    | Daniel      | Ingram              | Phillips            |
| Adams (Houston) | Dickson     | Jenkins             | Pierce              |
| Albea           | Dodd        | Johnson (Hardaway)  | Powell              |
| Ashworth        | Edwards     | Johnson (J. T. Tom) | Ramey               |
| Avery           | Faulk       | Johnston (Leonard)  | Rast                |
| Bailey          | Franklin    | Jones (Covington)   | Ray                 |
| Barnett         | Gilchrist   | Jones (Monroe)      | Reynolds (Chambers) |
| Bassett         | Gilmer      | Lee                 | Roberts             |
| Bevill          | Glass       | Locke               | Rogers              |
| Boyd            | Goldthwaite | Long (Lauderdale)   | Rozelle             |
| Brannan         | Goodwyn     | Long (Perry)        | Self                |
| Branyon         | Gordon      | McClendon (Chamb)   | Sessions            |
| Brewer          | Grant       | McCorquodale        | Shumate             |
| Britton         | Gross       | McLendon (Bullock)  | Smith (Russell)     |
| Broadfoot       | Grouby      | Martin              | Smith (St. Clair)   |
| Brooks          | Guthrie     | Meade               | Solomon             |
| Cabiness        | Hanby       | Merrill             | Speaks              |
| Camp            | Hankins     | Morrow              | Steagall            |
| Casey           | Hardy       | Nettles             | Sullivan            |
| Chambers        | Harvey      | Oden                | Thomas              |
| Cook            | Hawkins     | Owens               | Trimmier            |
| Copeland        | Hocklander  | Perry               | Turnham             |
| Cornett         |             |                     |                     |

—89

And the bill:

H. 710. To authorize the Health Officer of any county of this state having a population of 500,000 or more according to the last or any subsequent federal census to obtain, perform or require an autopsy on or internal examination of the body of any person whose death the said Health Officer has reason to believe was caused by communicable dis-

ease or other cause related to the protection of the public health; to authorize the said Health Officer to make all necessary and reasonable orders to secure and facilitate the making of such autopsy or internal examination; to provide that it shall be a misdemeanor for any person to impede, interfere with or obstruct the said Health Officer in his making or performing any such autopsy or examination, or to impede, interfere with or obstruct any other person in making or performing such autopsy or examination at the request of the said Health Officer; and to provide for the payment of expenses relating to said autopsy or internal examination.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 89; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Daniel      | Johnson <sup>(Hardaway)</sup>  | Phillips                       |
| Adams <sup>(Houston)</sup> | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Pierce                         |
| Albea                      | Edwards     | Johnston <sup>(Leonard)</sup>  | Powell                         |
| Ashworth                   | Faulk       | Jones <sup>(Covington)</sup>   | Ramey                          |
| Avery                      | Ferguson    | Jones <sup>(Monroe)</sup>      | Rast                           |
| Bailey                     | Gilchrist   | Lee                            | Ray                            |
| Barnett                    | Gilmer      | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Roberts                        |
| Bevill                     | Goodwyn     | Long <sup>(Perry)</sup>        | Rogers                         |
| Bishop                     | Gordon      | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Boyd                       | Grant       | McCorquodale                   | Self                           |
| Brannan                    | Gross       | McLendon <sup>(Bullock)</sup>  | Sessions                       |
| Branyon                    | Grouby      | Martin                         | Shumate                        |
| Brewer                     | Guthrie     | Meade                          | Smith <sup>(Russell)</sup>     |
| Britton                    | Hanby       | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hankins     | Morrow                         | Solomon                        |
| Cabiness                   | Hardy       | Nettles                        | Speaks                         |
| Camp                       | Harvey      | Nichols                        | Steagall                       |
| Casey                      | Hawkins     | Oakley                         | Sullivan                       |
| Chambers                   | Hocklander  | Oden                           | Thomas                         |
| Cook                       | Ingram      | Owens                          | Trimmier                       |
| Copeland                   | Jenkins     | Perry                          | Turnham                        |
| Cornett                    |             |                                |                                |

—89

And the bill:

H. 711. To provide for the relief of Lula Braxton, out of the general funds of the City of Birmingham, a municipality, Jefferson County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|                            |           |          |             |
|----------------------------|-----------|----------|-------------|
| Mr. Speaker:               | Bevill    | Cabiness | Dickson     |
| Adams <sup>(Houston)</sup> | Bishop    | Camp     | Dodd        |
| Albea                      | Boyd      | Casey    | Edwards     |
| Ashworth                   | Brannan   | Chambers | Faulk       |
| Avery                      | Branyon   | Cook     | Ferguson    |
| Bailey                     | Brewer    | Copeland | Gilchrist   |
| Barnett                    | Britton   | Cornett  | Gilmer      |
| Bassett                    | Broadfoot | Daniel   | Goldthwaite |

|            |                                |          |                              |
|------------|--------------------------------|----------|------------------------------|
| Goodwyn    | Johnson <sup>(Hardaway)</sup>  | Morrow   | Rozelle                      |
| Gordon     | Johnson <sup>(J. T. Tom)</sup> | Nettles  | Self                         |
| Grant      | Johnston <sup>(Leonard)</sup>  | Nichols  | Sessions                     |
| Gross      | Jones <sup>(Covington)</sup>   | Oakley   | Shumate                      |
| Grouby     | Jones <sup>(Monroe)</sup>      | Oden     | Smith <sup>(Russell)</sup>   |
| Guthrie    | Lee                            | Owens    | Smith <sup>(St. Clair)</sup> |
| Hanby      | Locke                          | Perry    | Solomon                      |
| Hankins    | Long <sup>(Perry)</sup>        | Phillips | Speaks                       |
| Hardy      | McClendon <sup>(Chamb)</sup>   | Pierce   | Steagall                     |
| Harris     | McCorquodale                   | Powell   | Sullivan                     |
| Harvey     | McLendon <sup>(Bullock)</sup>  | Ramey    | Thomas                       |
| Hawkins    | Martin                         | Ray      | Trimmier                     |
| Hocklander | Meade                          | Roberts  | Turnham                      |
| Jenkins    | Merrill                        | Rogers   |                              |

—87

And the bill:

H. 712. To amend Section 797, Title 37, of the 1940 Code of the State of Alabama, as amended by Act No. 421 of the 1949 Regular Session of the Legislature of Alabama (General Acts, 1949, p. 597).

Was taken up.

Mr. Morrow offered the following amendment to the bill, H. 712:

#### AMENDMENT TO H. B. 712

Delete the phrase

"or shall actively exercise zoning jurisdiction and control therein within ~~180 days after~~ the effective date of this act"

And the amendment was adopted.

Yeas 83; Nays 0.

#### Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Cornett     | Ingram                         | Perry                        |
| Adams <sup>(Houston)</sup> | Daniel      | Jenkins                        | Phillips                     |
| Albea                      | Dickson     | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Ashworth                   | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Avery                      | Edwards     | Johnston <sup>(Leonard)</sup>  | Ramey                        |
| Bailey                     | Faulk       | Jones <sup>(Monroe)</sup>      | Rast                         |
| Barnett                    | Ferguson    | Lee                            | Ray                          |
| Bassett                    | Gilchrist   | Locke                          | Rozelle                      |
| Bevill                     | Gilmer      | Long <sup>(Lauderdale)</sup>   | Self                         |
| Bishop                     | Glass       | Long <sup>(Perry)</sup>        | Sessions                     |
| Boyd                       | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Shumate                      |
| Brannan                    | Goodwyn     | McCorquodale                   | Smith <sup>(Russell)</sup>   |
| Branyon                    | Grant       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Gross       | Martin                         | Solomon                      |
| Britton                    | Grouby      | Meade                          | Speaks                       |
| Broadfoot                  | Hanby       | Merrill                        | Steagall                     |
| Cabiness                   | Hankins     | Morrow                         | Sullivan                     |
| Camp                       | Hardy       | Nettles                        | Thomas                       |
| Casey                      | Harvey      | Nichols                        | Trimmier                     |
| Chambers                   | Hawkins     | Oden                           | Turnham                      |
| Copeland                   | Hocklander  | Owens                          |                              |

—83

And said bill, H. 712, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.



Yeas 91; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker:    | Daniel      | Jenkins             | Phillips          |
| Adams (Houston) | Dickson     | Johnson (Hardaway)  | Pierce            |
| Albea           | Dodd        | Johnson (J. T. Tom) | Powell            |
| Ashworth        | Edwards     | Johnston (Leonard)  | Ramey             |
| Avery           | Faulk       | Jones (Covington)   | Rast              |
| Bailey          | Ferguson    | Jones (Monroe)      | Ray               |
| Barnett         | Gilchrist   | Lee                 | Roberts           |
| Bassett         | Gilmer      | Locke               | Rogers            |
| Bevill          | Glass       | Long (Lauderdale)   | Rozelle           |
| Bishop          | Goldthwaite | Long (Perry)        | Self              |
| Boyd            | Goodwyn     | McClendon (Chamb)   | Sessions          |
| Brannan         | Gordon      | McCorquodale        | Shumate           |
| Branyon         | Grant       | McLendon (Bullock)  | Smith (Russell)   |
| Brewer          | Gross       | Martin              | Smith (St. Clair) |
| Britton         | Grouby      | Meade               | Solomon           |
| Broadfoot       | Guthrie     | Merrill             | Speaks            |
| Brooks          | Hanby       | Morrow              | Steagall          |
| Cabiness        | Hankins     | Nettles             | Sullivan          |
| Camp            | Hardy       | Nichols             | Taylor            |
| Casey           | Harvey      | Oakley              | Thomas            |
| Chambers        | Hawkins     | Oden                | Trimmier          |
| Cook            | Hocklander  | Owens               | Turnham           |
| Cornett         | Ingram      | Perry               |                   |

—91

And the bill:

H. 654. Relating to Mobile County; authorizing and directing the board of revenue and road commissioners of the county to establish and maintain a special fund to be used and expended by the sheriff of the county in law enforcement and in the conduct of his office; and regulating the disbursement of the moneys in this fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|              |             |                     |                    |
|--------------|-------------|---------------------|--------------------|
| Mr. Speaker: | Copeland    | Hardy               | McLendon (Bullock) |
| Albea        | Cornett     | Harris              | Martin             |
| Ashworth     | Daniel      | Harvey              | Meade              |
| Bailey       | Dickson     | Hawkins             | Merrill            |
| Barnett      | Dodd        | Hearn               | Morrow             |
| Bassett      | Edwards     | Hocklander          | Nettles            |
| Bishop       | Faulk       | Ingram              | Nichols            |
| Brannan      | Ferguson    | Jenkins             | Oakley             |
| Branyon      | Gilchrist   | Johnson (Hardaway)  | Oden               |
| Brewer       | Gilmer      | Johnson (J. T. Tom) | Owens              |
| Britton      | Glass       | Johnston (Leonard)  | Perry              |
| Broadfoot    | Goldthwaite | Jones (Covington)   | Phillips           |
| Brooks       | Gordon      | Jones (Monroe)      | Pierce             |
| Cabiness     | Grant       | Lee                 | Powell             |
| Camp         | Gross       | Locke               | Ramey              |
| Casey        | Grouby      | Long (Perry)        | Rast               |
| Chambers     | Hanby       | McClendon (Chamb)   | Ray                |
| Cook         | Hankins     | McCorquodale        | Roberts            |

|          |                              |          |          |
|----------|------------------------------|----------|----------|
| Rogers   | Shumate                      | Speaks   | Thomas   |
| Rozelle  | Smith <sup>(Russell)</sup>   | Steagall | Trimmier |
| Self     | Smith <sup>(St. Clair)</sup> | Sullivan | Turnham  |
| Sessions | Solomon                      | Taylor   |          |

—87

And the bill:

H. 772. Relating to the municipality of Prattville in Autauga County: To alter and rearrange the boundaries of the City.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|              |             |                                |                              |
|--------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker: | Dickson     | Hocklander                     | Phillips                     |
| Albea        | Dodd        | Ingram                         | Pierce                       |
| Ashworth     | Edwards     | Jenkins                        | Powell                       |
| Avery        | Faulk       | Johnson <sup>(Hardaway)</sup>  | Ramey                        |
| Bailey       | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Barnett      | Franklin    | Johnston <sup>(Leonard)</sup>  | Ray                          |
| Bassett      | Gilchrist   | Jones <sup>(Monroe)</sup>      | Roberts                      |
| Bishop       | Gilmer      | Locke                          | Rogers                       |
| Boyd         | Glass       | Long <sup>(Lauderdale)</sup>   | Rozelle                      |
| Brannan      | Goldthwaite | Long <sup>(Perry)</sup>        | Self                         |
| Branyon      | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Brewer       | Gordon      | McCorquodale                   | Shumate                      |
| Britton      | Grant       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Broadfoot    | Gross       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brooks       | Grouby      | Meade                          | Solomon                      |
| Cabiness     | Guthrie     | Merrill                        | Speaks                       |
| Camp         | Hanby       | Morrow                         | Steagall                     |
| Casey        | Hankins     | Nettles                        | Sullivan                     |
| Chambers     | Hardy       | Nichols                        | Taylor                       |
| Cook         | Harris      | Oakley                         | Thomas                       |
| Copeland     | Harvey      | Oden                           | Trimmier                     |
| Cornett      | Hawkins     | Owens                          | Turnham                      |
| Daniel       | Hearn       | Perry                          |                              |

—91

And the bill:

H. 785. Relating to game and fish in Lawrence County; to prohibit the use of gill nets, hoop nets, and trammel nets in taking, capturing, or killing fish in public waters anywhere in Lawrence County; prescribing penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                            |           |          |             |
|----------------------------|-----------|----------|-------------|
| Mr. Speaker:               | Bevill    | Brooks   | Dickson     |
| Adams <sup>(Houston)</sup> | Bishop    | Camp     | Dodd        |
| Albea                      | Boyd      | Casey    | Faulk       |
| Ashworth                   | Brannan   | Chambers | Ferguson    |
| Avery                      | Branyon   | Cook     | Gilchrist   |
| Bailey                     | Brewer    | Copeland | Gilmer      |
| Barnett                    | Britton   | Cornett  | Glass       |
| Bassett                    | Broadfoot | Daniel   | Goldthwaite |

|            |                               |          |                              |
|------------|-------------------------------|----------|------------------------------|
| Goodwyn    | Jenkins                       | Nettles  | Rozelle                      |
| Gordon     | Johnson <sup>(Hardaway)</sup> | Nichols  | Self                         |
| Grant      | Johnston <sup>(Leonard)</sup> | Oakley   | Sessions                     |
| Gross      | Lee                           | Oden     | Shumate                      |
| Grouby     | Locke                         | Owens    | Smith <sup>(Russell)</sup>   |
| Guthrie    | Long <sup>(Lauderdale)</sup>  | Perry    | Smith <sup>(St. Clair)</sup> |
| Hanby      | Long <sup>(Perry)</sup>       | Phillips | Solomon                      |
| Hankins    | McClendon <sup>(Chamb)</sup>  | Pierce   | Speaks                       |
| Hardy      | McCorquodale                  | Powell   | Steagall                     |
| Harvey     | McLendon <sup>(Bullock)</sup> | Ramey    | Sullivan                     |
| Hawkins    | Martin                        | Rast     | Taylor                       |
| Hearn      | Meade                         | Ray      | Thomas                       |
| Hocklander | Merrill                       | Roberts  | Trimmier                     |
| Ingram     | Morrow                        | Rogers   | Turnham                      |

—88

And the bill:

H. 796 (with substitute). To permit any bank now or hereafter having a combined or paid-in capital and paid-in or earned surplus of more than \$500,000 and having an authorized office or place of business in Decatur, Alabama, to establish, maintain and operate additional offices or places of business in such city or the police jurisdiction thereof, with the approval of the Superintendent of Banks.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To permit any bank now or hereafter having a combined or paid-in capital and paid-in or earned surplus of more than \$500,000 and having an authorized office or place of business in Decatur, Alabama, to establish, maintain and operate additional offices or places of business in such city or the police jurisdiction thereof, with the approval of the Superintendent of Banks.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the approval of this Act, subject to the provisions of Section 2 hereof, any bank authorized to engage in the banking business in Decatur, Alabama, now or hereafter having a combined paid-in capital and paid-in or earned surplus of more than \$500,000, and having an office or place of business in Decatur, Alabama, shall have power to establish, maintain and operate within the limits of such city or the police jurisdiction thereof, one or more branches or additional offices or places of business, provided that such bank, before the establishment of any such branch or additional office or additional place of business shall first secure the written consent thereto of the Superintendent of Banks of the State of Alabama.

Section 2. This Act shall take effect immediately, but no such additional branch, or office, or place of business shall be opened for the transaction of business prior to January 1, 1962.

And the substitute was adopted.

Yeas 87; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker:    | Daniel      | Hearn               | Perry             |
| Adams (Houston) | Dickson     | Hocklander          | Phillips          |
| Albea           | Dodd        | Johnson (Hardaway)  | Pierce            |
| Ashworth        | Edwards     | Johnson (J. T. Tom) | Powell            |
| Bailey          | Faulk       | Johnston (Leonard)  | Ramey             |
| Barnett         | Ferguson    | Jones (Monroe)      | Rast              |
| Bassett         | Franklin    | Lee                 | Ray               |
| Bevill          | Gilchrist   | Locke               | Roberts           |
| Bishop          | Gilmer      | Long (Lauderdale)   | Rogers            |
| Boyd            | Glass       | Long (Perry)        | Rozelle           |
| Brannan         | Goldthwaite | McClendon (Chamb)   | Self              |
| Branyon         | Gordon      | McCorquodale        | Shumate           |
| Brewer          | Grant       | McLendon (Bullock)  | Smith (Russell)   |
| Britton         | Gross       | Martin              | Smith (St. Clair) |
| Brooks          | Grouby      | Meade               | Solomon           |
| Cabiness        | Guthrie     | Merrill             | Speaks            |
| Camp            | Hanby       | Morrow              | Steagall          |
| Casey           | Hankins     | Nettles             | Sullivan          |
| Chambers        | Hardy       | Nichols             | Thomas            |
| Cook            | Harris      | Oakley              | Trimmier          |
| Copeland        | Harvey      | Oden                | Turnham           |
| Cornett         | Hawkins     | Owens               |                   |

—87

And said bill, H. 796, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker:    | Cornett     | Harvey              | Perry             |
| Adams (Houston) | Daniel      | Hawkins             | Phillips          |
| Albea           | Dickson     | Hearn               | Pierce            |
| Ashworth        | Dodd        | Johnson (Hardaway)  | Powell            |
| Avery           | Edwards     | Johnson (J. T. Tom) | Ramey             |
| Bailey          | Faulk       | Johnston (Leonard)  | Rast              |
| Barnett         | Ferguson    | Jones (Monroe)      | Ray               |
| Bassett         | Franklin    | Lee                 | Roberts           |
| Bevill          | Gilchrist   | Locke               | Rozelle           |
| Bishop          | Gilmer      | Long (Perry)        | Self              |
| Boyd            | Glass       | McClendon (Chamb)   | Sessions          |
| Brannan         | Goldthwaite | McCorquodale        | Shumate           |
| Branyon         | Goodwyn     | McLendon (Bullock)  | Smith (Russell)   |
| Brewer          | Gordon      | Martin              | Smith (St. Clair) |
| Britton         | Grant       | Meade               | Solomon           |
| Brooks          | Gross       | Merrill             | Speaks            |
| Cabiness        | Grouby      | Morrow              | Steagall          |
| Camp            | Guthrie     | Nettles             | Sullivan          |
| Casey           | Hanby       | Oakley              | Thomas            |
| Chambers        | Hankins     | Oden                | Trimmier          |
| Cook            | Hardy       | Owens               | Turnham           |
| Copeland        | Harris      |                     |                   |

—86

And the bill:

H. 803. To amend Sections 1, 3, and 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953

(Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County; altering, modifying, and changing the rates of tax provided for therein and extending the applicability of such taxes to certain sales and to the storage, use, or other consumption of certain property within Tuscaloosa County heretofore exempt, and redefining certain terms.

Was taken up.

Messrs. Callahan and Ferguson offered the following substitute for the bill, H. 803:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 1, 3, and 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County; altering, modifying, and changing the rates of tax provided for therein and extending the applicability of such taxes to certain sales and to the storage, use, or other consumption of certain property within Tuscaloosa County heretofore exempt, and redefining certain terms.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County, is hereby amended to read as follows:

"Section 1. Definitions. The following words and phrases, wherever used in this act, shall have the following respective meanings:

The words "the state" mean the State of Alabama.

The words "the county" mean Tuscaloosa County in the state.

The words "the city" mean the City of Tuscaloosa in the state

The words "the county board of education" mean the board of education of Tuscaloosa County, Alabama.

The words "the city board of education" mean the board of education of the City of Tuscaloosa, Alabama.

The words "the hospital board" mean the Druid City Hospital Board created by Act No. 540 adopted at the 1947 Regular Session of the Legislature of Alabama, approved 8 October 1947.

The words "the tax board" mean the Tuscaloosa County Special Tax Board created in Section 9 of this act.

The words "state sales tax statutes" mean the provisions of Act No. 100 adopted at the Special Session of the Legislature of Alabama which convened on 24 June 1959, approved 18 August 1959, and which becomes effective on 1 October 1959.

The words "state use tax statutes" mean the provisions of Article 11 of Chapter 20, Title 51, Code of Alabama of 1940, as amended by Act

No. 99 adopted at the Special Session of the Legislature of Alabama which convened on 24 June 1959, approved 18 August 1959.

The words "quarterly period" mean each period of three calendar months commencing on each January 1, April 1, July 1, and October 1.

Pronouns include all genders.

Those of the words and phrases used in Section 3 of this act that are defined in the state sales tax statutes shall have the meanings respectively given them in the state sales tax statutes. Those of the words and phrases used in Section 4 of this act that are defined in the state use tax statutes shall have the meanings respectively given them in the state use tax statutes."

Section 2. Section 3 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County, as amended by Act No. 250 of the Regular Session of the Legislature of Alabama of 1957, approved August 13, 1957 (Acts of Alabama, Regular Session 1957, Page 322), is hereby amended to read as follows:

"Section 3. Levy of Sales Tax. There is hereby levied in the county, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of alcoholic beverages of all kinds, the University of Alabama, and all other institutions of higher learning in the county, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within the county, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer on the gross sales of the entire business.

(b) Upon every person, firm, or corporation engaged, or continuing within the county, in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football, basketball, and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be a denominational, state, county, or municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any

other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the county, an amount equal to one per cent (1%) of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle or truck trailer or semi-trailer, an amount equal to one-half of one per cent ( $\frac{1}{2}$  of 1%) of the gross proceeds of the sale of said automotive vehicle or truck trailer or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Each exemption provided for in the state sales tax statutes, and as they may from time to time hereafter be amended, shall, during the period of time when such exemption shall be effective in said statutes, be applicable to the tax levied in this section; provided, that in the event of the repeal of the state sales tax statutes, as at any time amended, the exemptions effective therein immediately prior to any such repeal shall thereafter be applicable to the tax levied in this section. In addition thereto, and except as expressly enumerated hereinabove, there are hereby exempted from the tax levied in this section the gross receipts or gross proceeds of any business engaged in by any city or town in Tuscaloosa County and also the gross proceeds of the sale of machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property; provided that the term "machines", as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used. In the absence of any express provision herein to the contrary, all provisions and procedures with respect to the application for and issuance of licenses, the making of returns or reports, the contents of returns or reports, collection and payment of taxes, keeping of records, reporting and paying taxes with respect to sales on credit, determination of the amount of the tax due, penalties, assessments, notices, and examinations of taxpayers and their books provided for in the state sales tax statutes with respect to the tax levied in those statutes shall be applicable to the tax levied in this section, excepting however the procedure for appeals from assessments, and such appeals shall be made as hereinafter set forth; provided however that any procedure or provisions involving the State Department of Revenue which is incorporated herein by reference to the state sales tax statutes shall be deemed to apply, with respect to the tax levied in this section, to the tax board. Every person, firm, or corporation engaged in any business upon which the tax levied in this section is imposed shall add the tax herein levied to the sales and admission price with respect to which the said tax is levied and shall collect the same from the purchaser."

Section 3. Section 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County, is hereby amended to read as follows:

"Section 4. Levy of Use Tax.

(a) An excise tax is hereby imposed on the storage, use or other consumption in the county of tangible personal property purchased at retail on or after the 1st day of October, 1959, for storage, use or other consumption in the county at the rate of one per cent (1%) of the sale price of such property, regardless of whether the retailer who made the sale is or is not engaged in business in the county, except as provided in subsection (b) of this section.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the county of any automotive vehicle or truck trailer and semi-trailer purchased at retail on or after October 1, 1959, for storage, use or other consumption in the county at the rate of one-half of one per cent ( $\frac{1}{2}$  of 1%) of the sales price of such automotive vehicle, truck trailer or semi-trailer.

Every person storing, using or otherwise consuming in the county tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the county, showing that the property in question was purchased at retail from such retailer and the tax levied in Section 3 hereof has been paid with respect to the purchase at retail of such property shall be sufficient to relieve the purchaser from further liability for a tax under this section with respect to the use, storage, or consumption of such property. Each exemption provided for in the state use tax statutes, as amended by Act No. 99 of the 1959 Special Session of the Legislature of Alabama, approved 18 August 1959, and as they may from time to time hereafter be amended, shall, during the period of time when such exemption shall be effective in said statutes, be applicable to the tax levied in this section; provided, that in the event of the repeal of the state use tax statutes, as at any time amended, the exemptions effective therein immediately prior to any such repeal shall thereafter be applicable to the tax levied in this section. In addition thereto there is also exempted from the tax levied in this section all machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property; provided that the term 'machines', as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used. All provisions and procedures with respect to the filing of returns, collections and payment of taxes, keeping of records, making of reports, determination of the amount of the tax due, penalties, assessments, notices, examinations of tax payers and their books provided in the state use tax statutes, as hereafter amended, with respect to the tax levied in those statutes shall be applicable to the tax levied in this section excepting, however, the procedure for appeals from assessments, and such appeals shall be made as hereinafter set forth; provided, however, that any procedure or provisions involving the State Department of Revenue which is incorporated herein by reference to the state use tax statutes shall be deemed to apply, with respect to the tax levied in this section to the tax board."

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.



Section 5. This Act shall take effect October 1, 1959.

And the substitute was adopted.

Yeas 82; Nays 0.

**Yeas:**

|              |             |                     |                   |
|--------------|-------------|---------------------|-------------------|
| Mr. Speaker: | Daniel      | Hocklander          | Perry             |
| Albea        | Dickson     | Ingram              | Phillips          |
| Ashworth     | Dodd        | Johnson (Hardaway)  | Pierce            |
| Avery        | Edwards     | Johnson (J. T. Tom) | Powell            |
| Bailey       | Faulk       | Johnston (Leonard)  | Ramey             |
| Barnett      | Ferguson    | Jones (Covington)   | Rast              |
| Bassett      | Franklin    | Lee                 | Ray               |
| Bishop       | Gilchrist   | Locke               | Rogers            |
| Boyd         | Gilmer      | Long (Perry)        | Rozelle           |
| Brannan      | Goldthwaite | McClendon (Chamb)   | Self              |
| Branyon      | Goodwyn     | McCorquodale        | Sessions          |
| Brewer       | Gordon      | McLendon (Bullock)  | Smith (Russell)   |
| Britton      | Grant       | Martin              | Smith (St. Clair) |
| Broadfoot    | Gross       | Merrill             | Solomon           |
| Brooks       | Grouby      | Morrow              | Speaks            |
| Cabiness     | Hanby       | Nettles             | Steagall          |
| Camp         | Hankins     | Nichols             | Sullivan          |
| Casey        | Hardy       | Oakley              | Thomas            |
| Cook         | Harris      | Oden                | Trimmier          |
| Copeland     | Harvey      | Owens               | Turnham           |
| Cornett      | Hawkins     |                     |                   |

—82

And said bill, H. 803, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker:    | Copeland    | Harvey              | Oden              |
| Adams (Houston) | Cornett     | Hearn               | Owens             |
| Albea           | Daniel      | Hocklander          | Perry             |
| Ashworth        | Dickson     | Ingram              | Phillips          |
| Avery           | Dodd        | Johnson (Hardaway)  | Pierce            |
| Bailey          | Edwards     | Johnson (J. T. Tom) | Powell            |
| Barnett         | Faulk       | Johnston (Leonard)  | Ramey             |
| Bassett         | Ferguson    | Jones (Covington)   | Ray               |
| Bevill          | Franklin    | Jones (Monroe)      | Rogers            |
| Bishop          | Gilchrist   | Lee                 | Rozelle           |
| Boyd            | Gilmer      | Locke               | Self              |
| Brannan         | Glass       | Long (Perry)        | Sessions          |
| Branyon         | Goldthwaite | McClendon (Chamb)   | Shumate           |
| Brewer          | Goodwyn     | McCorquodale        | Smith (Russell)   |
| Britton         | Gordon      | McLendon (Bullock)  | Smith (St. Clair) |
| Broadfoot       | Gross       | Martin              | Solomon           |
| Brooks          | Grouby      | Meade               | Speaks            |
| Cabiness        | Guthrie     | Merrill             | Steagall          |
| Callahan        | Hanby       | Morrow              | Sullivan          |
| Camp            | Hankins     | Nettles             | Thomas            |
| Casey           | Hardy       | Nichols             | Trimmier          |
| Chambers        | Harris      | Oakley              | Turnham           |
| Cook            |             |                     |                   |

—89

And the bill:

H. 805. To levy in Walker County a county license tax, in addition to all other taxes or licenses now required by law, on each package of cigarettes sold, stored, or received, for the purpose of distribution to any person, firm, corporation, club, or association within the county; to provide for the payment of the tax by the purchase and sale of stamps to be affixed to each package of cigarettes sold or distributed in such county; to provide for the ascertainment, collection, payment, distribution, and use of such license tax and for the enforcement of this Act; and to prescribe penalties and fix the punishment for violations of the Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Cornett     | Harvey                         | Oden                         |
| Adams <sup>(Houston)</sup> | Daniel      | Hawkins                        | Owens                        |
| Albea                      | Dickson     | Hearn                          | Perry                        |
| Ashworth                   | Dodd        | Hocklander                     | Phillips                     |
| Avery                      | Edwards     | Ingram                         | Pierce                       |
| Bailey                     | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Barnett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ramey                        |
| Bassett                    | Franklin    | Jones <sup>(Covington)</sup>   | Rast                         |
| Bevill                     | Gilchrist   | Jones <sup>(Monroe)</sup>      | Ray                          |
| Bishop                     | Gilmer      | Lee                            | Rogers                       |
| Boyd                       | Glass       | Locke                          | Rozelle                      |
| Brannan                    | Goldthwaite | Long <sup>(Perry)</sup>        | Self                         |
| Branyon                    | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Brewer                     | Gordon      | McCorquodale                   | Shumate                      |
| Britton                    | Grant       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Gross       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Grouby      | Meade                          | Speaks                       |
| Cabiness                   | Guthrie     | Merrill                        | Steagall                     |
| Camp                       | Hanby       | Morrow                         | Thomas                       |
| Casey                      | Hankins     | Nettles                        | Trimmier                     |
| Chambers                   | Hardy       | Nichols                        | Turnham                      |
| Copeland                   | Harris      | Oakley                         |                              |

—87

And the bill:

H. 806. To make an annual appropriation from the general fund of Walker County to support the Peoples' Hospital of Walker County.

Was taken up.

Mr. Shumate offered the following amendment to the bill, H. 806:

#### AMENDMENT TO H. B. 806

In Section 1, after "operation of the hospital." insert "If because of epidemic, pestilence, or other like disaster within the county there is a shortage in the number of beds needed to take care of all eligible indigent patients in the Peoples Hospital, the funds appropriated herein may be used, at the discretion of the board, to provide for the care of such patients in any other non-profit hospital within the county.";

Also, in Section 2, strike out "October 1, 1959" and insert "immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

And the amendment was adopted.

Yeas 89; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cornett     | Hawkins                        | Owens                        |
| Adams <sup>(Houston)</sup> | Daniel      | Hearn                          | Perry                        |
| Albea                      | Dickson     | Hocklander                     | Phillips                     |
| Ashworth                   | Dodd        | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Avery                      | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Bailey                     | Faulk       | Johnston <sup>(Leonard)</sup>  | Ramey                        |
| Barnett                    | Ferguson    | Jones <sup>(Covington)</sup>   | Rast                         |
| Bassett                    | Franklin    | Jones <sup>(Monroe)</sup>      | Ray                          |
| Bevill                     | Gilchrist   | Lee                            | Rogers                       |
| Bishop                     | Gilmer      | Locke                          | Rozelle                      |
| Boyd                       | Glass       | Long <sup>(Lauderdale)</sup>   | Self                         |
| Brannan                    | Goldthwaite | Long <sup>(Perry)</sup>        | Sessions                     |
| Branyon                    | Goodwyn     | McCorquodale                   | Shumate                      |
| Brewer                     | Gordon      | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Britton                    | Grant       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Gross       | Meade                          | Solomon                      |
| Brooks                     | Grouby      | Merrill                        | Speaks                       |
| Cabiness                   | Hanby       | Morrow                         | Steagall                     |
| Camp                       | Hankins     | Nettles                        | Sullivan                     |
| Casey                      | Hardy       | Nichols                        | Thomas                       |
| Chambers                   | Harris      | Oakley                         | Trimmier                     |
| Cook                       | Harvey      | Oden                           | Turnham                      |
| Copeland                   |             |                                |                              |

—89

And said bill, H. 806, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cook        | Hankins                        | Oden                         |
| Adams <sup>(Houston)</sup> | Copeland    | Hardy                          | Owens                        |
| Albea                      | Cornett     | Harris                         | Perry                        |
| Ashworth                   | Daniel      | Hearn                          | Phillips                     |
| Avery                      | Dickson     | Hocklander                     | Pierce                       |
| Bailey                     | Dodd        | Jenkins                        | Powell                       |
| Barnett                    | Edwards     | Johnson <sup>(Hardaway)</sup>  | Ramey                        |
| Bassett                    | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ray                          |
| Bevill                     | Ferguson    | Johnston <sup>(Leonard)</sup>  | Rogers                       |
| Bishop                     | Franklin    | Jones <sup>(Covington)</sup>   | Rozelle                      |
| Boyd                       | Gilchrist   | Jones <sup>(Monroe)</sup>      | Self                         |
| Brannan                    | Gilmer      | Lee                            | Sessions                     |
| Branyon                    | Glass       | McClendon <sup>(Chamb)</sup>   | Shumate                      |
| Brewer                     | Goldthwaite | McCorquodale                   | Smith <sup>(St. Clair)</sup> |
| Britton                    | Goodwyn     | McLendon <sup>(Bullock)</sup>  | Solomon                      |
| Broadfoot                  | Gordon      | Martin                         | Speaks                       |
| Brooks                     | Grant       | Meade                          | Steagall                     |
| Cabiness                   | Gross       | Merrill                        | Sullivan                     |
| Camp                       | Grouby      | Nettles                        | Thomas                       |
| Casey                      | Guthrie     | Nichols                        | Trimmier                     |
| Chambers                   | Hanby       | Oakley                         | Turnham                      |

—84

And the bill:

H. 807. To create a hospital board for Walker County, prescribe the jurisdiction, powers, and authority of the board with respect to the operation and maintenance of the Peoples' Hospital of Walker County, provide for the organization of the board, and for the appointment, qualification, terms, compensation, powers, and duties of members of the board, and repeal Act No. 374 approved July 6, 1943, Act No. 436 approved July 6, 1945, and all other conflicting laws.

Was taken up.

Mr. Shumate offered the following amendment to the bill, H. 807:

#### AMENDMENT TO H. B. 807

In Section 1, subsection (a) strike out "Three members shall be appointed by the Governor of Alabama" and insert "Two members shall be appointed by the Board of Finance and Control of Walker County and one member shall be appointed by the Governor of Alabama";

Also, in Section 3, add the following sentence: "Provided, that such county governing body may nevertheless borrow money, and in evidence thereof issue and sell bonds, warrants, or other securities, to finance additions to or improvements for the Peoples Hospital, in such manner and on such terms as is now provided for by law.";

Also, in Section 6, strike out "October" and insert "November".

And the amendment was adopted.

Yeas 85; Nays 0.

#### Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Hawkins                        | Owens                        |
| Adams <sup>(Houston)</sup> | Dickson     | Hocklander                     | Perry                        |
| Albea                      | Dodd        | Jenkins                        | Phillips                     |
| Avery                      | Edwards     | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Bailey                     | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Barnett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ramey                        |
| Bassett                    | Franklin    | Jones <sup>(Covington)</sup>   | Rast                         |
| Bevill                     | Gilchrist   | Lee                            | Ray                          |
| Bishop                     | Gilmer      | Locke                          | Rogers                       |
| Boyd                       | Glass       | Long <sup>(Perry)</sup>        | Rozelle                      |
| Brannan                    | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Self                         |
| Branyon                    | Goodwyn     | McCorquodale                   | Sessions                     |
| Brewer                     | Gordon      | McLendon <sup>(Bullock)</sup>  | Shumate                      |
| Britton                    | Grant       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Gross       | Meade                          | Solomon                      |
| Cabiness                   | Grouby      | Merrill                        | Speaks                       |
| Camp                       | Guthrie     | Morrow                         | Steagall                     |
| Casey                      | Hanby       | Nettles                        | Sullivan                     |
| Chambers                   | Hankins     | Nichols                        | Thomas                       |
| Cook                       | Hardy       | Oakley                         | Trimmier                     |
| Copeland                   | Harris      | Oden                           | Turnham                      |
| Cornett                    |             |                                |                              |

—85

And said bill, H. 807, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Cornett     | Hawkins             | Oden              |
| Adams (Houston) | Daniel      | Hocklander          | Perry             |
| Albea           | Dickson     | Jenkins             | Phillips          |
| Ashworth        | Dodd        | Johnson (Hardaway)  | Pierce            |
| Avery           | Edwards     | Johnson (J. T. Tom) | Powell            |
| Bailey          | Faulk       | Johnston (Leonard)  | Ramey             |
| Barnett         | Ferguson    | Jones (Covington)   | Rast              |
| Bassett         | Franklin    | Jones (Monroe)      | Ray               |
| Bevill          | Gilchrist   | Lee                 | Rogers            |
| Bishop          | Gilmer      | Locke               | Rozelle           |
| Boyd            | Glass       | Long (Perry)        | Self              |
| Branyon         | Goldthwaite | McClendon (Chamb)   | Shumate           |
| Brewer          | Gordon      | McCorquodale        | Smith (Russell)   |
| Britton         | Grant       | McLendon (Bullock)  | Smith (St. Clair) |
| Broadfoot       | Gross       | Martin              | Solomon           |
| Cabiness        | Grouby      | Merrill             | Speaks            |
| Camp            | Hanby       | Morrow              | Steagall          |
| Casey           | Hankins     | Nettles             | Sullivan          |
| Chambers        | Hardy       | Nichols             | Thomas            |
| Cook            | Harris      | Oakley              | Turnham           |

—80

And the bill:

S. 305. To alter, extend, and rearrange the boundary lines and corporate limits of the city of Fayette in Fayette County, Alabama.

Was read a third time at length and passed.

Yeas 89; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Daniel      | Hocklander          | Oden              |
| Adams (Houston) | Dickson     | Ingram              | Owens             |
| Albea           | Dodd        | Jenkins             | Perry             |
| Ashworth        | Edwards     | Johnson (Hardaway)  | Phillips          |
| Avery           | Faulk       | Johnson (J. T. Tom) | Pierce            |
| Bailey          | Ferguson    | Johnston (Leonard)  | Powell            |
| Barnett         | Franklin    | Jones (Covington)   | Ramey             |
| Bassett         | Gilchrist   | Jones (Monroe)      | Rast              |
| Bevill          | Gilmer      | Lee                 | Ray               |
| Bishop          | Glass       | Locke               | Rogers            |
| Boyd            | Goldthwaite | Long (Lauderdale)   | Rozelle           |
| Brannan         | Goodwyn     | Long (Perry)        | Self              |
| Branyon         | Gordon      | McClendon (Chamb)   | Sessions          |
| Brewer          | Grant       | McCorquodale        | Shumate           |
| Britton         | Gross       | McLendon (Bullock)  | Smith (Russell)   |
| Broadfoot       | Grouby      | Martin              | Smith (St. Clair) |
| Brooks          | Hanby       | Meade               | Solomon           |
| Cabiness        | Hankins     | Merrill             | Speaks            |
| Camp            | Hardy       | Morrow              | Steagall          |
| Casey           | Harris      | Nettles             | Thomas            |
| Chambers        | Hawkins     | Nichols             | Trimmier          |
| Cook            | Hearn       | Oakley              | Turnham           |
| Cornett         |             |                     |                   |

—89

And the bill:

S. 329. To amend further Section 11 of Act No. 311, H. 904, approved September 19, 1923 (Local Acts of Alabama 1923, p. 188), en-

titled "An Act To establish a Board of Revenue for Marengo County, and for the abolishment of the Court of County Commissioners of said County."

Was read a third time at length and passed.

Yeas 88; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cornett     | Hearn                          | Owens                        |
| Adams <sup>(Houston)</sup> | Daniel      | Hocklander                     | Perry                        |
| Albea                      | Dickson     | Ingram                         | Phillips                     |
| Ashworth                   | Dodd        | Jenkins                        | Pierce                       |
| Avery                      | Edwards     | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Bailey                     | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Barnett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ray                          |
| Bassett                    | Franklin    | Jones <sup>(Covington)</sup>   | Rogers                       |
| Bevill                     | Gilchrist   | Jones <sup>(Monroe)</sup>      | Rozelle                      |
| Bishop                     | Gilmer      | Lee                            | Self                         |
| Boyd                       | Glass       | Locke                          | Sessions                     |
| Brannan                    | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Shumate                      |
| Branyon                    | Goodwyn     | Long <sup>(Perry)</sup>        | Smith <sup>(Russell)</sup>   |
| Brewer                     | Gordon      | McClendon <sup>(Chamb)</sup>   | Smith <sup>(St. Clair)</sup> |
| Britton                    | Grant       | McCorquodale                   | Solomon                      |
| Broadfoot                  | Gross       | McLendon <sup>(Bullock)</sup>  | Speaks                       |
| Brooks                     | Grouby      | Martin                         | Steagall                     |
| Cabiness                   | Hanby       | Meade                          | Sullivan                     |
| Camp                       | Hankins     | Merrill                        | Thomas                       |
| Casey                      | Hardy       | Nettles                        | Torbert                      |
| Chambers                   | Harris      | Nichols                        | Trimmier                     |
| Cook                       | Hawkins     | Oakley                         | Turnham                      |

—88

And the bill:

H. 781. For the relief of V. Chambliss authorizing the County Commission of Jefferson County, Alabama, to make an appropriation from the County Treasury to compensate V. Chambliss for certain damages.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

**Yeas:**

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cabiness  | Glass                         | Johnson <sup>(J. T. Tom)</sup> |
| Adams <sup>(Houston)</sup> | Camp      | Goodwyn                       | Johnston <sup>(Leonard)</sup>  |
| Albea                      | Casey     | Gordon                        | Jones <sup>(Covington)</sup>   |
| Ashworth                   | Chambers  | Grant                         | Jones <sup>(Monroe)</sup>      |
| Bailey                     | Cook      | Gross                         | Lee                            |
| Barnett                    | Cornett   | Hanby                         | Locke                          |
| Bassett                    | Daniel    | Hankins                       | Long <sup>(Lauderdale)</sup>   |
| Bevill                     | Dickson   | Hardy                         | Long <sup>(Perry)</sup>        |
| Bishop                     | Dodd      | Harris                        | McClendon <sup>(Chamb)</sup>   |
| Boyd                       | Edwards   | Hawkins                       | McCorquodale                   |
| Branyon                    | Faulk     | Hearn                         | McLendon <sup>(Bullock)</sup>  |
| Brewer                     | Ferguson  | Hocklander                    | Martin                         |
| Britton                    | Franklin  | Ingram                        | Meade                          |
| Broadfoot                  | Gilchrist | Jenkins                       | Merrill                        |
| Brooks                     | Gilmer    | Johnson <sup>(Hardaway)</sup> | Morrow                         |

|          |        |                              |          |
|----------|--------|------------------------------|----------|
| Nettles  | Pierce | Rozelle                      | Speaks   |
| Nichols  | Powell | Self                         | Steagall |
| Oakley   | Ramey  | Sessions                     | Sullivan |
| Oden     | Rast   | Shumate                      | Thomas   |
| Owens    | Ray    | Smith <sup>(St. Clair)</sup> | Trimmier |
| Perry    | Rogers | Solomon                      | Turnham  |
| Phillips |        |                              |          |

—85

And the bill:

H. 782. To apply in, but only in, counties which have a population of 500,000 or more, according to the last or any subsequent Federal Census, and which counties are Wet Counties under Section 68 of Title 29 of the 1940 Code of Alabama; and to require the payment to such counties of a license tax, in addition to all other taxes and licenses required by law, of ten cents on each quantity of less than one half pint, and twenty-five cents on each one half pint or more of alcoholic, spirituous vinous or fermented liquor sold, distributed, delivered, stored, or taken out of storage within such counties; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this Act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act.

Was taken up.

Messrs. Edwards, Locke, Hawkins, Rast, Sessions, Morrow and Perry offered the following substitute for the bill, H. 782:

A BILL  
TO BE ENTITLED  
AN ACT

To apply in, but only in, counties which have a population of 500,000 or more, according to the last or any subsequent Federal Census, and which counties are, or hereafter become, Wet Counties under Section 68 of Title 29 of the 1940 Code of Alabama; and to require the payment to such counties of a license tax, in addition to all other taxes and licenses required by law, of ten cents on each quantity of less than one half pint, and twenty five cents on each one half pint or more of alcoholic, spirituous, vinous or fermented liquor sold, distributed, delivered, stored, or taken out of storage within such counties; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this Act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in, but only in, counties which have a population of 500,000, or more, according to the last or any subsequent Federal Census, and which counties are or hereafter become Wet Counties under Section 68 of Title 29 of the Code of Alabama of 1940; and this Act shall not have the effect of altering or repealing in anywise any statute now in effect, but shall be in addition to and cumulative of all laws now in effect. This Act shall not have the effect of legalizing the sale, distribution, delivery, storage, taking out of storage, or possession in said county of any beverage now or hereafter prohibited by law.

Section 2. Definitions. When used in this Act, the terms (a) "hotel" (b) "restaurant" (c) "club" (d) "corporation" (e) "State Liquor

Store" (f) "Liquor" (g) "malt" or "brewed beverages" (h) "wine" (i) "municipality" (j) "package" (k) "person" (l) "sale" or "sell", shall have the same meaning ascribed to them by Section 1 of Title 29 of the 1940 Code of Alabama, provided, however, the term "person" shall not mean and include the Alabama Alcoholic Beverage Control Board, nor the members, officers, or employees thereof, while engaged in the performance of their duties under the Alabama Alcoholic Beverage Control Act, nor any liquor store or warehouse established, operated and maintained by the said Alabama Alcoholic Beverage Control Board under said Act.

Section 3. (a) Every person engaged in the sale of alcoholic, spirituous, vinous or fermented liquor, except malt or brewed beverages of an alcoholic content not in excess of four percent by weight and five percent by volume, shall, in addition to all other taxes and licenses now imposed by law, pay a license tax to the county, and a license tax is hereby fixed and created, which shall be a sum and amount equal to ten cents on each bottle or container of less than one half pint, and twenty five cents on each bottle or container of one-half pint or more of alcoholic, spirituous, vinous or fermented liquor cold, distributed, delivered, stored, or taken out of storage within the county; provided, however, that where the additional license tax hereby required to be paid shall have been paid by a person, distributor or seller of alcoholic, spirituous, vinous or fermented liquors subject to this Act, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on the same identical beverage; provided further, however, that any person in order to be exempt under this provision shall first comply with the provisions of subsection (b) of this section. (b) Any person selling, distributing, delivering, storing or taking out of storage alcoholic, spirituous, vinous or fermented liquors purchased from any other person who has paid the license tax thereon as fixed in subsection (a) of this section shall not be required to pay such license; provided, however, that in order to obtain such exemption such person claiming such exemption must, on or before the fifteenth day of the month next succeeding the effective date of this Act, and on or before the 15th day of each and every calendar month thereafter, file with the probate judge of the county, a written statement, sworn to and subscribed by such person claiming exemption, showing the name and address of such person, each and every purchase, receipt or procurement of alcoholic, spirituous, vinous or fermented liquors made by such person during the calendar month next preceeding, together with the name and address of the person from whom purchased, received, or procured, and the brand of such beverages, the quantity of each brand of such beverages, the size of containers of each brand of such beverages, the date or dates on which purchased, received or procured, and the disposition thereof by such person claiming the exemption; such statement to be made on forms prescribed by the probate judge. (c) Each and every person selling, distributing, delivering, storing, or taking out of storage alcoholic, spirituous, vinous or fermented liquors subject to this Act, except such as claim and obtain exemption under the provisions of subsection (b) of this section, shall, on or before the 15th day of the month next succeeding the effective date of this Act, and on or before the 15th day of each and every month thereafter, file with the probate judge, of the county, on forms prescribed by the probate judge, a written statement, sworn to and subscribed by such person, showing the name and address of such person, each and every purchase, receipt or procurement of alcoholic, spirituous, vinous or fermented liquors made by such person during the calendar month next preceeding, together with the name and address of the person from whom purchased, received or procured, the



brand of such beverages, the quantity of each brand of such beverages, the size of containers of each brand of such beverages and the date or dates on which purchased, received, or procured; and any person failing, refusing or omitting to file such statement as herein prescribed shall be guilty of a misdemeanor, and each day that such default continues shall constitute a separate offense. (d) The license herein fixed and prescribed in subsection (a) of this section shall and must be paid by each person against whom the same is levied, or who is liable or subject to such license under the provisions hereof, on or before the 15th day of each calendar month at the time of filing the statement required by subsection (c) of this section, which license shall be based on the sale, distribution, delivery, storage or taking out of storage, of alcoholic, spirituous, vinous or fermented liquors, during the calendar month next preceeding; and any person failing, refusing, or omitting to pay such license within the time herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense, and in addition to the other penalties herein provided for, there shall be added to such license tax a penalty of twenty percentum of the amount thereof for such delinquency, said penalty to be paid to the probate judge, and by him paid into the general treasury of the county for the use of the county; and provided further, however, that the tax levied by this Act on beverages in containers of a pint capacity or larger may be paid through the use of stamps on proper resolution of the governing body of the county.

Section 4. The county commission, board of revenue or other similar county governing body, is hereby authorized to adopt rules and regulations upon the recommendation of the probate judge, consistent with good fiscal policy, to assist and guide the efforts of the probate judge in the collection of the license tax herein levied. Such rules and regulations may provide for stamps, decals, or other means of identification to be used to denote the tax on any beverage or beverages taxed under the provisions of this act. Provided, further, the county governing body is authorized to have prepared and to purchase stamps, decals, or other means of identification to assure the collection of the tax and assist in the enforcement of the provisions of this Act. Such stamps, or other means of identification, shall be delivered to the probate judge to be used by him in the collection and enforcement of the provisions of this Act. Each stamp, or other means of identification, shall have inscribed thereon the words ". . . (Name of the particular county) County Beverage Tax", but such words need not be arranged in the foregoing order and may be abbreviated. Any person having in their possession any unstamped or improperly stamped beverage or beverages subject to the rules and regulations so adopted by any such county governing body, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$100.00.

Section 5. In the event the county commission, board of revenue, or other similar county governing body provides by proper resolution that alcoholic, spirituous, vinous, or fermented liquor shall be stamped as authorized under Section 4 of this Act then every person subject to the provisions of this Act shall within one hour after the receipt of any such alcoholic, spirituous, vinous, or fermented liquor within said county, unless sooner offered for sale, cause stamps in the requisite amount of tax to be affixed. After such stamping has begun, it shall be continued with reasonable diligence by such person until all of the unstamped alcoholic, spirituous, vinous or fermented liquor required to be stamped has been stamped. If stamps are required to be affixed by proper resolution of the county commission, board of revenue, or other similar county governing body, such stamps shall be affixed to each in-

dividual bottle or other container as provided in rules and regulations properly adopted by the county commission, board of revenue, or other similar county governing body in such a manner that its removal will require continued application of water or steam.

Section 6. (a) Any person before engaging in selling, distributing, delivering, storing or taking out of storage any alcoholic, spirituous, vinous or fermented liquors in any county subject to the provisions of this Act shall file with the probate judge a bond in the approximate sum of two times the average monthly tax estimated by the probate judge which will be due by the applicant. The bond shall be in such form and amount as may be approved by the probate judge, shall be executed by a surety company licensed and duly authorized to do business in Alabama, shall be payable to the county subject to the provisions of this Act, and be conditioned upon the prompt filing of true reports, and the payment by the applicant to the probate judge of the license tax herein fixed and provided, together with all penalties thereon, and generally upon faithful compliance with the provisions of this Act. Upon the filing of such bond and approval thereof, the probate judge shall issue a permit to applicant to engage in such business so long as applicant may not be in default in compliance with the provisions of this Act. It shall be unlawful and constitute a misdemeanor for any person to engage in selling, distributing, delivering, storing or taking out of storage any alcoholic, spirituous, vinous or fermented liquors in any such county without first having filed the bond and secured the permit as required herein. (b) In the event the liability upon any bond filed under the provision of this Act shall be discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the probate judge any surety on the bond theretofore given which becomes unsatisfactory or unacceptable, then the probate judge may require the filing of a new or additional bond conditioned as hereinabove provided and in the event of the failure of any person, within ten days of written notice to it by the probate judge, to file such new or additional bond, the probate judge shall revoke the permit issued to such person. (c) If the probate judge shall decide that the amount of any existing bond filed by any person is insufficient, the probate judge may order such person to file, within ten days after written notice by the probate judge to such person, a new or additional bond in such amount as the probate judge may find reasonably necessary to insure payment of all amounts due or to become due the county, and if such new or additional bond is not filed within ten days after such notice from the probate judge the probate judge may revoke the permit already issued to such person. (d) Any surety on any bond furnished by any person, as above provided, shall be released and discharged from any and all liability to the county accruing on such bond after the expiration of sixty days from the date upon which surety shall have filed with the probate judge written request to be released and discharged, provided, however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue before the expiration of said sixty day period. The probate judge shall promptly upon receipt of notice of such request notify the person who furnished such bond of the request of the surety on said bond, and unless such person shall, on or before the expiration of such sixty day period, file with the probate judge a new bond in the amount and form hereinabove in this section provided, the probate judge shall forthwith cancel the permit of said person.

Section 7. It shall be unlawful for any person having no place of business within the county to make any sale, distribution, or delivery

of any alcoholic, spirituous, vinous or fermented liquors within the county without first having obtained a permit to do so from the probate judge of the county; and such person shall be liable for and subject to the license tax fixed and specified in section 3 (a) of this Act.

Section 8. (a) It shall be the duty of any person subject to the license tax imposed by this Act to keep full and complete records of all purchases, receipts, inventories and of all other matters from which the correct amount of license tax to which such person is subject may be ascertained; and in the event that such person shall discontinue his business, he shall not destroy or dispose of such records until he shall have given the probate judge thirty days notice in writing of his intent to destroy or dispose of such records. The failure of such person to keep such records, or his destruction or disposition of such records without giving such notice, shall constitute a misdemeanor. (b) Upon demand by the probate judge or his authorized deputy, auditor, or representative, it shall be the duty of any such person subject to the license tax imposed by this Act to furnish such demanding person, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination, during reasonable hours, at such person's place of business within the county, all books of accounts, invoices, papers, reports, memoranda, containing entries showing the amount of purchases, receipts, inventories, and any other information from which the correct amount of license tax to which such person is subject may be determined and any person failing or refusing to submit such records for such inspection and examination upon such demand shall be guilty of a misdemeanor. (c) If any person subject to the provisions of this Act does not have in such person's control or possession, within the county, true and intelligible books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for determination of the correct amount of the license tax due, or if having in such person's possession or under such person's control such books, invoices, papers, reports or memoranda, such person shall fail or refuse to submit and exhibit the same for inspection and examination as herein required, then, in either event, it shall be the duty of the probate judge of the county to ascertain, from such information and data as he may reasonably obtain, the correct amount of license tax due from such person, and to assess the same against such person and to give such person notice of said assessment and to demand of such person immediate payment of the amount of such license tax. If the amount of the license tax so ascertained and demanded is not paid within ten days after receipt of notice of the assessment and demand for payment thereof, then, so long as said amount remains unpaid it shall be unlawful, and shall constitute a misdemeanor, for the person to engage in business, and each day's engagement in such business shall constitute a separate offense.

Section 9. Among others the following acts and omissions shall be unlawful: (a) It shall be unlawful for any person subject to the license tax imposed by this Act, to fail to affix any stamps in the manner or within the time required by any rules and regulations adopted by proper resolution of the county commission, board of revenue, or other similar county governing body as provided under Section 4 of this Act. (b) It shall be unlawful for any person to sell, offer for sale, or deliver within a county subject to the provisions of this Act any alcoholic, spirituous, vinous, or fermented liquor on which stamps are required and have not been properly affixed. (c) It shall be unlawful for any person to have in his possession or under his control any alcoholic,

spirituous, vinous, or fermented liquors not properly stamped as required for more than one hour after receipt of such alcoholic, spirituous, vinous or fermented liquor on the premises of such person. (d) It shall be unlawful to manufacture, buy, sell, offer for sale, or possess or to attempt any reproduction or counterfeit of the stamps provided for or to alter or cause to be altered any stamp provided for. (e) It shall be unlawful to remove from a bottle or container of alcoholic, spirituous, vinous or fermented liquors, or otherwise prepare, any stamp with intent to use or cause the same to be used after it has already been used; to buy, sell or offer for sale, or give away, any washed, removed, altered or restored stamp to any person, or to have in possession any such washed, removed, restored, or altered stamp, or for the purpose of indicating the payment of any tax hereunder, to reuse any tax stamp which has heretofore been used for the payment of any tax provided in this Act, or, except as to the probate judge, to sell any stamp provided for herein. (f) The probate judge, his agent, or any peace officer of said county, shall have authority to seize without warrant any and all alcoholic, spirituous, vinous or fermented liquors on which the license tax levied by this Act has not been paid, including the containers or packages in which such alcoholic, spirituous, vinous or fermented liquors are found, in the possession of any person violating the provisions of this Act, and such alcoholic, spirituous, vinous or fermented liquor in the possession of such persons are hereby declared to be contraband goods and upon such confiscation shall be delivered to the probate judge for sale at public auction to the highest bidder after due advertisement; if there be in such county a county purchasing agent the probate judge may deliver such alcoholic, spirituous, vinous or fermented liquor to such purchasing agent to be sold at public auction as herein provided. The proceeds of the sale of any such alcoholic, spirituous, vinous or fermented liquor sold hereunder after paying all costs shall be distributed by the probate judge as provided in Section 12 of this Act. The arresting officer or person making the seizure shall proceed as follows: First he shall cause a list, containing a particular description of the alcoholic, spirituous, vinous or fermented liquor seized, showing the quantity of each brand, the size and kind of containers of each brand, the date or dates on which confiscated, and the person or persons from whom confiscated; to be prepared in duplicate. The said officer or person shall proceed to post a notice for three weeks in writing at three places in the county, that the seizure was made, describing the alcoholic, spirituous, vinous or fermented liquor, the quantity of each brand, the size of containers of each brand, stating the time and place and cause of their seizure, and requiring any person claiming them to appear and make such claim within thirty days from the date of the first posting of such notice. Second, any person claiming said liquors so seized as contraband within the time specified in the notice, may file with the probate judge a claim in writing stating his interest in the articles seized, and shall execute a bond to the probate judge in the penal sum equal to double the value of the alcoholic, spirituous, vinous or fermented liquor so seized, but in no case will the said bond be less than the sum of two hundred dollars (\$200.00), with sureties to be approved by the probate judge in the county in which the alcoholic, spirituous, vinous or fermented liquors are seized, conditioned that in the case of condemnation of the alcoholic, spirituous, vinous or fermented liquor the obligor shall pay to the probate judge the full value of the alcoholic, spirituous, vinous or fermented liquor so seized, and all costs and expenses of the proceeding to obtain such condemnation, including a reasonable attorney's fee. Upon the delivery of such bond to the probate judge, he shall transmit the same with the duplicate list or description of the alcoholic, spirituous, vinous or fermented liquor so seized to the county attorney

of such county if there be a county attorney, or to the solicitor of the county in which such seizure was made, and the said county attorney or solicitor shall file a bill in the Circuit Court in Equity in the county where the seizure was made to secure the forfeiture of said alcoholic, spirituous, vinous or fermented liquor and the bottles and containers in which seized. Upon filing the bond as aforesaid, the said alcoholic, spirituous, vinous or fermented liquor shall be delivered to the claimant pending the outcome of said case; provided, however, the proper license tax must be paid by the claimant before said alcoholic, spirituous, vinous or fermented liquor are delivered by the probate judge. Third, if no claim is interposed or no bond given within the time above specified, such alcoholic, spirituous, vinous or fermented liquor shall be forfeited without further proceedings and the same shall be sold as herein provided. The proceedings against such alcoholic, spirituous, vinous or fermented liquor pursuant to the provisions of this subsection shall be considered as proceedings in rem.

Section 10. Any person violating any of the provisions of this Act, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) and may also be sentenced to hard labor for the county for not exceeding six months, either or both. It shall be the duty of the probate judge to receive the license tax herein levied and to make distribution as herein provided. It shall be the duty of the probate judge to enforce the provisions of this Act and to check the books, records, etc., of any such person subject to the license tax imposed by this Act.

Section 11. If, in any county in which this Act may become operative, there is a commissioner of licenses, or director of revenue, then, and in that event, all of the powers, authorities, and duties which, by the terms of this Act, are vested or placed upon the probate judge shall, in such counties, be vested in and be placed upon the commissioner of licenses, or director of revenue, as the case may be.

Section 12. The license tax required to be paid to the probate judge by this Act shall be received by him, and shall be distributed by him on or before the 15th day of the month following the month in which it is received, as follows: Two percent of said tax shall be paid to the probate judge to be paid by him into the general treasury of the county for the collection, enforcement, and distribution of said tax; the remainder of said tax after first deducting the two percent as above provided, shall be paid by the probate judge into a special fund known as the "County Indigent Patient Care Fund" to be distributed on proper resolution by the county governing body of such county exclusively for residents of such county in the care of indigent patient requirements, or for the construction, maintenance, or operation of an outpatient clinic exclusively for the residents of such county. Provided, however, said tax may be used for the construction, maintenance, or operation of emergency room facilities. Provided, further, if there be in such county a county hospital authority, or county indigent pay authority, or any similar authority created by legislative act for the purpose of administering funds for indigent patient care, then such tax shall be paid by the probate judge to such authority.

Section 13. Severability — If, for any reason, any clause, sentence, subsection, section or provision of this Act, or the application thereof to any person, body, situation or circumstance is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation or circumstance shall not be affected thereby.

Section 14. This act shall take effect on the first day of the month following its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 86; Nays 0.

**Yeas:**

|                            |            |                                |                              |
|----------------------------|------------|--------------------------------|------------------------------|
| Mr. Speaker                | Daniel     | Johnson <sup>(Hardaway)</sup>  | Phillips                     |
| Adams <sup>(Houston)</sup> | Dickson    | Johnson <sup>(J. T. Tom)</sup> | Pierce                       |
| Albea                      | Dodd       | Jones <sup>(Covington)</sup>   | Powell                       |
| Ashworth                   | Edwards    | Jones <sup>(Monroe)</sup>      | Ramey                        |
| Avery                      | Faulk      | Lee                            | Rast                         |
| Bailey                     | Ferguson   | Locke                          | Ray                          |
| Barnett                    | Franklin   | Long <sup>(Lauderdale)</sup>   | Roberts                      |
| Bassett                    | Gilchrist  | Long <sup>(Perry)</sup>        | Rogers                       |
| Bevill                     | Gilmer     | McClendon <sup>(Chamb)</sup>   | Rozelle                      |
| Bishop                     | Glass      | McCorquodale                   | Self                         |
| Boyd                       | Gordon     | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Branyon                    | Grant      | Martin                         | Smith <sup>(Russell)</sup>   |
| Brewer                     | Gross      | Meade                          | Smith <sup>(St. Clair)</sup> |
| Britton                    | Hanby      | Merrill                        | Solomon                      |
| Broadfoot                  | Hankins    | Morrow                         | Speaks                       |
| Brooks                     | Hardy      | Nettles                        | Steagall                     |
| Cabiness                   | Harris     | Nichols                        | Sullivan                     |
| Camp                       | Hawkins    | Oakley                         | Thomas                       |
| Casey                      | Hearn      | Oden                           | Torbert                      |
| Chambers                   | Hocklander | Owens                          | Trimmier                     |
| Cook                       | Ingram     | Perry                          | Turnham                      |
| Cornett                    | Jenkins    |                                |                              |

—86

And said bill, H. 782, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                            |             |                                |          |
|----------------------------|-------------|--------------------------------|----------|
| Mr. Speaker                | Cook        | Hardy                          | Meade    |
| Adams <sup>(Houston)</sup> | Cornett     | Harris                         | Merrill  |
| Albea                      | Daniel      | Hawkins                        | Morrow   |
| Ashworth                   | Dickson     | Hearn                          | Nettles  |
| Avery                      | Dodd        | Hocklander                     | Nichols  |
| Bailey                     | Edwards     | Ingram                         | Oakley   |
| Barnett                    | Faulk       | Jenkins                        | Oden     |
| Bassett                    | Ferguson    | Johnson <sup>(Hardaway)</sup>  | Owens    |
| Bevill                     | Franklin    | Johnson <sup>(J. T. Tom)</sup> | Perry    |
| Bishop                     | Gilchrist   | Johnston <sup>(Leonard)</sup>  | Phillips |
| Boyd                       | Gilmer      | Jones <sup>(Covington)</sup>   | Pierce   |
| Branyon                    | Glass       | Jones <sup>(Monroe)</sup>      | Powell   |
| Brewer                     | Goldthwaite | Lee                            | Ramey    |
| Britton                    | Goodwyn     | Locke                          | Rast     |
| Broadfoot                  | Gordon      | Long <sup>(Lauderdale)</sup>   | Ray      |
| Brooks                     | Grant       | Long <sup>(Perry)</sup>        | Roberts  |
| Cabiness                   | Gross       | McClendon <sup>(Chamb)</sup>   | Rogers   |
| Camp                       | Grouby      | McCorquodale                   | Rozelle  |
| Casey                      | Hanby       | McLendon <sup>(Bullock)</sup>  | Self     |
| Chambers                   | Hankins     | Martin                         | Sessions |

Smith<sup>(Russell)</sup>  
Smith<sup>(St. Clair)</sup>

Solomon  
Speaks

Steagall  
Sullivan

Thomas  
Trimmier

—88

And the bill:

H. 783. To amend Section 4 of Act No. 929 of the regular session of the Legislature of Alabama of 1951 approved September 12, 1951 (Acts 1951, page 1579) as amended by Act No. 194 of the 1955 session of the Legislature of Alabama (Acts 1955, page 478) entitled "AN ACT to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Hocklander                     | Oden                         |
| Adams <sup>(Houston)</sup> | Dickson     | Ingram                         | Owens                        |
| Albea                      | Dodd        | Jenkins                        | Perry                        |
| Ashworth                   | Edwards     | Johnson <sup>(Hardaway)</sup>  | Phillips                     |
| Avery                      | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Pierce                       |
| Bailey                     | Ferguson    | Johnston <sup>(Leonard)</sup>  | Powell                       |
| Barnett                    | Franklin    | Jones <sup>(Covington)</sup>   | Ramey                        |
| Bassett                    | Gilchrist   | Jones <sup>(Monroe)</sup>      | Rast                         |
| Bevill                     | Gilmer      | Lee                            | Ray                          |
| Bishop                     | Glass       | Locke                          | Roberts                      |
| Boyd                       | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Rogers                       |
| Brannan                    | Goodwyn     | Long <sup>(Perry)</sup>        | Rozelle                      |
| Branyon                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Self                         |
| Brewer                     | Grant       | McCorquodale                   | Shumate                      |
| Britton                    | Gross       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Grouby      | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Hanby       | Meade                          | Solomon                      |
| Cabiness                   | Hankins     | Merrill                        | Steagall                     |
| Camp                       | Hardy       | Morrow                         | Sullivan                     |
| Casey                      | Harris      | Nettles                        | Thomas                       |
| Chambers                   | Hawkins     | Nichols                        | Trimmier                     |
| Cook                       | Hearn       | Oakley                         | Turnham                      |
| Cornett                    |             |                                |                              |

—89

And the bill:

H. 784. For the relief of Mrs. E. H. Golden and L. L. Tryon, authorizing the County Commission of Jefferson County, Alabama, to make an appropriation from the County Treasury to compensate the said Golden and Tryon for certain damages.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel      | Jenkins                        | Perry                          |
| Adams <sup>(Houston)</sup> | Dickson     | Johnson <sup>(Hardaway)</sup>  | Phillips                       |
| Albea                      | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Pierce                         |
| Ashworth                   | Edwards     | Johnston <sup>(Leonard)</sup>  | Powell                         |
| Avery                      | Faulk       | Jones <sup>(Covington)</sup>   | Ramey                          |
| Bailey                     | Ferguson    | Jones <sup>(Monroe)</sup>      | Rast                           |
| Barnett                    | Franklin    | Lee                            | Ray                            |
| Bassett                    | Gilchrist   | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Bishop                     | Gilmer      | Long <sup>(Lauderdale)</sup>   | Roberts                        |
| Boyd                       | Glass       | Long <sup>(Perry)</sup>        | Rogers                         |
| Brannan                    | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Branyon                    | Goodwyn     | McCorquodale                   | Self                           |
| Brewer                     | Gordon      | McLendon <sup>(Bullock)</sup>  | Sessions                       |
| Britton                    | Gross       | Martin                         | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Grouby      | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Hanby       | Merrill                        | Solomon                        |
| Cabiness                   | Hankins     | Morrow                         | Speaks                         |
| Camp                       | Hardy       | Nettles                        | Steagall                       |
| Casey                      | Harris      | Nichols                        | Sullivan                       |
| Chambers                   | Hawkins     | Oakley                         | Thomas                         |
| Cook                       | Hocklander  | Oden                           | Trimmier                       |
| Cornett                    | Ingram      | Owens                          | Turnham                        |

—88

And the bill:

H. 810. To fix and require the payment of fees and costs in each case filed in the Jefferson County Civil Court; to require that all such fees be paid into the County Treasury of Jefferson County; and to provide the effective date of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dickson     | Ingram                         | Perry                          |
| Adams <sup>(Houston)</sup> | Dodd        | Jenkins                        | Phillips                       |
| Albea                      | Edwards     | Johnson <sup>(Hardaway)</sup>  | Pierce                         |
| Ashworth                   | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Powell                         |
| Avery                      | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Bailey                     | Franklin    | Jones <sup>(Covington)</sup>   | Rast                           |
| Barnett                    | Gilchrist   | Jones <sup>(Monroe)</sup>      | Ray                            |
| Bassett                    | Gilmer      | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Bishop                     | Glass       | Locke                          | Roberts                        |
| Boyd                       | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Rogers                         |
| Brannan                    | Goodwyn     | Long <sup>(Perry)</sup>        | Rozelle                        |
| Branyon                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Self                           |
| Brewer                     | Gross       | McCorquodale                   | Sessions                       |
| Britton                    | Grouby      | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Guthrie     | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Hanby       | Meade                          | Solomon                        |
| Cabiness                   | Hankins     | Merrill                        | Speaks                         |
| Camp                       | Hardy       | Morrow                         | Steagall                       |
| Casey                      | Harris      | Nettles                        | Sullivan                       |
| Chambers                   | Harvey      | Nichols                        | Thomas                         |
| Cook                       | Hawkins     | Oakley                         | Trimmier                       |
| Cornett                    | Hearn       | Oden                           | Turnham                        |
| Daniel                     | Hocklander  | Owens                          |                                |

—91



## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 345. To amend Section 380, Title 51, Code of Alabama 1940, in relation to the recognition of gain or loss for state income tax purposes on property involuntarily converted as a result of condemnation; giving the amendment retroactive effect.

Also:

H. 643. To abolish the office of County Solicitor of Walker County, Alabama, and to create in lieu thereof the office of the Solicitor of the County Court of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his duties, powers and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time in which he shall take office and to relate that all general and local laws in conflict with the provisions of this Act are repealed in so far as they relate to said Walker County, Alabama.

Also:

H. 639. Regulating further the insuring of the property of public hospitals in all counties in this State having a population of not less than 19,200 nor more than 20,200, according to the last or any subsequent federal decennial census.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 613. Proposing an amendment to the Constitution of Alabama relating to Uniontown in Perry County, and ordering an election thereon.

Also:

H. 621. To provide for the feeding and care of certain county prisoners of Russell County employed or used on the construction, repair, and maintenance of county roads and bridges, or other such road work; to authorize a daily tobacco allowance for such prisoners; to provide hospital and medical care and treatment for any of such prisoners who are injured or become ill while engaged in such road work; to prescribe the powers, duties, and authority of the sheriff and the governing body of Russell County in carrying out the provisions of this Act; and giving certain portions of the Act retroactive effect.

Also:

H. 632. To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or

other like governing body of all counties having a population of not less than 17,650 nor more than 18,000, according to the last or any subsequent federal decennial census.

Also:

H. 638. To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the Corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Also:

H. 640. To withdraw jurisdiction of criminal cases from justices of the peace and notaries ex officio justice of the peace elected or appointed for precinct five, Choctaw County.

Also:

H. 614. To regulate the compensation of deputy sheriffs, other than the chief deputy sheriff, of Pike County; amending Section 1 of Act No. 634, H. 1057, as amended, approved July 10, 1940, (Local Acts of Alabama 1939, p. 366) and Section 2 of Act No. 165, H. 574, approved June 28, 1949, (Acts of Alabama 1949, p. 193).

Also:

H. 646. Relating to St. Clair County; providing for the election of county commissioners from districts; prescribing the powers and duties of the court of county commissioners of St. Clair County, and the qualifications, term of office, compensation, and manner of election of the members thereof; and excepting the judge of probate, as the presiding judge of the court of county commissioners, from the operation of the Act.

Also:

H. 647. To provide for and regulate the payment of a portion of the compensation of clerks in the offices of the tax assessor and tax collector of Autauga County.

Also:

H. 649. To fix the compensation of the coroner of Autauga County and provide for the payment thereof.

Also:

H. 648. To amend Sections 1 and 5 of Act No. 445, H. 858, approved August 23, 1947 (Local Acts of Alabama, 1947, p. 303), entitled "An Act To establish a Court of Common Pleas for Autauga County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said Court shall be open at all times for the trial of Cases and transactions of business; to provide the rules and procedure of said Court; to provide a fine and forfeiture fund for said Court; and to abolish the Civil and Criminal Court of Autauga County, Alabama, and the County Court of Autauga County, Alabama."

Also:

H. 650. Fixing the compensation of members of the board of education of Autauga County, and providing for the payment of expenses

incurred by the members thereof in attending meetings and transacting business of the board.

Also:

H. 214. To propose an amendment to the Constitution providing for the levy and collection of an additional property tax for educational purposes in DeKalb County.

Also:

H. 530. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Tusculumbia in Colbert County, Alabama.

Also:

H. 579. To repeal the local act approved July 29, 1955, entitled "An Act relating to Elmore County; changing the method of compensating certain county officers; placing such officers on a salary; and providing for their assistants, and the office space and equipment necessary for the conduct of their offices, (Act No. 171, H. 413, Acts 1955, vol. I, pp. 436-437).

Also:

H. 641. To provide for the appointment of a special constable for each commissioner's district in Choctaw County, prescribing their powers and duties and providing for their compensation.

Also:

H. 663. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 11, T16N, R18E, Montgomery County, Alabama.

Also:

H. 577. To authorize all cities in the State of Alabama having a population exceeding 20,000 and not exceeding 23,000 inhabitants, according to the 1950 or any succeeding regular decennial Federal Census, or which shall hereafter have such population according to any such census that may hereafter be taken, to enact ordinances to establish and maintain a general system of pensions and retirements, including allowances payable on retirement for age or disability, or benefits on separation from service, for the benefit of their regular employees whose salaries are paid on a monthly basis, with necessary classification and terms of admission; and providing that upon the establishment of any system of pensions and retirements such employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as deemed expedient, to admission to such system; to authorize such ordinances to prescribe the manner in which the system may be conducted and its funds collected and distributed; to authorize such cities enacting such ordinances to establish such board for the administration of the fund as is deemed expedient, and to permit the governing body of the city to serve as such board; to require the participating employees and the city to contribute to the funds of such retirement system and to provide for the fixing of the rates of contribution; to require the board to have prepared annually actuarial valuation of the assets and liabilities of the system and to permit, on the basis of such valuation, increase or decrease in the rates of

contribution; to require such pension or retirement system organized under the provisions of this act to create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under the ordinances, except that the provisions of this act shall not be applicable to any retirement system heretofore established by local act of the Alabama Legislature, on the basis of an interest rate not in excess of four per centum per annum, and mortality disability and other experience tables, or a similar group of employees; to authorize the reserves required in respect of service rendered or benefits granted prior to the date of the organization of such system under the provisions of this act to be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and the liabilities of the system within a period of not exceeding thirty years from the date of establishment of said system; to authorize the organization of a retirement system under this act to provide for the cessation, limitation or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system provided that any funds of such former system transferred to the newly organized system shall be applied first to the payment of the benefits on account of which such funds were contributed; to require that the funds of such retirement system organized under the provisions of this act constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system and shall be held independently of the funds in the treasury of the city; to require that the ordinances provide for trustees, to invest and reinvest the funds of the system and the terms and restrictions in the manner of making such investments; to provide that the property of said system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system shall be exempt from taxation, attachment, execution or other process to satisfy any debt or liability of any employee of the system and any law relating to bankruptcy or insolvency; to provide that no assignment of any right in said funds or any benefits under the provisions of said ordinances shall be valid; to provide the time of taking effect of this act.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 670. To amend an act entitled "An act to provide for the election of a County Superintendent of Education for Pickens County, Alabama, by the qualified voters of said county, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers, and duties and to provide for the election of his successor in office."

Also:

H. 518. To abolish school district no. 6, Autauga County, and to annex the territory constituting such school district to school district no. 2 of said county.

Also:

H. 519. To provide for the election of members of the county board of education of Autauga County.

Also:

H. 523. To regulate further payment of compensation to deputy sheriffs by Chilton County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to pay the compensation of deputy sheriffs from the county public highway and traffic fund.

Also:

H. 524. To permit any state bank having its principal place of business or a branch place of business or office in Chilton County to establish one or more branches, or additional offices or places of business, for the receipt of deposits, payment of checks, lending of money, and doing a general banking business, subject to the approval of the State Superintendent of Banks.

Also:

H. 525. To regulate the compensation of members of the county board of education in counties having a population of not less than 19,000 nor more than 19,300 inhabitants according to the 1950 federal decennial census.

Also:

H. 526. Relating to Cleburne County; authorizing the employment of a stenographic secretary by the circuit clerk and register in chancery of the county; and authorizing the payment of the salary of such secretary from the county treasury.

Also:

H. 538. To establish in the 20th Judicial Circuit of Alabama the office of Clerk-Secretary to the Circuit Judge of said 20th Judicial Circuit; to prescribe the duties of the said Clerk-Secretary; to fix his or her term of office and to prescribe the pay for said Clerk-Secretary, and to provide for the payment of the salary of said Clerk-Secretary out of the General Funds of Houston and Henry Counties of Alabama.

Also:

H. 541. To prohibit the use of nets for fishing in Limestone County, and making the possession of prohibited nets under described conditions prima facie evidence of their illegal use; prescribing penalties.

Also:

H. 542. To regulate further the office of sheriff of Limestone County; requiring the sheriff of such county and his deputies when engaged in official duties to wear uniforms and when motor vehicles are used in connection therewith to use motor vehicles that are plainly marked or identified as vehicles used in the discharge of the official duties of the office of sheriff; authorizing and directing the county governing body to prescribe the style of the uniforms to be worn and the manner of marking or identifying the motor vehicles so used and to provide for the furnishing of such uniforms to such officers and the

marking of such vehicles at county expense; prescribing penalties for failure to wear such uniforms or to use marked vehicles as herein required; and prescribing a defense for such failure in certain instances.

Also:

H. 543. To provide for the appointment of a part-time clerk by the sheriff of any county having a population of not less than 35,500 nor more than 38,500, according to the last or any subsequent federal decennial census, whose compensation shall be paid by the county.

Also:

H. 544. To fix and provide for payment of the compensation of clerks and assistants of certain officers of Limestone County.

Also:

H. 556. To provide for the payment of expenses incurred by members of the Court of County Commissioners, Board of Revenue, or like governing body of Perry County which are incurred in the performance of their duties.

Also:

H. 557. To provide for appointment of an additional deputy by the sheriff of Perry County, and for the payment of his compensation.

Also:

H. 558. Relating to and providing for the reidentification of voters in St. Clair County; directing the board of registrars to purge the lists of registered voters; and providing a penalty for anyone willfully making a false statement in connection with such reidentification.

Also:

H. 559. to amend Act No. 173, H. 490, approved June 30, 1953, (Acts of Alabama 1953, page 217) which creates and establishes the Inferior Court of St. Clair County, so as to provide that fees of officers and State's witnesses in criminal cases docketed in such court in which the State fails to convict, or the cause is otherwise abated, withdrawn or dismissed or an order of nolle prosequi is entered by the State, shall be paid from the Fine and Forfeiture Fund of St. Clair County and such fund reimbursed therefor by the State.

Also:

H. 567. To alter and re-arrange the boundaries of the town of Centreville, Bibb County, so as to annex certain territory to the town.

Also:

H. 580. To amend Sections 1 and 3 of the act approved May 26, 1955, regulating the taking of fish from public streams and impounded waters in Elmore and Tallapoosa counties (Act No. 17, H. 93, Acts of Alabama 1955, Vol. I, pp. 229-231); prohibiting fishing with baskets and nets in the Coosa River or in the impounded waters thereof inside the boundaries of Elmore County, and making further provisions for the use of revenues derived from the sale of licenses in Elmore County.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 588. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama; to provide for the composition of said board; to provide for a secretary-treasurer of said board; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Also:

H. 480. To amend Section 1 of Act No. 652, H. 1030, approved October 9, 1947 (Local Acts of Alabama 1947, p. 409), entitled "An Act To provide for meetings and compensation of members of the County Board of Education of Coffee County."

Also:

H. 589. To amend Sections 3 and 4 of an act approved June 29, 1951, providing for the construction and maintenance of the roads and bridges in Greene County on a county-unit basis (Act No. 149, H. 441, Acts 1951, p. 383), in relation to the compensation of the chairman and members of the court of county commissioners.

Also:

H. 582. To vacate and annul the dedication to public use, prescribed in a deed to the City of Brewton from John R. Downing, as trustee for R. M. Jernigan, John R. Downing, and Thomas E. McMillan, then owners of Lincoln Park Subdivision, in the City of Brewton, to that certain parcel or tract of land hereinafter described by metes and bounds which is a part of that tract, lot or parcel of land designated as "Park" on the map of such subdivision on record in Map Book 3, at page 31 in the probate records of Escambia County, and more particularly described in the above mentioned deed, recorded in Deed Book 96 at page 562, probate records of Escambia County.

Also:

H. 581. To alter and re-arrange the boundary lines of the City of Brewton, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

Also:

H. 593. To alter, re-arrange and extend the boundaries of the Town of Kinsey in Houston County.

Also:

H. 590. To fix the compensation of the deputy solicitor of Greene County.

Also:

H. 573. To abolish the office of deputy solicitor for Clay County and to create in lieu thereof the office of county solicitor; to provide for the election, qualifications, and term of the county solicitor, prescribe his powers, authority, and duties, and fix his compensation; and to require the board of revenue, court of county commissioners, or other like governing body of Clay County to furnish the county solicitor with necessary office space, supplies, and equipment.

Also:

H. 575. To authorize the court of county commissioners, board of revenue or other like governing body of Dale County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Dale County public highway and traffic fund.

Also:

H. 574. To permit any bank having its principal place of business in Dale County to establish, maintain, and operate, within the corporate limits of any incorporated municipality in Dale County, one or more branches or additional offices or places of business, subject to the approval of the state superintendent of banks.

Also:

H. 576. To provide a salary for the coroner of Dale County, and to prescribe the manner of payment thereof.

Also:

H. 597. To authorize the court of county commissioners or like governing body of Lee County to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies, and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Lee County; to authorize the court of county commissioners or like governing body of Lee County to collect the tax and to distribute among the incorporated municipalities within the county their pro rata share of the proceeds; to authorize the court of county commissioners to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

Also:

H. 598. Relating to Lee County; providing for the compensation of the deputies to the sheriff of Lee County, and repealing conflicting laws.

Also:

H. 599. To amend Section 4 of Act No. 220, H. 679, approved July 12, 1949 (Acts of Alabama 1949, p. 312), entitled "An Act Creating the office of county solicitor of Lee County; providing the method of filling the office; and fixing the compensation and defining the duties of such solicitor," by fixing the compensation of the county solicitor.

Also:

H. 600. Relating to and providing for the reidentification of electors in Lee County; directing the board of registrars to purge the lists



of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

Also:

H. 601. To amend further Act No. 242, H. 678, approved July 15, 1949, (Acts of Alabama 1949, page 361), which created and established the Court of Common Pleas of Lee County.

Also:

H. 603. To amend further Section 4 of the act approved September 25, 1947 (Act No. 470, H. 899, Local Acts 1947, p. 329) relating to the office of chief clerk to the circuit solicitor of the Twenty-third Judicial Circuit.

Also:

H. 610. To amend Section 24 of Act No. 813, S. 662, approved September 11, 1951, (Acts of Alabama 1950-1951, pages 1426-1447), which relates to providing for and prescribing the form of government for all cities of Alabama having a population of not less than 75,000 nor more than 125,000 inhabitants according to the preliminary count of the 1950 federal census or any subsequent regular decennial federal census by more particularly defining the employees covered thereunder.

Also:

H. 612. To extend the boundary lines of the City of Decatur in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Barnett:

S. 270. To dissolve the municipal corporation of Daleville, Dale County, revoke its charter, and provide for the disposition of its property and payment of its debts.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF DALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To dissolve the municipal corporation of Daleville, Dale County, revoke its charter, and provide for the disposition of its property and payment of its debt.

Be It Enacted by the Legislature of Alabama:

Section 1. The municipal corporation of Daleville in Dale County is hereby dissolved and the charter of said municipality is hereby revoked.

Section 2. The title to any property owned by the municipality of Daleville on the effective date of this Act shall vest in the County of Dale; but if the municipality owes any debts, such property shall be sold by the court of county commissioners, board of revenue, or other like governing body of said county and the proceeds of the sale shall be applied pro rata to the payment of such indebtedness.

Section 3. This Act shall take effect on the first of the month next following the date of its enactment.

STATE OF ALABAMA,  
DALE COUNTY.

Before me the undersigned authority in and for said County and State, personally appeared John Q. Adams who being by me first duly sworn deposes and says that during the time herein mentioned he was publisher of the Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper once a week for 4 consecutive weeks, said notice having appeared in the issues of said paper on June 25, July 2, 9, and 16.

JOHN Q. ADAMS,  
Publisher.

Sworn to and subscribed before me on this 24th day of August, 1959.

G. L. WELLS,  
Notary Public.

Also:

By Mr. Godfrey:

S. 358. To authorize the governing body of DeKalb County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA  
DEKALB COUNTY

Notice is hereby given in accordance with Section 106 of the Constitution of Alabama that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to wit:

A bill for an act to authorize the governing body of DeKalb County to impose an excise tax, in addition to all other taxes imposed or authorized by law, on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuels or devices or substitutes therefor in DeKalb County. The act will regulate the imposition of the tax, and upon its imposition will require distributors, retail dealers, and storers of gasoline and other liquid motor fuels, or devices or substitutes therefor, to pay such tax upon the selling, distributing, or withdrawing from storage of gasoline and other such liquid motor fuels within the county, and the computation and payment of the tax by sellers of gasoline and other liquid motor fuels will be based on their sales and that by storers and distributors will be based on their withdrawals or distributions. The act will further provide, however, that one payment of the tax by any distributor, retail dealer, or storer will be sufficient, the intent of the act being that the tax is to be paid but once on the same gasoline. The act will exempt from payment of the tax sales of gasoline and other liquid motor fuels made in interstate commerce or to be used in essential governmental functions by county agencies, municipalities, and boards of education.

The act will provide for the enforcement, payment, and collection of the tax, and will require distributors, retail dealers, and storers engaged in making sales or withdrawals of gasoline and other liquid motor fuels in DeKalb County to make reports to the county governing body, as a condition precedent to engaging in such business in the county, showing the current place and post office address of the business, and, also, to make monthly reports showing the sales and withdrawals of taxable gasoline and other liquid motor fuels and such other information as the county governing body may require. Such distributors, storers, and retail dealers will also be required to keep at some certain place in Alabama such books and other documentary evidence as will show the amounts of sales or withdrawals of gasoline and other liquid motor fuels taxable in the county. Transportation companies or agencies operating in the county will be required to submit reports showing shipments of gasoline and other liquid motor fuels into the county, such reports to show the names and addresses of the consignors or consignees and the amounts of the shipments.

The act will provide for the payment of the tax, and will authorize its payment to the county governing body along with the required monthly reports, but will also authorize the state revenue department to collect the tax for DeKalb County, with the approval of the Governor upon the request of the county governing body. The act will make provision for the enforcement collection, and payment of the tax in the event it is collected by the state agency. The county governing body will be given the duty of enforcing the act, upon the imposition of the tax, and it will have the right itself, or its members or agents, to examine the books, reports, and accounts of persons, firms, corporations, or associations subject to the tax, and it will also have the right to make rules or regulations necessary and proper for the collection of the tax. Further provisions for the enforcement and collection of the

tax will include penalties for failure to make the required reports, failure to comply with the regulations of the county governing body, and failure to pay the required tax; and the act will also include remedies available to the county as against delinquent taxpayers, including the making of the taxes and penalties a lien upon the property of the person owing the taxes and penalties. Distributors, storers, or dealers who violate the act or fail to comply with any reasonable rule or regulation promulgated thereunder may be restrained from distributing, selling, storing, or withdrawing from storage taxable gasoline and other liquid motor fuels until such person has complied with the act.

The act will make provision for the distribution and use of the proceeds of the tax, and will provide for the use of such proceeds to surface, maintain, repair, and construct public roads and bridges in DeKalb County, and the act will provide that no part of such proceeds may be pledged in anticipation of its collection. The purpose of the act, however, is to provide for the construction and maintenance of county roads, and to assist the county in financing contracts entered into between the county and the State Highway Directors, providing for the construction of roads in the county, and the act will provide that to the extent necessary the proceeds of the tax may be used to replace the loss of any funds from the county gasoline fund which is derived from state gasoline taxes and which may be pledged in the liquidation of any indebtedness incurred by virtue of the road program as set out in the contract.

—Sen. George E. Godfrey 4/t. A-13, A. 20, A. 27, S. 3

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF DEKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Dale Smith, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the DeKalb County News, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 6, 1959, August 13, 1959, August 20, 1959 and August 27, all in the year 1959.

DALE SMITH.

Sworn to and subscribed before me 21 Sept., 1959.

GLENN O. DESHIELDS,  
Notary Public.

Also:

By Mr. Jones:

S. 352. Relating to Elmore County: To provide for a Clerk in the office of the Clerk of the Circuit Court of Elmore County, Alabama; to fix the method and basis of such Clerk's employment and compensation, and to designate the fund from which payable; to repeal all laws in conflict herewith; to provide that the partial invalidity of this Act shall not affect the remainder thereof; and to fix the time when this Act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL NOTICE

Notice is hereby given that at the next session of the Legislature of Alabama application will be made for the passage and approval of a certain bill or act in substance as follows:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Elmore County: To provide for a Clerk in the office of the Clerk of the Circuit Court of Elmore County, Alabama; to fix the method and basis of such Clerk's Employment and compensation, and to designate the funds from which payable; to repeal all laws in conflict herewith; to provide that the partial invalidity of this Act shall not affect the remainder thereof; and to fix the time when this Act shall become effective.

**Be It Enacted by the Legislature of Alabama:**

Section 1. The Clerk of the Circuit Clerk of Elmore County, Alabama, is hereby authorized to employ a clerk, if in his judgment it is necessary to the proper functioning of his office, said clerk to serve at the will and pleasure of the Clerk of the Circuit Court of Elmore County, Alabama. The Clerk of the Circuit Court of said County shall fix the salary of such Clerk at Twenty-one Hundred (\$2100.00) per annum.

Section 2. The salary of said Clerk appointed as hereinbefore provided shall be paid out of the General Fund of Elmore County, Alabama, in equal monthly installments of One Hundred Seventy-five (\$175.00) Dollars per month, said payments to be made by warrant drawn by the Court of County Commissioners of Elmore County, Alabama.

Section 3. Should any clause, sentence, paragraph, part or section of this act be invalid, such invalidity shall not affect, impair or invalidate the remainder of this Act.

Section 4. All laws, general, local and special in conflict herewith, are hereby repealed insofar as they conflict herewith.

Section 5. This act shall become effective on the first day of the month next succeeding its passage and approval, or its otherwise becoming a law.

**PROOF OF PUBLICATION**

**STATE OF ALABAMA  
COUNTY OF ELMORE**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Hal Fisher, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Wetumpka Herald, a newspaper of general circulation published in Elmore County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Jan. 22, Jan. 29, Feb. 5, and Feb. 12, all in the year 1959.

**HAL FISHER.**

Sworn to and subscribed before me September 18, 1959.

ELAINE HOLLEY,  
Notary Public.

Also:

By Mr. Eddins:

S. 348. Relating to the holding of elections in Marengo County; requiring the court of county commissioners, board of revenue, or other like governing body of Marengo County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

STATE OF ALABAMA,  
COUNTY OF MARENGO.

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to the holding of elections in Marengo County; requiring the court of county commissioners, board of revenue, or other like governing body of Marengo County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Marengo County is hereby authorized and required to provide for the purchase, installation, and use of voting machines in all elections held within the county, without first submitting the question of the installation of voting machines to a vote of the qualified electors of the county or of any municipality therein. The purchase, installation, and use of voting machines provided for pursuant to this Act, except as otherwise provided herein, shall be governed by the provisions of Article 7 of Chapter 1, Title 17, Code of Alabama (1940), as amended. The county governing body shall, from time to time, determine the number of voting machines to be used in elections held within the county, and shall alter or rearrange the boundaries of election districts or precincts and designate the places or locations within such election districts or precincts where voting machines shall be used, in order to make the most effective and practical use of such voting machines.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARENGO

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. E. Sutton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Democrat Reporter, a newspaper of general circulation published in Marengo County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 7, May 14, May 21, and May 28, all in the year 1959.

R. E. SUTTON.

Sworn to and subscribed before me June 1, 1959.

L. M. LOWREY, JR.,  
Notary Public.J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 270 Local Legislation No. 1.

S. 358. Local Legislation No. 1.

S. 352. Local Legislation No. 1.

S. 348. Local Legislation No. 1.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Moses:

S. 338. Relating to Marion County: To provide for the appointment and compensation of clerical assistance for certain county officers.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
COUNTY OF MARION

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Marion County: To provide for the appointment and compensation of clerical assistance for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor of Marion County is hereby authorized and empowered to appoint a clerk, who shall hold office at the pleasure of the tax assessor. Such clerk shall receive a salary of one hundred dollars (\$100.00) a month.

Section 2. The tax collector of Marion County is hereby authorized and empowered to appoint a clerk, who shall hold office at the pleasure of the tax collector for a period not to exceed six months during one calendar year. Such clerk shall receive a salary of one hundred dollars (\$100.00) a month while actually employed in the office of the tax collector, but not to exceed six months during any one calendar year.

Section 3. The compensation of the clerks herein provided for shall be paid out of the general fund of Marion County on warrant drawn in the manner prescribed by law.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared Oscar Roden, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Marion County News-Journal, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 6, Aug. 13, Aug. 20, and Aug. 27, all in the year 1959.

OSCAR RODEN.

Sworn to and subscribed before me Aug. 29, 1959.

J. CLINE WEEKS,  
Notary Public.

Also:

By Mr. Moses:

S. 339. For the relief of Lee Other Harris; authorizing and directing the board of revenue, court of county commissioners, or other like governing body of Marion County to make an appropriation from the county treasury to compensate Lee Other Harris for certain damages.

With notice and proof thereto attached and herewith exhibited as follows:



STATE OF ALABAMA  
COUNTY OF MARION

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

For the relief of Lee Other Harris; authorizing and directing the board of revenue, court of county commissioners, or other like governing body of Marion County to make an appropriation from the county treasury to compensate Lee Other Harris for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Marion County is hereby authorized, empowered and directed to appropriate from the county treasury the sum of one thousand dollars (\$1000) for the relief of Lee Other Harris to compensate him for personal injuries he sustained, while acting within the line and scope of his duties as an employee of Marion County, in an accident involving a truck owned by Marion County, which said accident occurred on or about Oct. 29, 1957, at or near Hamilton, Alabama, under such circumstances that said county is morally and justly obligated to pay damages, but the said Lee Other Harris has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared Oscar Roden, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Marion County News-Journal, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 6, Aug. 13, Aug. 20, and Aug. 27, all in the year 1959.

OSCAR RODEN.

Sworn to and subscribed before me Aug. 29, 1959.

J. CLINE WEEKS,  
Notary Public.

J. E. SPEIGHT,  
Secretary.

SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 338. Local Legislation No. 1

S. 339. Local Legislation No. 1

#### SPECIAL ORDER

The House then proceeded to the consideration of the Special Order.

And the bill:

S. 314. To amend Section 1 of Act No. 325, S. 379, approved August 11, 1953, the act fixing the compensation to be paid to members of the governing body in all cities having a population of not less than 78,500 nor more than 125,000, according to the last or any subsequent federal decennial census( Acts of Alabama, Regular Session 1953, Vol. I, p. 382).

Was taken up.

Mr. Goldthwaite moved to postpone further consideration of the bill, S. 314, until the thirty-sixth legislative day.

Mr. Pierce moved to lay on the table the motion of Mr. Goldthwaite, and the motion of Mr. Pierce was lost.

Yeas 15; Nays 2.

#### Yeas:

|             |           |            |                            |     |
|-------------|-----------|------------|----------------------------|-----|
| Mr. Speaker | Casey     | Hocklander | Pierce                     |     |
| Bailey      | Ferguson  | Locke      | Shumate                    |     |
| Callahan    | Gilchrist | Morrow     | Smith <sup>(Russell)</sup> |     |
| Camp        | Goodwyn   | Perry      |                            | —15 |

**Nays:** Messrs. Goldthwaite and Long (Lauderdale). —2

And the motion of Mr. Goldthwaite to postpone further consideration of the bill, S. 314, until the thirty-sixth legislative day was lost.

Mr. Goldthwaite offered the following substitute for the bill, S. 314:

#### A BILL TO BE ENTITLED AN ACT

To propose an amendment to the Constitution of Alabama relating to the compensation of state, county, and municipal officers who are elected or appointed for a fixed term.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor to wit:

## PROPOSED AMENDMENT

"That in all cities in the State of Alabama now having or which may hereafter have a population of as many as 78,500 people and not more than 125,000 people, according to the last or any future regular decennial federal census, and which operate under the commission form of government consisting of three members, the salaries to be paid said members of said Board of Commissioners in all such cities shall be as follows: The salary of the President of the Board of Commissioners shall be twelve thousand dollars per annum and the salary of each of the other Commissioners shall be ten thousand dollars per annum, all payable in equal monthly installments at the end of each calendar month out of the city treasury. This Act shall be retroactive from the date of enception in office of the said Board of Commissioners.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in every county of the state in which a newspaper is published, and in every county in which no newspaper is published a copy of such notice shall be posted at each courthouse and post office.

The motion of Mr. Bailey to lay on the table the substitute offered by Mr. Goldthwaite was lost.

Yeas 10; Nays 3.

**Yeas:**

|             |         |        |                 |     |
|-------------|---------|--------|-----------------|-----|
| Mr. Speaker | Casey   | Perry  | Rogers          |     |
| Bailey      | Goodwyn | Pierce | Smith (Russell) |     |
| Callahan    | Meade   |        |                 | —10 |

**Nays:** Messrs. Avery, Goldthwaite and Shumate. —3

The question was then on the adoption of the substitute offered by Mr. Goldthwaite to the bill, S. 314, and said substitute was lost.

Yeas 2; Nays 8.

**Yeas:** Messrs. Avery and Goldthwaite. —2

**Nays:**

|             |          |       |          |    |
|-------------|----------|-------|----------|----|
| Mr. Speaker | Callahan | Meade | Pierce   |    |
| Bailey      | Goodwyn  | Perry | Sessions |    |
|             |          |       |          | —8 |

Mr. Goldthwaite moved to recommit the bill, S. 314, to the Standing Committee on Local Legislation No. 1, and said motion was lost.

Yeas 5; Nays 10.

**Yeas:**

|          |             |                   |              |    |
|----------|-------------|-------------------|--------------|----|
| Messrs.: | Barnett     | Long (Lauderdale) | Long (Perry) |    |
| Avery    | Goldthwaite |                   |              | —5 |

**Nays:**

|             |           |       |          |
|-------------|-----------|-------|----------|
| Mr. Speaker | Gilchrist | Meade | Pierce   |
| Bailey      | Goodwyn   | Perry | Sessions |
| Camp        | Grant     |       |          |

—10

**MOTION TO ADJOURN LOST**

The motion of Mr. Goldthwaite that the House adjourn until Friday, October 2, 1959, at ten o'clock, A. M. was lost.

Yeas 6; Nays 47.

**Yeas:**

|          |             |                              |       |
|----------|-------------|------------------------------|-------|
| Messrs.: | Broadfoot   | Long <sup>(Lauderdale)</sup> | Ramey |
| Avery    | Goldthwaite | Martin                       |       |

—6

**Nays:**

|             |           |                              |                            |
|-------------|-----------|------------------------------|----------------------------|
| Mr. Speaker | Dickson   | Ingram                       | Ray                        |
| Albea       | Dodd      | Lee                          | Roberts                    |
| Ashworth    | Ferguson  | Locke                        | Rogers                     |
| Bailey      | Gilchrist | Long <sup>(Perry)</sup>      | Sessions                   |
| Barnett     | Gilmer    | McClendon <sup>(Chamb)</sup> | Shumate                    |
| Bevill      | Goodwyn   | Meade                        | Smith <sup>(Russell)</sup> |
| Branyon     | Grant     | Merrill                      | Solomon                    |
| Brewer      | Grouby    | Morrow                       | Speaks                     |
| Callahan    | Guthrie   | Owens                        | Steagall                   |
| Camp        | Hanby     | Perry                        | Sullivan                   |
| Casey       | Harvey    | Pierce                       | Thomas                     |
| Cornett     | Hawkins   | Rast                         |                            |

—47

**CONSIDERATION OF S. 314 RESUMED**

S. 314. To amend Section 1 of Act No. 325, S. 379, approved August 11, 1953, the act fixing the compensation to be paid to members of the governing body in all cities having a population of not less than 78,500 nor more than 125,000, according to the last or any subsequent federal decennial census (Acts of Alabama, Regular Session 1953, Vol. I, p. 382).

Was again taken up.

The question was on the passage of the bill, S. 314, and when the vote was taken and it appeared that a quorum was not recorded as voting on the bill, on suggestion of Mr. Goodwyn, the Speaker before announcing the vote, instructed the Clerk, in accordance with House Rule 26, to record as present those members physically present in the House though all present were not voting. On a call of the House the following members were physically present.

|                            |          |           |                               |
|----------------------------|----------|-----------|-------------------------------|
| Mr. Speaker                | Britton  | Dodd      | Guthrie                       |
| Adams <sup>(Houston)</sup> | Brooks   | Edwards   | Hanby                         |
| Ashworth                   | Cabiness | Faulk     | Harvey                        |
| Avery                      | Callahan | Franklin  | Hawkins                       |
| Bailey                     | Camp     | Gilchrist | Hocklander                    |
| Bevill                     | Casey    | Glass     | Ingram                        |
| Boyd                       | Chambers | Goodwyn   | Johnson <sup>(Hardaway)</sup> |
| Brannan                    | Cook     | Grant     | Johnston <sup>(Leonard)</sup> |
| Branyon                    | Copeland | Gross     | Locke                         |
| Brewer                     | Daniel   | Grouby    | Martin                        |

|         |          |                            |          |
|---------|----------|----------------------------|----------|
| Meade   | Phillips | Roberts                    | Solomon  |
| Merrill | Pierce   | Rogers                     | Speaks   |
| Morrow  | Ramey    | Sessions                   | Sullivan |
| Owens   | Rast     | Shumate                    | Torbert  |
| Perry   | Ray      | Smith <sup>(Russell)</sup> | Turnham  |

—60

A quorum was present.

The Speaker then announced that the bill, S. 314, having been read a third time at length, was passed.

Yeas 44; Nays 0.

#### Yeas:

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker                | Casey     | Hanby                         | Rast                       |
| Adams <sup>(Houston)</sup> | Chambers  | Harvey                        | Ray                        |
| Ashworth                   | Dodd      | Hawkins                       | Roberts                    |
| Bailey                     | Edwards   | Hocklander                    | Rogers                     |
| Bevill                     | Ferguson  | Johnson <sup>(Hardaway)</sup> | Sessions                   |
| Brannan                    | Gilchrist | Johnston <sup>(Leonard)</sup> | Shumate                    |
| Branyon                    | Glass     | Locke                         | Smith <sup>(Russell)</sup> |
| Brewer                     | Goodwyn   | Meade                         | Solomon                    |
| Britton                    | Grant     | Morrow                        | Sullivan                   |
| Callahan                   | Grouby    | Perry                         | Torbert                    |
| Camp                       | Guthrie   | Pierce                        | Turnham                    |

—44

And the bill:

S. 128 (with amendment). Relating to supernumerary circuit solicitors; amending Section 1 of an act approved September 3, 1953 (Act No. 474, S. 219, Acts 1953, Vol. 1, p. 589) providing for the appointment of supernumerary circuit solicitors of the State of Alabama, to provide that any person holding office as a judge of a court of record who has served continuously as a circuit solicitor for twenty years or more may become a supernumerary circuit solicitor.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

#### WAYS AND MEANS COMMITTEE AMENDMENT TO S. B. 128

Amend the Title by deleting from lines 5 and 6 the words "court of record" and insert in lieu thereof the words "County Law and Equity Court on January 1, 1960"

In Section 1, Subsection 1, Line 6 strike out the words "court of record" and insert in lieu thereof the following words and figures: "County Law and Equity Court on January 1, 1960"

In Section 1, Subsection 1, Line 9 after the word "service" add the following words "as such solicitor or judge"

In Section 1, Subsection 1, Line 12, strike out the words "circuit solicitor" and insert in lieu thereof the word "person"

And the amendment was adopted.

Yeas 72; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cornett     | Hocklander                    | Phillips                       |
| Adams <sup>(Houston)</sup> | Daniel      | Jenkins                       | Pierce                         |
| Albea                      | Dickson     | Johnson <sup>(Hardaway)</sup> | Powell                         |
| Ashworth                   | Dodd        | Jones <sup>(Covington)</sup>  | Rast                           |
| Bailey                     | Ferguson    | Jones <sup>(Monroe)</sup>     | Ray                            |
| Barnett                    | Franklin    | Lee                           | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Gilchrist   | Locke                         | Roberts                        |
| Boyd                       | Gilmer      | Long <sup>(Perry)</sup>       | Rogers                         |
| Brannan                    | Glass       | McClendon <sup>(Chamb)</sup>  | Rozelle                        |
| Branyon                    | Goldthwaite | McCorquodale                  | Self                           |
| Brewer                     | Goodwyn     | McLendon <sup>(Bullock)</sup> | Sessions                       |
| Britton                    | Grant       | Martin                        | Shumate                        |
| Brooks                     | Gross       | Meade                         | Smith <sup>(Russell)</sup>     |
| Cabiness                   | Grouby      | Merrill                       | Speaks                         |
| Camp                       | Hanby       | Morrow                        | Steagall                       |
| Casey                      | Harris      | Nettles                       | Sullivan                       |
| Chambers                   | Harvey      | Oden                          | Thomas                         |
| Copeland                   | Hawkins     | Perry                         | Trimmier                       |

—72

Mr. Owens offered the following amendment to the bill, S. 128, as amended:

Amendment to S. B. 128

After Section 1 Add the following:

Section 1a. For the purposes of this Act, service in the Armed forces of the United States shall not be deemed to interrupt continuous service as such Circuit Solicitor.

And the amendment was adopted.

Yeas 72; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Copeland    | Harvey                        | Phillips                     |
| Adams <sup>(Houston)</sup> | Cornett     | Hawkins                       | Pierce                       |
| Albea                      | Daniel      | Jenkins                       | Powell                       |
| Ashworth                   | Dickson     | Johnson <sup>(Hardaway)</sup> | Ramey                        |
| Avery                      | Dodd        | Jones <sup>(Covington)</sup>  | Rast                         |
| Bailey                     | Faulk       | Jones <sup>(Monroe)</sup>     | Ray                          |
| Barnett                    | Ferguson    | Lee                           | Roberts                      |
| Bevill                     | Franklin    | Locke                         | Rogers                       |
| Boyd                       | Gilchrist   | Long <sup>(Perry)</sup>       | Rozelle                      |
| Brannan                    | Gilmer      | McCorquodale                  | Self                         |
| Branyon                    | Glass       | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Brewer                     | Goldthwaite | Martin                        | Smith <sup>(Russell)</sup>   |
| Brooks                     | Goodwyn     | Meade                         | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Grant       | Merrill                       | Speaks                       |
| Callahan                   | Gross       | Morrow                        | Steagall                     |
| Camp                       | Grouby      | Oakley                        | Sullivan                     |
| Casey                      | Hanby       | Oden                          | Thomas                       |
| Chambers                   | Harris      | Perry                         | Trimmier                     |

—72

And said bill, S. 128, as thus amended, was read a third time at length and passed.

Yeas 78; Nays 0.

**Yeas:**

|                            |            |                               |                                |
|----------------------------|------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Daniel     | Jenkins                       | Pierce                         |
| Adams <sup>(Houston)</sup> | Dickson    | Johnson <sup>(Hardaway)</sup> | Powell                         |
| Albea                      | Dodd       | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Ashworth                   | Faulk      | Jones <sup>(Covington)</sup>  | Rast                           |
| Avery                      | Ferguson   | Jones <sup>(Monroe)</sup>     | Ray                            |
| Bailey                     | Franklin   | Lee                           | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Gilmer     | Locke                         | Roberts                        |
| Bevill                     | Glass      | Long <sup>(Perry)</sup>       | Rogers                         |
| Boyd                       | Goodwyn    | McCorquodale                  | Rozelle                        |
| Brannan                    | Gordon     | McLendon <sup>(Bullock)</sup> | Self                           |
| Branyon                    | Grant      | Martin                        | Sessions                       |
| Brewer                     | Gross      | Meade                         | Shumate                        |
| Brooks                     | Grouby     | Merrill                       | Smith <sup>(Russell)</sup>     |
| Cabiness                   | Hanby      | Morrow                        | Smith <sup>(St. Clair)</sup>   |
| Callahan                   | Hardy      | Nettles                       | Speaks                         |
| Camp                       | Harris     | Oakley                        | Steagall                       |
| Casey                      | Harvey     | Oden                          | Sullivan                       |
| Chambers                   | Hawkins    | Perry                         | Thomas                         |
| Cook                       | Hocklander | Phillips                      | Trimmier                       |
| Cornett                    | Ingram     |                               |                                |

—78

**REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 480. To amend Section 1 of Act No. 652, H. 1030, approved October 9, 1947 (Local Acts of Alabama 1947, p. 409), entitled "An Act To provide for meetings and compensation of members of the County Board of Education of Coffee County."

Also:

H. 518. To abolish school district no. 6, Autauga County, and to annex the territory constituting such school district to school district no. 2 of said county.

Also:

H. 519. To provide for the election of members of the county board of education of Autauga County.

Also:

H. 523. To regulate further payment of compensation to deputy sheriffs by Chilton County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to pay the compensation of deputy sheriffs from the county public highway and traffic fund.

Also:

H. 524. To permit any state bank having its principal place of business or a branch place of business or office in Chilton County to establish one or more branches, or additional offices or places of business, for the receipt of deposits, payment of checks, lending of money, and doing a general banking business, subject to the approval of the State Superintendent of Banks.

Also:

H. 525. To regulate the compensation of members of the county board of education in counties having a population of not less than 19,000 nor more than 19,300 inhabitants according to the 1950 federal decennial census.

Also:

H. 526. Relating to Cleburne County; authorizing the employment of a stenographic secretary by the circuit clerk and register in chancery of the county; and authorizing the payment of the salary of such secretary from the county treasury.

Also:

H. 538. To establish in the 20th Judicial Circuit of Alabama the office of Clerk-Secretary to the Circuit Judge of said 20th Judicial Circuit; to prescribe the duties of the said Clerk-Secretary; to fix his or her term of office and to prescribe the pay for said Clerk-Secretary, and to provide for the payment of the salary of said Clerk-Secretary out of the General Funds of Houston and Henry Counties of Alabama.

Also:

H. 541. To prohibit the use of nets for fishing in Limestone County, and making the possession of prohibited nets under described conditions prima facie evidence of their illegal use; prescribing penalties.

Also:

H. 542. To regulate further the office of sheriff of Limestone County; requiring the sheriff of such county and his deputies when engaged in official duties to wear uniforms and when motor vehicles are used in connection therewith to use motor vehicles that are plainly marked or identified as vehicles used in the discharge of the official duties of the office of sheriff; authorizing and directing the county governing body to prescribe the style of the uniforms to be worn and the manner of marking or identifying the motor vehicles so used and to provide for the furnishing of such uniforms to such officers and the marking of such vehicles at county expense; prescribing penalties for failure to wear such uniforms or to use marked vehicles as herein required; and prescribing a defense for such failure in certain instances.

Also:

H. 543. To provide for the appointment of a part-time clerk by the sheriff of any county having a population of not less than 35,500 nor more than 38,500, according to the last or any subsequent federal decennial census, whose compensation shall be paid by the county.

Also:



H. 544. To fix and provide for payment of the compensation of clerks and assistants of certain officers of Limestone County.

Also:

H. 556. To provide for the payment of expenses incurred by members of the Court of County Commissioners, Board of Revenue, or like governing body of Perry County which are incurred in the performance of their duties.

Also:

H. 557. To provide for appointment of an additional deputy by the sheriff of Perry County, and for the payment of his compensation.

Also:

H. 558. Relating to and providing for the reidentification of voters in St. Clair County; directing the board of registrars to purge the lists of registered voters; and providing a penalty for anyone willfully making a false statement in connection with such reidentification.

Also:

H. 559. To amend Act No. 173, H. 490, approved June 30, 1953, (Acts of Alabama 1953, page 217) which creates and establishes the Inferior Court of St. Clair County, so as to provide that fees of officers and State's witnesses in criminal cases docketed in such court in which the State fails to convict, or the cause is otherwise abated, withdrawn or dismissed or an order of nolle prosequi is entered by the State, shall be paid from the Fine and Forfeiture Fund of St. Clair County and such fund reimbursed therefor by the State.

Also:

H. 567. To alter and re-arrange the boundaries of the town of Centreville, Bibb County, so as to annex certain territory to the town.

Also:

H. 573. To abolish the office of deputy solicitor for Clay County and to create in lieu thereof the office of county solicitor; to provide for the election, qualifications, and term of the county solicitor, prescribe his powers, authority, and duties, and fix his compensation; and to require the board of revenue, court of county commissioners, or other like governing body of Clay County to furnish the county solicitor with necessary office space, supplies, and equipment.

Also:

H. 574. To permit any bank having its principal place of business in Dale County to establish, maintain, and operate, within the corporate limits of any incorporated municipality in Dale County, one or more branches or additional offices or places of business, subject to the approval of the state superintendent of banks.

Also:

H. 575. To authorize the court of county commissioners, board of revenue or other like governing body of Dale County to designate

deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Dale County public highway and traffic fund.

Also:

H. 576. To provide a salary for the coroner of Dale County, and to prescribe the manner of payment thereof.

Also:

H. 580. To amend Sections 1 and 3 of the act approved May 26, 1955, regulating the taking of fish from public streams and impounded waters in Elmore and Tallapoosa counties (Act No. 17, H. 93, Acts of Alabama 1955, Vol. I, pp. 229-231); prohibiting fishing with baskets and nets in the Coosa River or in the impounded waters thereof inside the boundaries of Elmore County, and making further provisions for the use of revenues derived from the sale of licenses in Elmore County.

Also:

H. 581. To alter and re-arrange the boundary lines of the City of Brewton, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

Also:

H. 582. To vacate and annul the dedication to public use, prescribed in a deed to the City of Brewton from John R. Downing, as trustee for R. M. Jernigan, John R. Downing, and Thomas E. McMillan, then owners of Lincoln Park Subdivision, in the City of Brewton, to that certain parcel or tract of land hereinafter described by metes and bounds which is a part of that tract, lot or parcel of land designated as "Park" on the map of such sub-division on record in Map Book 3, at page 31 in the probate records of Escambia County, and more particularly described in the above mentioned deed, recorded in Deed Book 96 at page 562, probate records of Escambia County.

Also:

H. 588. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama; to provide for the composition of said board; to provide for a secretary-treasurer of said board; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Also:

H. 589. To amend Sections 3 and 4 of an act approved June 29, 1951, providing for the construction and maintenance of the roads and bridges in Greene County on a county-unit basis (Act No. 149, H. 441,

Acts 1951, p. 383), in relation to the compensation of the chairman and members of the court of county commissioners.

Also:

H. 590. To fix the compensation of the deputy solicitor of Greene County.

Also:

H. 593. To alter, re-arrange and extend the boundaries of the Town of Kinsey in Houston County.

Also:

H. 597. To authorize the court of county commissioners or like governing body of Lee County to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies, and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Lee County; to authorize the court of county commissioners or like governing body of Lee County to collect the tax and to distribute among the incorporated municipalities within the county their pro rata share of the proceeds; to authorize the court of county commissioners to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

Also:

H. 598. Relating to Lee County; providing for the compensation of the deputies to the sheriff of Lee County, and repealing conflicting laws.

Also:

H. 599. To amend Section 4 of Act No. 220, H. 679, approved July 12, 1949 (Acts of Alabama 1949, p. 312), entitled "An Act Creating the office of county solicitor of Lee County; providing the method of filling the office; and fixing the compensation and defining the duties of such solicitor," by fixing the compensation of the county solicitor.

Also:

H. 600. Relating to and providing for the reidentification of electors in Lee County; directing the board of registrars to purge the lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

Also:

H. 601. To amend further Act No. 242, H. 678, approved July 15, 1949, (Acts of Alabama 1949, page 361), which created and established the Court of Common Pleas of Lee County.

Also:

H. 603. To amend further Section 4 of the act approved September 25, 1947 (Act No. 470, H. 899, Local Acts 1947, p. 329) relating to the office of chief clerk to the circuit solicitor of the Twenty-third Judicial Circuit.

Also:

H. 610. To amend Section 24 of Act No. 813, S. 662, approved September 11, 1951, (Acts of Alabama 1950-1951, pages 1426-1447), which relates to providing for and prescribing the form of government for all cities of Alabama having a population of not less than 75,000 nor more than 125,000 inhabitants according to the preliminary count of the 1950 federal census or any subsequent regular decennial federal census by more particularly defining the employees covered thereunder.

Also:

H. 612. To extend the boundary lines of the City of Decatur in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Also:

H. 670. To amend an act entitled "An act to provide for the election of a County Superintendent of Education for Pickens County, Alabama, by the qualified voters of said county, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers, and duties and to provide for the election of his successor in office."

Also:

H. 530. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Tuscumbia in Colbert County, Alabama.

Also:

H. 579. To repeal the local act approved July 29, 1955, entitled "An Act relating to Elmore County; changing the method of compensating certain county officers; placing such officers on a salary; and providing for their assistants, and the office space and equipment necessary for the conduct of their offices, (Act No. 171, H. 413, Acts 1955, vol. I, pp. 436-437).

Also:

H. 614. To regulate the compensation of deputy sheriffs, other than the chief deputy sheriff, of Pike County; amending Section 1 of Act No. 634, H. 1057, as amended, approved July 10, 1940, (Local Acts of Alabama 1939, p. 366) and Section 2 of Act No. 165, H. 574 approved June 28, 1949, (Acts of Alabama 1949, p. 193).

Also:

H. 621. To provide for the feeding and care of certain county prisoners of Russell County employed or used on the construction, repair, and maintenance of county roads and bridges, or other such road work; to authorize a daily tobacco allowance for such prisoners; to provide hospital and medical care and treatment for any of such prisoners who are injured or become ill while engaged in such road work; to prescribe the powers, duties, and authority of the sheriff and the governing body of Russell County in carrying out the provisions of this Act; and giving certain portions of the Act retroactive effect.

Also:

H. 632. To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or other like governing body of all counties having a population of not less than 17,650 nor more than 18,000, according to the last or any subsequent federal decennial census.

Also:

H. 638. To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the Corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Also:

H. 640. To withdraw jurisdiction of criminal cases from justices of the peace and notaries ex officio justice of the peace elected or appointed for precinct five, Choctaw County.

Also:

H. 641. To provide for the appointment of a special constable for each commissioner's district in Choctaw County, prescribing their powers and duties and providing for their compensation.

Also:

H. 577. To authorize all cities in the State of Alabama having a population exceeding 20,000 and not exceeding 23,000 inhabitants, according to the 1950 or any succeeding regular decennial Federal Census, or which shall hereafter have such population according to any such census that may hereafter be taken, to enact ordinances to establish and maintain a general system of pensions and retirements, including allowances payable on retirement for age or disability, or benefits on separation from service, for the benefit of their regular employees whose salaries are paid on a monthly basis, with necessary classification and terms of admission; and providing that upon the establishment of any system of pensions and retirements such employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as deemed expedient, to admission to such system; to authorize such ordinances to prescribe the manner in which the system may be conducted and its funds collected and distributed; to authorize such cities enacting such ordinances to establish such board for the administration of the fund as is deemed expedient, and to permit the governing body of the city to serve as such board; to require the participating employees and the city to contribute to the funds of such retirement system and to provide for the fixing of the rates of contribution; to require the board to have prepared annually actuarial valuation of the assets and liabilities of the system and to permit, on the basis of such valuation, increase or decrease in the rates of contribution; to require such pension or retirement system organized under the provisions of this act to create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under the ordinances, except that the provisions of this act shall not be applicable to any retirement system heretofore established by local act of the Alabama Legislature, on the basis of an interest rate not in excess of four per centum per annum, and mortality disability and other experience tables, or a similar group of employees; to authorize the reserves required in respect of service rendered or benefits granted prior to the date of the organization of such system under the

provisions of this act to be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and the liabilities of the system within a period of not exceeding thirty years from the date of establishment of said system; to authorize the organization of a retirement system under this act to provide for the cessation, limitation or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system provided that any funds of such former system transferred to the newly organized system shall be applied first to the payment of the benefits on account of which such funds were contributed; to require that the funds of such retirement system organized under the provisions of this act constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system and shall be held independently of the funds in the treasury of the city; to require that the ordinances provide for trustees, to invest and reinvest the funds of the system and the terms and restrictions in the manner of making such investments; to provide that the property of said system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system shall be exempt from taxation, attachment, execution or other process to satisfy any debt or liability of any employee of the system and any law relating to bankruptcy or insolvency; to provide that no assignment of any right in said funds or any benefits under the provisions of said ordinances shall be valid; to provide the time of taking effect of this act.

Also:

H. 646. Relating to St. Clair County; providing for the election of county commissioners from districts; prescribing the powers and duties of the court of county commissioners of St. Clair County, and the qualifications, term of office, compensation, and manner of election of the members thereof; and excepting the judge of probate, as the presiding judge of the court of county commissioners, from the operation of the Act.

Also:

H. 647. To provide for and regulate the payment of a portion of the compensation of clerks in the offices of the tax assessor and tax collector of Autauga County.

Also:

H. 648. To amend Sections 1 and 5 of Act No. 445, H. 858, approved August 23, 1947 (Local Acts of Alabama, 1947, p. 303), entitled "An Act To establish a Court of Common Pleas for Autauga County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said Court shall be open at all times for the trial of Cases and transactions of business; to provide the rules and procedure of said Court; to provide a fine and forfeiture fund for said Court; and to abolish the Civil and Criminal Court of Autauga County, Alabama, and the County Court of Autauga County, Alabama."

Also:

H. 649. To fix the compensation of the coroner of Autauga County and provide for the payment thereof.

Also:

H. 650. Fixing the compensation of members of the board of education of Autauga County, and providing for the payment of expenses incurred by the members thereof in attending meetings and transacting business of the board.

Also:

H. 663. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 11, T16N, R18E, Montgomery County, Alabama.

Also:

H. 345. To amend Section 380, Title 51, Code of Alabama 1940, in relation to the recognition of gain or loss for state income tax purposes on property involuntarily converted as a result of condemnation; giving the amendment retroactive effect.

Also:

H. 639. Regulating further the insuring of the property of public hospitals in all counties in this State having a population of not less than 19,200 nor more than 20,200, according to the last or any subsequent federal decennial census.

Also:

H. 643. To abolish the office of County Solicitor of Walker County, Alabama, and to create in lieu thereof the office of the Solicitor of the County Court of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his duties, powers and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time in which he shall take office and to relate that all general and local laws in conflict with the provisions of this Act are repealed in so far as they relate to said Walker County, Alabama.

Also:

H. 214. To propose an amendment to the Constitution providing for the levy and collection of an additional property tax for educational purposes in DeKalb County.

Also:

H. 613. Proposing an amendment to the Constitution of Alabama relating to Uniontown in Perry County, and ordering an election thereon.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate bill:

S. 312. To create within any county in this state having a population of not less than 125,000 nor more than 225,000, according to the last or any subsequent federal decennial census, a domestic relations division of the circuit court of such county; defining its jurisdiction and authority; providing it with officers, and prescribing their duties, authority, and compensation; regulating its procedure; abolishing the juvenile court or any other special court having jurisdiction only of juveniles and domestic relations.

J. E. SPEIGHT,  
Secretary.

## BILLS ON SPECIAL ORDER RESUMED

S. 67. To make an appropriation from the Oil and Gas Fund to the State Building Commission for the purpose of constructing and equipping a building to house and quarter the records, offices and facilities of the State Oil and Gas Board.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

|                            |           |                                |                                |
|----------------------------|-----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cook      | Harvey                         | Pierce                         |
| Adams <sup>(Houston)</sup> | Copeland  | Hawkins                        | Powell                         |
| Albea                      | Cornett   | Hocklander                     | Ramey                          |
| Ashworth                   | Daniel    | Ingram                         | Rast                           |
| Avery                      | Dickson   | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Bailey                     | Dodd      | Jones <sup>(Covington)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Edwards   | Jones <sup>(Monroe)</sup>      | Roberts                        |
| Bassett                    | Faulk     | Lee                            | Rogers                         |
| Bevill                     | Ferguson  | Locke                          | Rozelle                        |
| Bishop                     | Franklin  | Long <sup>(Perry)</sup>        | Self                           |
| Boyd                       | Gilchrist | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Brannan                    | Gilmer    | McCorquodale                   | Shumate                        |
| Branyon                    | Glass     | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>     |
| Brewer                     | Goodwyn   | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Grant     | Meade                          | Solomon                        |
| Broadfoot                  | Gross     | Merrill                        | Speaks                         |
| Brooks                     | Grouby    | Morrow                         | Steagall                       |
| Cabiness                   | Guthrie   | Nettles                        | Sullivan                       |
| Callahan                   | Hanby     | Oakley                         | Thomas                         |
| Camp                       | Hankins   | Owens                          | Torbert                        |
| Casey                      | Hardy     | Perry                          | Trimmier                       |
| Chambers                   | Harris    | Phillips                       |                                |

—87

Mr. Self requested that the following be inserted in the Journal:

## QUESTION TO MR. SPEAKER BY SELF

Question: Would an amendment to Senate Bill 67, an appropriation bill, in effect kill the bill since this is the last legislative day before Oct. 1, 1959, beginning of new fiscal year?



Answer: Since this is the last legislative day, the Senate would probably not have time to concur or not concur in the bill.

Mr. Self then stated that he would have offered the following amendment to S. B. 67 had this not been the last legislative day prior to the beginning of the next fiscal year on October 1, 1959.

#### AMENDMENT TO S. B. 67

Amend Section 1, first sentence thereof, to read as follows: "That the sum of Six Hundred Thousand Dollars (\$600,000.00), or so much thereof as may be necessary, is hereby appropriated from the Oil and Gas Fund in the State Treasury to the State Building Commission, to be used exclusively for the purpose of constructing and equipping a suitable building to house the records, offices, and other facilities of the State Oil and Gas Board, said building to be located within the state at a location to be approved of by the State Oil and Gas Board."

And the bill:

S. 238. To provide for the distribution of the 2% tax levied on the producer of crude petroleum oil or natural gas produced for sale, transport, storage, profit, or for use from any well or wells in the State of Alabama pursuant to Section 26, of Act No. 1, approved May 22, 1945, as amended by Act No. 453, approved August 31, 1953; to provide for the transfer of \$100,000.00 to the General Fund from such surplus funds in the State Treasury to the credit of the Oil and Gas Fund as of September 30, 1959; to repeal all laws or parts of laws, especially Section 32 of Act No. 1, approved May 22, 1945; and to provide an effective date for this Act.

Was read a third time at length and passed.

Yeas 86; Nays 1.

#### Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Copeland    | Jenkins                        | Phillips                       |
| Adams <sup>(Houston)</sup> | Cornett     | Johnson <sup>(Hardaway)</sup>  | Pierce                         |
| Albea                      | Daniel      | Johnson <sup>(J. T. Tom)</sup> | Powell                         |
| Ashworth                   | Dickson     | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Avery                      | Dodd        | Jones <sup>(Covington)</sup>   | Rast                           |
| Bailey                     | Edwards     | Jones <sup>(Monroe)</sup>      | Ray                            |
| Barnett                    | Faulk       | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Ferguson    | Locke                          | Roberts                        |
| Bevill                     | Franklin    | Long <sup>(Perry)</sup>        | Rogers                         |
| Bishop                     | Gilchrist   | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Boyd                       | Gilmer      | McCorquodale                   | Self                           |
| Brannan                    | Glass       | McLendon <sup>(Bullock)</sup>  | Shumate                        |
| Branyon                    | Goldthwaite | Martin                         | Smith <sup>(Russell)</sup>     |
| Brewer                     | Goodwyn     | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Grant       | Merrill                        | Solomon                        |
| Broadfoot                  | Gross       | Morrow                         | Speaks                         |
| Cabiness                   | Grouby      | Nettles                        | Steagall                       |
| Callahan                   | Hanby       | Oakley                         | Sullivan                       |
| Camp                       | Hankins     | Oden                           | Thomas                         |
| Casey                      | Hardy       | Owens                          | Torbert                        |
| Chambers                   | Harvey      | Perry                          | Trimmier                       |
| Cook                       | Hawkins     |                                |                                |

—86

Nay: Mr. Hocklander.

—1

And the bill:

S. 235. To amend the caption and Section 2 of Act No. 308, S. 193, approved August 26, 1955 (Acts of Alabama, 1955, p. 707), entitled "An Act To provide for the issuance of distinctive motor vehicle license plates or tags to members of the National Guard and Air National Guard of Alabama upon the payment of an additional sum of \$1.00 for use by such persons upon their personally-owned, private, passenger vehicles in lieu of the standard license plate or tag now required; and for the use of such distinctive plates by the State Military Department," by providing further for the issuance of such distinctive motor vehicle license plates.

Was read a third time at length and passed.

Yeas 90; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel      | Jenkins                        | Pierce                         |
| Adams <sup>(Houston)</sup> | Dickson     | Johnson <sup>(Hardaway)</sup>  | Powell                         |
| Albea                      | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Ashworth                   | Edwards     | Johnston <sup>(Leonard)</sup>  | Rast                           |
| Avery                      | Faulk       | Jones <sup>(Monroe)</sup>      | Ray                            |
| Bailey                     | Ferguson    | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Franklin    | Locke                          | Roberts                        |
| Bassett                    | Gilmer      | Long <sup>(Lauderdale)</sup>   | Rogers                         |
| Bevill                     | Glass       | Long <sup>(Perry)</sup>        | Rozelle                        |
| Bishop                     | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Self                           |
| Boyd                       | Goodwyn     | McCorquodale                   | Sessions                       |
| Brannan                    | Gordon      | McLendon <sup>(Bullock)</sup>  | Shumate                        |
| Branyon                    | Grant       | Martin                         | Smith <sup>(Russell)</sup>     |
| Britton                    | Gross       | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grouby      | Merrill                        | Solomon                        |
| Cabiness                   | Guthrie     | Morrow                         | Speaks                         |
| Callahan                   | Hanby       | Nettles                        | Steagall                       |
| Camp                       | Hankins     | Oakley                         | Sullivan                       |
| Casey                      | Hardy       | Oden                           | Thomas                         |
| Chambers                   | Harris      | Owens                          | Torbert                        |
| Cook                       | Hawkins     | Perry                          | Trimmier                       |
| Copeland                   | Hocklander  | Phillips                       | Turnham                        |
| Cornett                    | Ingram      |                                |                                |

—90

And the bill:

H. 594. To amend Section 2 of the act entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplumented," which becomes effective October 1, 1959.

Was taken up.

Mr. Copeland moved to postpone further consideration of the bill, H. 594, until the twenty-fifth legislative day.

Mr. Perry moved to lay on the table the motion of Mr. Copeland and the motion of Mr. Perry was adopted.

Yeas 47; Nays 40.

**Yeas:**

|          |                               |                                |          |
|----------|-------------------------------|--------------------------------|----------|
| Messrs.: | Daniel                        | Johnson <sup>(J. T. Tom)</sup> | Nettles  |
| Avery    | Dodd                          | Johnston <sup>(Leonard)</sup>  | Perry    |
| Barnett  | Edwards                       | Lee                            | Pierce   |
| Bevill   | Ferguson                      | Locke                          | Ramey    |
| Boyd     | Gilmer                        | Long <sup>(Lauderdale)</sup>   | Rast     |
| Brannan  | Glass                         | Long <sup>(Perry)</sup>        | Sessions |
| Brewer   | Goldthwaite                   | McClendon <sup>(Chamb)</sup>   | Solomon  |
| Cabiness | Grant                         | McCorquodale                   | Steagall |
| Callahan | Hardy                         | Martin                         | Thomas   |
| Casey    | Hocklander                    | Meade                          | Torbert  |
| Chambers | Jenkins                       | Merrill                        | Trimmier |
| Cornett  | Johnson <sup>(Hardaway)</sup> | Morrow                         | Turnham  |

—47

**Nays:**

|                            |           |                           |                                |
|----------------------------|-----------|---------------------------|--------------------------------|
| Mr. Speaker                | Camp      | Hanby                     | Reynolds <sup>(Chambers)</sup> |
| Adams <sup>(Houston)</sup> | Copeland  | Hankins                   | Roberts                        |
| Albea                      | Dickson   | Harris                    | Rogers                         |
| Ashworth                   | Faulk     | Harvey                    | Rozelle                        |
| Bailey                     | Franklin  | Ingram                    | Self                           |
| Bassett                    | Gilchrist | Jones <sup>(Monroe)</sup> | Shumate                        |
| Bishop                     | Goodwyn   | Oden                      | Smith <sup>(Russell)</sup>     |
| Branyon                    | Gordon    | Phillips                  | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Gross     | Powell                    | Speaks                         |
| Broadfoot                  | Grouby    | Ray                       | Sullivan                       |

—40

**MOTION TO ADJOURN LOST**

The motion of Mr. Shumate that the House adjourn until Friday, October 2, 1959, at ten o'clock A. M. was lost.

Yeas 30; Nays 57.

**Yeas:**

|           |           |                                |                                |
|-----------|-----------|--------------------------------|--------------------------------|
| Messrs.:  | Copeland  | Hankins                        | Ray                            |
| Ashworth  | Daniel    | Harvey                         | Reynolds <sup>(Chambers)</sup> |
| Bevill    | Dickson   | Ingram                         | Rozelle                        |
| Bishop    | Faulk     | Johnson <sup>(J. T. Tom)</sup> | Self                           |
| Branyon   | Franklin  | Jones <sup>(Monroe)</sup>      | Shumate                        |
| Broadfoot | Gilchrist | Oden                           | Smith <sup>(St. Clair)</sup>   |
| Chambers  | Gordon    | Phillips                       | Sullivan                       |
| Cook      | Hanby     | Powell                         |                                |

—30

**Nays:**

|                            |             |                               |                               |
|----------------------------|-------------|-------------------------------|-------------------------------|
| Mr. Speaker                | Callahan    | Grouby                        | McLendon <sup>(Bullock)</sup> |
| Adams <sup>(Houston)</sup> | Camp        | Hardy                         | Martin                        |
| Albea                      | Casey       | Harris                        | Meade                         |
| Avery                      | Cornett     | Hocklander                    | Merrill                       |
| Bailey                     | Dodd        | Jenkins                       | Morrow                        |
| Barnett                    | Edwards     | Johnson <sup>(Hardaway)</sup> | Nettles                       |
| Bassett                    | Ferguson    | Johnston <sup>(Leonard)</sup> | Oakley                        |
| Boyd                       | Gilmer      | Lee                           | Perry                         |
| Brannan                    | Goldthwaite | Locke                         | Pierce                        |
| Brewer                     | Goodwyn     | Long <sup>(Perry)</sup>       | Ramey                         |
| Britton                    | Grant       | McClendon <sup>(Chamb)</sup>  | Rast                          |
| Cabiness                   | Gross       | McCorquodale                  | Rogers                        |

|                            |          |         |          |
|----------------------------|----------|---------|----------|
| Sessions                   | Speaks   | Thomas  | Trimmier |
| Smith <sup>(Russell)</sup> | Steagall | Torbert | Turnham  |
| Solomon                    |          |         |          |

—57

## CONSIDERATION OF H. 594 RESUMED

H. 594. To amend Section 2 of the act entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," which becomes effective October 1, 1959.

Was again taken up.

Mr. Gilchrist moved to postpone further consideration of the bill, H. 594, until the next legislative day without losing its place on the calendar.

Mr. Perry moved to lay on the table the motion of Mr. Gilchrist and the motion of Mr. Perry was adopted.

Yeas 44; Nays 38.

**Yeas:**

|          |             |                               |          |
|----------|-------------|-------------------------------|----------|
| Messrs.: | Cornett     | Johnson <sup>(Hardaway)</sup> | Nettles  |
| Avery    | Daniel      | Johnston <sup>(Leonard)</sup> | Oakley   |
| Barnett  | Dodd        | Lee                           | Perry    |
| Boyd     | Edwards     | Locke                         | Pierce   |
| Brannan  | Ferguson    | Long <sup>(Lauderdale)</sup>  | Rast     |
| Brewer   | Gilmer      | Long <sup>(Perry)</sup>       | Ray      |
| Britton  | Goldthwaite | McCorquodale                  | Sessions |
| Cabiness | Grant       | Martin                        | Solomon  |
| Callahan | Hardy       | Meade                         | Steagall |
| Camp     | Hocklander  | Merrill                       | Thomas   |
| Casey    | Jenkins     | Morrow                        | Torbert  |
| Cook     |             |                               |          |

—44

**Nays:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Copeland  | Harvey                         | Rogers                       |
| Adams <sup>(Houston)</sup> | Dickson   | Jones <sup>(Monroe)</sup>      | Rozelle                      |
| Albea                      | Faulk     | McClendon <sup>(Chamb)</sup>   | Self                         |
| Ashworth                   | Franklin  | McLendon <sup>(Bullock)</sup>  | Shumate                      |
| Bailey                     | Gilchrist | Oden                           | Smith <sup>(Russell)</sup>   |
| Bassett                    | Goodwyn   | Phillips                       | Smith <sup>(St. Clair)</sup> |
| Bevill                     | Grouby    | Powell                         | Speaks                       |
| Bishop                     | Hanby     | Reynolds <sup>(Chambers)</sup> | Sullivan                     |
| Branyon                    | Hankins   | Roberts                        | Trimmier                     |
| Broadfoot                  | Harris    |                                |                              |

—38

And said bill, H. 594, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 25.

**Yeas:**

|             |          |          |          |
|-------------|----------|----------|----------|
| Mr. Speaker | Brannan  | Casey    | Dodd     |
| Avery       | Brewer   | Chambers | Edwards  |
| Barnett     | Cabiness | Cornett  | Ferguson |
| Bevill      | Callahan | Daniel   | Franklin |
| Boyd        | Camp     | Dickson  | Gilmer   |

|                    |                    |         |                   |
|--------------------|--------------------|---------|-------------------|
| Goldthwaite        | Lee                | Nettles | Sessions          |
| Grant              | Locke              | Oden    | Smith (St. Clair) |
| Hardy              | Long (Perry)       | Perry   | Solomon           |
| Hawkins            | McCorquodale       | Pierce  | Speaks            |
| Hocklander         | McLendon (Bullock) | Ramey   | Steagall          |
| Ingram             | Martin             | Rast    | Thomas            |
| Jenkins            | Meade              | Ray     | Torbert           |
| Johnson (Hardaway) | Merrill            | Roberts | Trimmier          |
| Johnston (Leonard) | Morrow             | Rozelle | Turnham           |

—56

**Nays:**

|                 |           |          |                     |
|-----------------|-----------|----------|---------------------|
| Messrs.:        | Britton   | Gross    | Powell              |
| Adams (Houston) | Broadfoot | Grouby   | Reynolds (Chambers) |
| Albea           | Cook      | Hankins  | Rogers              |
| Ashworth        | Copeland  | Harris   | Self                |
| Bassett         | Faulk     | Harvey   | Shumate             |
| Bishop          | Gilchrist | Phillips | Smith (Russell)     |
| Branyon         | Gordon    |          |                     |

—25

**UNFINISHED BUSINESS**

The House then proceeded to the consideration of the Unfinished Business, which was the bill

H. 596. To regulate further the sale, issuance, and redemption of trading stamps in the State of Alabama, to define trading stamps and trading stamp companies, to provide for the registration and filing of a performance bond by trading stamp companies with the Secretary of State, to prescribe the manner of redemption of trading stamps, to prescribe the power, duties and authority of the Department of Revenue in the administration and enforcement of this Act, to provide for the licensing of trading stamp companies and to provide for the payment of privilege and license taxes in Alabama by trading stamp companies, to prescribe penalties for the violation of the provisions of this Act; and to repeal all laws in conflict herewith and also to repeal the provisions of Title 57, Section 114, and Title 51, Section 606, Code of Alabama 1940, as amended, and Act 110 (H. 182), approved February 14, 1956 (Acts of Alabama, 1956, V. 1, P. 166).

As amended.

Mr. Thomas offered the following amendment to the bill, H. 596, as amended:

Amend the substitute to House Bill 596 by substituting the following for Section 8:

Section 8. All the provisions of Title 57, Section 114, and Title 51, Section 606, Code of Alabama 1940, as amended, and Act 110 (H. 182), approved February 14, 1956 (Acts of Alabama, 1956, V. 1, p. 166) are hereby expressly repealed.

And the amendment was adopted.

Yeas 87; Nays 0.

**Yeas:**

|                 |         |         |         |
|-----------------|---------|---------|---------|
| Mr. Speaker     | Avery   | Bassett | Boyd    |
| Adams (Houston) | Bailey  | Bevill  | Brannan |
| Albea           | Barnett | Bishop  | Branyon |

|           |                               |                              |                                |
|-----------|-------------------------------|------------------------------|--------------------------------|
| Brewer    | Glass                         | Jones <sup>(Monroe)</sup>    | Reynolds <sup>(Chambers)</sup> |
| Britton   | Goldthwaite                   | Lee                          | Roberts                        |
| Broadfoot | Goodwyn                       | Locke                        | Rogers                         |
| Cabiness  | Gordon                        | Long <sup>(Perry)</sup>      | Rozelle                        |
| Callahan  | Grant                         | McClendon <sup>(Chamb)</sup> | Self                           |
| Casey     | Gross                         | Martin                       | Sessions                       |
| Chambers  | Grouby                        | Meade                        | Shumate                        |
| Cook      | Guthrie                       | Merrill                      | Smith <sup>(Russell)</sup>     |
| Copeland  | Hanby                         | Morrow                       | Smith <sup>(St. Clair)</sup>   |
| Cornett   | Hankins                       | Nettles                      | Solomon                        |
| Daniel    | Hardy                         | Oakley                       | Speaks                         |
| Dickson   | Harris                        | Oden                         | Steagall                       |
| Dodd      | Harvey                        | Perry                        | Sullivan                       |
| Edwards   | Hawkins                       | Phillips                     | Taylor                         |
| Faulk     | Hocklander                    | Pierce                       | Thomas                         |
| Ferguson  | Ingram                        | Powell                       | Torbert                        |
| Franklin  | Jenkins                       | Ramey                        | Trimmier                       |
| Gilchrist | Johnson <sup>(Hardaway)</sup> | Rast                         | Turnham                        |
| Gilmer    | Johnston <sup>(Leonard)</sup> | Ray                          |                                |

—87

Mr. Ingram offered the following amendment to the bill, H. 596, as amended:

Amend the substitute for House Bill 596 as follows:

Delete the last paragraph in subsection "B" of Section 3.

The motion of Mr. Torbert to lay on the table the amendment offered by Mr. Ingram was lost.

Yeas 38; Nays 42.

#### Yeas:

|                            |            |                                |                            |
|----------------------------|------------|--------------------------------|----------------------------|
| Mr. Speaker                | Dodd       | Long <sup>(Lauderdale)</sup>   | Roberts                    |
| Adams <sup>(Houston)</sup> | Faulk      | McClendon <sup>(Chamb)</sup>   | Sessions                   |
| Bevill                     | Ferguson   | Merrill                        | Shumate                    |
| Brewer                     | Franklin   | Nettles                        | Smith <sup>(Russell)</sup> |
| Broadfoot                  | Gilchrist  | Oden                           | Solomon                    |
| Cabiness                   | Gilmer     | Phillips                       | Steagall                   |
| Cook                       | Goodwyn    | Pierce                         | Thomas                     |
| Cornett                    | Gross      | Ray                            | Torbert                    |
| Daniel                     | Hocklander | Reynolds <sup>(Chambers)</sup> | Turnham                    |
| Dickson                    | Lee        |                                |                            |

—38

#### Nays:

|          |          |                                |                              |
|----------|----------|--------------------------------|------------------------------|
| Messrs.: | Britton  | Hawkins                        | Meade                        |
| Albea    | Callahan | Ingram                         | Morrow                       |
| Ashworth | Camp     | Jenkins                        | Oakley                       |
| Avery    | Casey    | Johnson <sup>(Hardaway)</sup>  | Perry                        |
| Bailey   | Copeland | Johnston <sup>(Leonard)</sup>  | Powell                       |
| Barnett  | Edwards  | Jones <sup>(Monroe)</sup>      | Ramey                        |
| Bassett  | Glass    | Locke                          | Rogers                       |
| Bishop   | Grouby   | Long <sup>(Perry)</sup>        | Rozelle                      |
| Boyd     | Guthrie  | McCorquodale                   | Self                         |
| Brannan  | Hankins  | McClendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Branyon  | Hardy    | Martin                         |                              |

—42

The motion of Mr. Turnham to indefinitely postpone the amendment offered by Mr. Ingram was adopted.

Yeas 45; Nays 39.

**Yeas:**

|                 |                     |                     |                 |
|-----------------|---------------------|---------------------|-----------------|
| Mr. Speaker     | Gilchrist           | McClendon (Chamb)   | Rogers          |
| Adams (Houston) | Gilmer              | McLendon (Bullock)  | Rozelle         |
| Bevill          | Goodwyn             | Merrill             | Sessions        |
| Brewer          | Gordon              | Nettles             | Shumate         |
| Broadfoot       | Grant               | Oden                | Smith (Russell) |
| Chambers        | Gross               | Phillips            | Solomon         |
| Cook            | Hanby               | Pierce              | Speaks          |
| Cornett         | Hocklander          | Powell              | Sullivan        |
| Daniel          | Johnson (J. T. Tom) | Ray                 | Thomas          |
| Dickson         | Lee                 | Reynolds (Chambers) | Torbert         |
| Dodd            | Long (Lauderdale)   | Roberts             | Turnham         |
| Faulk           |                     |                     |                 |

—45

**Nays:**

|          |             |                    |                   |
|----------|-------------|--------------------|-------------------|
| Messrs.: | Cabiness    | Guthrie            | Locke             |
| Albea    | Callahan    | Hankins            | Long (Perry)      |
| Ashworth | Casey       | Hardy              | McCorquodale      |
| Avery    | Copeland    | Harris             | Martin            |
| Bailey   | Edwards     | Hawkins            | Morrow            |
| Barnett  | Ferguson    | Ingram             | Oakley            |
| Bassett  | Franklin    | Jenkins            | Perry             |
| Boyd     | Glass       | Johnson (Hardaway) | Ramey             |
| Brannan  | Goldthwaite | Johnston (Leonard) | Self              |
| Britton  | Grouby      | Jones (Monroe)     | Smith (St. Clair) |

—39

Mr. Reynolds (Chambers) offered the following amendment to the bill, H. 596, as amended:

Amend H. B. 596 by adding thereto Section 9 as follows: That no trading stamp company can give away any commodity manufactured in another state unless there is no similar commodity of similar quality manufactured in Alabama.

On motion of Mr. Torbert the amendment offered by Mr. Reynolds (Chambers) was laid upon the table.

Yeas 58; Nays 23.

**Yeas:**

|                 |             |                    |                 |
|-----------------|-------------|--------------------|-----------------|
| Mr. Speaker     | Cornett     | Hawkins            | Ray             |
| Adams (Houston) | Daniel      | Hocklander         | Roberts         |
| Albea           | Dickson     | Lee                | Rogers          |
| Bassett         | Dodd        | McClendon (Chamb)  | Rozelle         |
| Bevill          | Edwards     | McLendon (Bullock) | Sessions        |
| Bishop          | Faulk       | Martin             | Shumate         |
| Boyd            | Ferguson    | Merrill            | Smith (Russell) |
| Brannan         | Gilchrist   | Nettles            | Solomon         |
| Branyon         | Gilmer      | Oakley             | Speaks          |
| Brewer          | Goldthwaite | Oden               | Steagall        |
| Broadfoot       | Goodwyn     | Phillips           | Sullivan        |
| Cabiness        | Grant       | Pierce             | Thomas          |
| Casey           | Gross       | Powell             | Torbert         |
| Chambers        | Hanby       | Rast               | Turnham         |
| Cook            | Harris      |                    |                 |

—58

**Nays:**

|          |          |                     |                     |
|----------|----------|---------------------|---------------------|
| Messrs.: | Franklin | Johnson (Hardaway)  | McCorquodale        |
| Avery    | Grouby   | Johnson (J. T. Tom) | Morrow              |
| Barnett  | Guthrie  | Johnston (Leonard)  | Perry               |
| Britton  | Hankins  | Jones (Monroe)      | Reynolds (Chambers) |
| Callahan | Ingram   | Locke               | Self                |
| Copeland | Jenkins  | Long (Perry)        | Smith (St. Clair)   |

—23

Mr. Copeland offered the following amendment to the bill, H. 596, as amended:

**AMENDMENT TO H. B. 596, AS AMENDED BY THE WAYS AND  
MEANS COMMITTEE SUBSTITUTE**

On page 1, in subsection (b) of Section 1, strike out "by others"

On motion of Mr. Torbert the amendment offered by Mr. Copeland was laid upon the table.

Yeas 59; Nays 18.

**Yeas:**

|                 |            |                     |                     |
|-----------------|------------|---------------------|---------------------|
| Mr. Speaker     | Cornett    | Johnson (J. T. Tom) | Reynolds (Chambers) |
| Adams (Houston) | Daniel     | Lee                 | Roberts             |
| Bailey          | Dickson    | Long (Lauderdale)   | Rogers              |
| Barnett         | Edwards    | Long (Perry)        | Rozelle             |
| Bassett         | Faulk      | McClendon (Chamb)   | Self                |
| Bevill          | Gilchrist  | McLendon (Bullock)  | Sessions            |
| Bishop          | Gilmer     | Martin              | Shumate             |
| Boyd            | Goodwyn    | Merrill             | Solomon             |
| Brannan         | Gordon     | Nettles             | Speaks              |
| Brewer          | Grant      | Oakley              | Steagall            |
| Britton         | Gross      | Oden                | Sullivan            |
| Broadfoot       | Grouby     | Phillips            | Thomas              |
| Cabiness        | Hanby      | Pierce              | Torbert             |
| Chambers        | Harris     | Powell              | Turnham             |
| Cook            | Hocklander | Ray                 |                     |

—59

**Nays:**

|          |             |                    |                   |
|----------|-------------|--------------------|-------------------|
| Messrs.: | Camp        | Hankins            | Locke             |
| Albea    | Copeland    | Ingram             | Morrow            |
| Avery    | Ferguson    | Johnson (Hardaway) | Perry             |
| Brannan  | Franklin    | Johnston (Leonard) | Smith (St. Clair) |
| Callahan | Goldthwaite | Jones (Monroe)     |                   |

—18

Mr. Locke moved to recommit the bill, H. 596, to the Standing Committee on Ways and Means.

Mr. Torbert moved to lay on the table the motion of Mr. Locke and the motion of Mr. Torbert was adopted.

Yeas 50; Nays 27.

**Yeas:**

|                 |           |          |         |
|-----------------|-----------|----------|---------|
| Mr. Speaker     | Bishop    | Cabiness | Cornett |
| Adams (Houston) | Boyd      | Casey    | Daniel  |
| Bassett         | Brewer    | Chambers | Dickson |
| Bevill          | Broadfoot | Cook     | Dodd    |



|           |                               |          |                            |
|-----------|-------------------------------|----------|----------------------------|
| Faulk     | Hocklander                    | Oden     | Sessions                   |
| Gilchrist | Lee                           | Phillips | Shumate                    |
| Gilmer    | Long <sup>(Lauderdale)</sup>  | Pierce   | Smith <sup>(Russell)</sup> |
| Goodwyn   | McClendon <sup>(Chamb)</sup>  | Powell   | Solomon                    |
| Gordon    | McLendon <sup>(Bullock)</sup> | Ray      | Speaks                     |
| Grant     | Martin                        | Roberts  | Thomas                     |
| Gross     | Merrill                       | Rogers   | Torbert                    |
| Grouby    | Nettles                       | Rozelle  | Turnham                    |
| Hanby     | Oakley                        |          |                            |

—50

**Nays:**

|          |             |                                |                              |
|----------|-------------|--------------------------------|------------------------------|
| Messrs.: | Copeland    | Hawkins                        | Long <sup>(Perry)</sup>      |
| Albea    | Edwards     | Ingram                         | Morrow                       |
| Avery    | Ferguson    | Johnson <sup>(Hardaway)</sup>  | Perry                        |
| Barnett  | Franklin    | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Branyon  | Goldthwaite | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Callahan | Hankins     | Jones <sup>(Monroe)</sup>      | Self                         |
| Camp     | Hardy       | Locke                          | Smith <sup>(St. Clair)</sup> |

—27

Mr. Locke offered the following amendment to the bill, H. 596, as amended:

Amend H. B. 596 by adding to Section 2 (a) at the end thereof the following:

“The Company shall not in any event place a value of less than 2% of amount of sale for which such stamp is given.”

On motion of Mr. Torbert the amendment offered by Mr. Locke was laid upon the table.

Yeas 48; Nays 29.

**Yeas:**

|                            |            |                                |          |
|----------------------------|------------|--------------------------------|----------|
| Mr. Speaker                | Daniel     | Long <sup>(Lauderdale)</sup>   | Roberts  |
| Adams <sup>(Houston)</sup> | Dickson    | McClendon <sup>(Chamb)</sup>   | Rogers   |
| Bailey                     | Dodd       | McLendon <sup>(Bullock)</sup>  | Rozelle  |
| Bevill                     | Faulk      | Martin                         | Self     |
| Bishop                     | Gilchrist  | Merrill                        | Sessions |
| Boyd                       | Gilmer     | Nettles                        | Shumate  |
| Brewer                     | Goodwyn    | Oakley                         | Solomon  |
| Broadfoot                  | Grant      | Phillips                       | Steagall |
| Casey                      | Gross      | Pierce                         | Taylor   |
| Chambers                   | Hanby      | Powell                         | Thomas   |
| Cook                       | Hocklander | Ray                            | Torbert  |
| Cornett                    | Lee        | Reynolds <sup>(Chambers)</sup> | Turnham  |

—48

**Nays:**

|          |             |                               |                              |
|----------|-------------|-------------------------------|------------------------------|
| Messrs.: | Copeland    | Harris                        | Long <sup>(Perry)</sup>      |
| Albea    | Edwards     | Hawkins                       | Morrow                       |
| Avery    | Ferguson    | Ingram                        | Perry                        |
| Barnett  | Franklin    | Johnson <sup>(Hardaway)</sup> | Ramey                        |
| Brannan  | Goldthwaite | Johnston <sup>(Leonard)</sup> | Rast                         |
| Branyon  | Grouby      | Jones <sup>(Monroe)</sup>     | Smith <sup>(St. Clair)</sup> |
| Callahan | Hankins     | Locke                         | Speaks                       |
| Camp     | Hardy       |                               |                              |

—29

Mr. Copeland offered the following amendment to the bill, H. 596, as amended:

**AMENDMENT TO H. B. 596, AS AMENDED BY THE WAYS AND  
MEANS COMMITTEE SUBSTITUTE**

In part B of Section 3, strike out the paragraph commencing with the sentence, "The trading stamp company shall pay to the State Department of Revenue only one privilege or license tax of one thousand dollars per annum", and insert "Every person who engages in or carries on the business of issuing or selling to merchants trading stamps, or any device or substitute therefor, or any stamps or certificates of like character which are to be given by merchants to purchasers of goods, wares or merchandise, and which said stamps, certificates or devices, or substitutes therefor, the person issuing or selling the same agrees to accept in payment for goods, wares, and merchandise kept on hand by himself or another for redemption or for distribution by the person issuing or selling such stamps or certificates, shall pay to the State of Alabama a privilege or license tax of one thousand dollars per annum. Provided, that for the purpose of this section, the term "business", as used in relation to the issuance or selling of trading stamps to merchants, shall include, in addition to its ordinary meaning and usage, the distribution of trading stamps by any person, excepting only a printer who is engaged exclusively in printing the stamps, to two or more stores or mercantile establishments, regardless of the ownership of same, where such stores or mercantile establishments thereafter issue or distribute the trading stamps to their customers. Provided further, that this provision shall not apply to any coupon, ticket, certificate, card or other similar device issued or distributed by a manufacturer or packer which is redeemable for any goods, wares or merchandise by the manufacturer or packer, or its agents or independent contractor acting for redemption.";

Also, in part B of Section 3, strike out the paragraph commencing with the words, "In addition to the privilege or license tax herein required to be paid to the State Department of Revenue, the trading stamp company shall pay to each county" and insert in lieu of that paragraph the following:

In addition to the privilege or license tax herein required to be paid to the State Department of Revenue, every such person who engages in or carries on the business of issuing or selling trading stamps as described in the preceding paragraph shall pay to each county in which he does business an annual license tax of five hundred dollars.

**MOTION TO RECESS LOST**

The motion of Mr. Copeland that the House recess for thirty minutes was lost.

**Yeas 12; Nays 65.**

**Yeas:**

|          |          |                               |        |
|----------|----------|-------------------------------|--------|
| Messrs.: | Copeland | Hawkins                       | Locke  |
| Avery    | Edwards  | Johnson <sup>(Hardaway)</sup> | Morrow |
| Branyon  | Ferguson | Johnston <sup>(Leonard)</sup> | Perry  |
| Cabiness |          |                               |        |

—12

**Nays:**

|             |          |         |        |
|-------------|----------|---------|--------|
| Mr. Speaker | Ashworth | Barnett | Bishop |
| Albea       | Bailey   | Bevill  | Boyd   |

|           |                   |                     |                   |
|-----------|-------------------|---------------------|-------------------|
| Brannan   | Goodwyn           | McLendon (Bullock)  | Rogers            |
| Brewer    | Grant             | Martin              | Rozelle           |
| Broadfoot | Gross             | Meade               | Sessions          |
| Callahan  | Grouby            | Merrill             | Shumate           |
| Camp      | Hanby             | Nettles             | Smith (Russell)   |
| Casey     | Hankins           | Oakley              | Smith (St. Clair) |
| Chambers  | Hardy             | Phillips            | Solomon           |
| Cook      | Harris            | Pierce              | Speaks            |
| Daniel    | Hocklander        | Powell              | Steagall          |
| Dodd      | Ingram            | Ramey               | Sullivan          |
| Faulk     | Lee               | Rast                | Taylor            |
| Franklin  | Long (Lauderdale) | Ray                 | Thomas            |
| Gilchrist | Long (Perry)      | Reynolds (Chambers) | Torbert           |
| Gilmer    | McClendon (Chamb) | Roberts             | Turnham           |
| Glass     |                   |                     |                   |

—65

## CONSIDERATION OF H. 596 RESUMED

H. 596. To regulate further the sale, issuance, and redemption of trading stamps in the State of Alabama, to define trading stamps and trading stamp companies, to provide for the registration and filing of a performance bond by trading stamp companies with the Secretary of State, to prescribe the manner of redemption of trading stamps, to prescribe the power, duties and authority of the Department of Revenue in the administration and enforcement of this Act, to provide for the licensing of trading stamp companies and to provide for the payment of privilege and license taxes in Alabama by trading stamp companies, to prescribe penalties for the violation of the provisions of this Act; and to repeal all laws in conflict herewith and also to repeal the provisions of Title 57, Section 114, and Title 51, Section 606, Code of Alabama 1940, as amended, and Act 110 (H. 182), approved February 14, 1956 (Acts of Alabama, 1956, V. 1, P. 166).

As amended, was again taken up.

And on motion of Mr. Torbert the amendment offered by Mr. Copeland was laid upon the table.

Yeas 54; Nays 22.

## Yeas:

|                 |            |                     |                 |
|-----------------|------------|---------------------|-----------------|
| Mr. Speaker     | Cornett    | Long (Lauderdale)   | Roberts         |
| Adams (Houston) | Daniel     | McClendon (Chamb)   | Rogers          |
| Ashworth        | Dickson    | McLendon (Bullock)  | Rozelle         |
| Bailey          | Dodd       | Martin              | Sessions        |
| Barnett         | Faulk      | Merrill             | Shumate         |
| Bevill          | Gilchrist  | Nettles             | Smith (Russell) |
| Bishop          | Gilmer     | Oakley              | Solomon         |
| Boyd            | Glass      | Oden                | Speaks          |
| Brewer          | Goodwyn    | Phillips            | Steagall        |
| Broadfoot       | Grant      | Pierce              | Taylor          |
| Cabiness        | Gross      | Powell              | Thomas          |
| Casey           | Hocklander | Ray                 | Torbert         |
| Chambers        | Jenkins    | Reynolds (Chambers) | Turnham         |
| Cook            | Lee        |                     |                 |

—54

## Nays:

|          |          |          |         |
|----------|----------|----------|---------|
| Messrs.: | Branyon  | Edwards  | Guthrie |
| Albea    | Camp     | Ferguson | Hanby   |
| Avery    | Copeland | Franklin | Hankins |

|                               |                               |        |      |
|-------------------------------|-------------------------------|--------|------|
| Hardy                         | Johnston <sup>(Leonard)</sup> | Morrow | Rast |
| Ingram                        | Locke                         | Perry  | Self |
| Johnson <sup>(Hardaway)</sup> | Long <sup>(Perry)</sup>       | Ramey  | —22  |

Mr. Locke offered the following amendment to the bill, H. 596, as amended:

#### AMENDMENT TO H. B. 596

Amend H. B. 596, Section 3 A, by adding the following:

"Section 9. Each company shall state the percentage of total stamps redeemed to total stamps issued and shall subsequently submit each year the percentage of stamps redeemed to stamps issued within the State of Alabama during the past year. Said company shall maintain permanent records to substantiate these statements which must be kept for five years and may be examined by the Department of Revenue or the Attorney General at any time within this period."

On motion of Mr. Torbert the amendment offered by Mr. Locke was laid upon the table.

Yeas 48; Nays 31.

#### Yeas:

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker                | Cornett   | Hocklander                    | Ray                        |
| Adams <sup>(Houston)</sup> | Daniel    | Lee                           | Roberts                    |
| Bailey                     | Dickson   | Long <sup>(Lauderdale)</sup>  | Rogers                     |
| Bevill                     | Dodd      | McClendon <sup>(Chamb)</sup>  | Rozelle                    |
| Bishop                     | Faulk     | McLendon <sup>(Bullock)</sup> | Sessions                   |
| Ecyd                       | Gilchrist | Martin                        | Shumate                    |
| Brewer                     | Gilmer    | Merrill                       | Smith <sup>(Russell)</sup> |
| Broadfoot                  | Glass     | Nettles                       | Solomon                    |
| Cabiness                   | Goodwyn   | Oakley                        | Speaks                     |
| Casey                      | Grant     | Phillips                      | Thomas                     |
| Chambers                   | Gross     | Pierce                        | Torbert                    |
| Cook                       | Hanby     | Powell                        | Turnham                    |

—48

#### Nays:

|          |             |                               |                                |
|----------|-------------|-------------------------------|--------------------------------|
| Messrs.: | Copeland    | Ingram                        | Perry                          |
| Albea    | Edwards     | Jenkins                       | Ramey                          |
| Avery    | Franklin    | Johnson <sup>(Hardaway)</sup> | Rast                           |
| Barnett  | Goldthwaite | Johnston <sup>(Leonard)</sup> | Reynolds <sup>(Chambers)</sup> |
| Brannan  | Grouby      | Locke                         | Self                           |
| Branyon  | Hankins     | Long <sup>(Perry)</sup>       | Smith <sup>(St. Clair)</sup>   |
| Callahan | Hardy       | Meade                         | Steagall                       |
| Camp     | Hawkins     | Morrow                        | Sullivan                       |

—31

Mr. Copeland offered the following amendment to the bill, H. 596, as amended:

#### AMENDMENT TO H. B. 596 AS AMENDED

In Section 3, in the paragraph beginning with the words, "In addition to the privilege license tax herein required to be paid to the State Department of Revenue", strike out "it does business" and insert "any store distributes its stamps".

And the amendment was adopted.

Yeas 70; Nays 4.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Dodd        | Ingram                        | Phillips                     |
| Adams <sup>(Houston)</sup> | Edwards     | Jenkins                       | Pierce                       |
| Albea                      | Faulk       | Johnson <sup>(Hardaway)</sup> | Powell                       |
| Ashworth                   | Ferguson    | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Avery                      | Franklin    | Lee                           | Rast                         |
| Bailey                     | Gilchrist   | Locke                         | Ray                          |
| Barnett                    | Gilmer      | Long <sup>(Perry)</sup>       | Rogers                       |
| Bevill                     | Glass       | McClendon <sup>(Chamb)</sup>  | Rozelle                      |
| Boyd                       | Goldthwaite | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Brannan                    | Goodwyn     | Martin                        | Shumate                      |
| Branyon                    | Gross       | Meade                         | Smith <sup>(Russell)</sup>   |
| Cabiness                   | Grouby      | Merrill                       | Smith <sup>(St. Clair)</sup> |
| Callahan                   | Guthrie     | Morrow                        | Speaks                       |
| Camp                       | Hanby       | Nettles                       | Steagall                     |
| Casey                      | Hankins     | Oakley                        | Sullivan                     |
| Copeland                   | Hardy       | Oden                          | Thomas                       |
| Cornett                    | Harvey      | Perry                         | Turnham                      |
| Daniel                     | Hawkins     |                               |                              |

—70

**Nays:** Messrs. Bishop, Broadfoot, Reynolds (Chambers) and Solomon—4

And said bill, H. 596, as amended, was read a third time at length and passed.

Yeas 61; Nays 19.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Daniel      | Lee                            | Roberts                      |
| Adams <sup>(Houston)</sup> | Dickson     | Long <sup>(Lauderdale)</sup>   | Rogers                       |
| Bailey                     | Dodd        | McClendon <sup>(Chamb)</sup>   | Rozelle                      |
| Bevill                     | Faulk       | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Bishop                     | Ferguson    | Martin                         | Shumate                      |
| Boyd                       | Gilchrist   | Meade                          | Smith <sup>(Russell)</sup>   |
| Brannan                    | Gilmer      | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Goldthwaite | Nettles                        | Solomon                      |
| Britton                    | Goodwyn     | Oakley                         | Speaks                       |
| Broadfoot                  | Grant       | Oden                           | Steagall                     |
| Cabiness                   | Gross       | Phillips                       | Sullivan                     |
| Callahan                   | Grouby      | Pierce                         | Taylor                       |
| Casey                      | Harvey      | Powell                         | Thomas                       |
| Chambers                   | Hocklander  | Ray                            | Torbert                      |
| Cook                       | Jenkins     | Reynolds <sup>(Chambers)</sup> | Turnham                      |
| Cornett                    |             |                                |                              |

—61

**Nays:**

|          |          |                               |        |
|----------|----------|-------------------------------|--------|
| Messrs.: | Copeland | Hankins                       | Locke  |
| Albea    | Edwards  | Hawkins                       | Morrow |
| Avery    | Franklin | Ingram                        | Perry  |
| Branyon  | Guthrie  | Johnson <sup>(Hardaway)</sup> | Ramey  |
| Camp     | Hanby    | Johnston <sup>(Leonard)</sup> | Rast   |

—19

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 67. To make an appropriation from the Oil and Gas Fund to the State Building Commission for the purpose of constructing and equipping a building to house and quarter the records, offices and facilities of the State Oil and Gas Board.

Also:

S. 238. To provide for the distribution of the 2% tax levied on the producer of crude petroleum oil or natural gas produced for sale, transport, storage, profit, or for use from any well or wells in the State of Alabama pursuant to Section 26, of Act No. 1, approved May 22, 1945, as amended by Act No. 453, approved August 31, 1953; to provide for the transfer of \$100,000.00 to the General Fund from such surplus funds in the State Treasury to the credit of the Oil and Gas Fund as of September 30, 1959; to repeal all laws or parts of laws, especially Section 32 of Act No. 1, approved May 22, 1945; and to provide an effective date for this Act.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate bill:

S. 128. Relating to supernumerary circuit solicitors; amending Section 1 of an act approved September 3, 1953 (Act No. 474, S. 219, Acts 1953, Vol. 1, p. 589) providing for the appointment of supernumerary circuit solicitors of the State of Alabama, to provide that any person holding office as a judge of a County Law and Equity Court on January 1, 1960 who has served continuously as a circuit solicitor for twenty years or more may become a supernumerary circuit solicitor.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 128. Relating to supernumerary circuit solicitors; amending Section 1 of an act approved September 3, 1953 (Act No. 474, S. 219, Acts 1953, Vol. 1, p. 589) providing for the appointment of supernumerary circuit solicitors of the State of Alabama, to provide that any person holding office as a judge of a County Law and Equity Court on January

1, 1960 who has served continuously as a circuit solicitor for twenty years or more may become a supernumerary circuit solicitor.

Also:

S. 305. To alter, extend, and rearrange the boundary lines and corporate limits of the city of Fayette in Fayette County, Alabama.

Also:

S. 311. To amend further Section 1 of Act No. 311, S. 411, approved July 31, 1951, an act regulating the office of sheriff in counties of more than 96,000 population and less than 140,000 population, according to the last of any subsequent federal decennial census (Acts 1951 Regular Session, Vol. I, p. 606), in relation to the employment of deputies, clerks, wardens, jailers, and other assistants by the sheriffs of such counties.

Also:

S. 329. To amend further Section 11 of Act No. 311, H. 904, approved September 19, 1923 (Local Acts of Alabama 1923, p. 188), entitled "An Act To establish a Board of Revenue for Marengo County, and for the abolishment of the Court of County Commissioners of said County."

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 312. To create within any county in this state having a population of not less than 125,000 nor more than 225,000, according to the last or any subsequent federal decennial census, a domestic relations division of the circuit court of such county; defining its jurisdiction and authority; providing it with officers, and prescribing their duties, authority, and compensation; regulating its procedure; abolishing the juvenile court or any other special court having jurisdiction only of juveniles and domestic relations.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 235. To amend the caption and Section 2 of Act No. 308, S. 193, approved August 26, 1955 (Acts of Alabama, 1955, p. 707), entitled "An Act To provide for the issuance of distinctive motor vehicle license plates or tags to members of the National Guard and Air National Guard of Alabama upon the payment of an additional sum of \$1.00 for use by such persons upon their personally-owned, private, passenger vehicles in lieu of the standard license plate or tag now required; and for the use of such distinctive plates by the State Military Department," by providing further for the issuance of such distinctive motor vehicle license plates.

Also:

S. 314. To amend Section 1 of Act No. 325, S. 379, approved August 11, 1953, the act fixing the compensation to be paid to members of the governing body in all cities having a population of not less than 78,500 nor more than 125,000, according to the last or any subsequent federal decennial census (Acts of Alabama, Regular Session, 1953, Vol. I, p. 382).

J. E. SPEIGHT,  
Secretary.

## SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Robison:

S. J. R. 26. WHEREAS, R. F. Hudson, Jr. was the publisher of a newspaper almost as old as the State of Alabama itself, a newspaper that was born just in time to support and hail the election of Andrew Jackson, a newspaper that had survived many other newspapers and all other businesses to become the oldest business in the Capital; and

WHEREAS, in a democratic commonwealth such as ours the newspapers are institutions without which neither our political processes nor commercial life could function, and capital city newspapers have traditionally played central roles in the drama of the state's government and politics; and

WHEREAS R. F. Hudson, Jr. was the avatar of the spirit and tradition begat by a dynasty of powerful, high-minded editors and was a trustee whose aim was the renewal and perpetuation of this nationally known tradition, which is duly attested by the premier newspaper awards; and



WHEREAS, R. F. Hudson, Jr. was among the most versatile and universally equipped publishers in Southern journalism and at the same time never let the hundreds who produced The Montgomery Advertiser and the Alabama Journal forget that they could count on his kindly regard and solicitude; now therefore, be it

RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, that the Legislature of Alabama has heard with deep sensibility and profound sorrow of the death of R. F. Hudson, Jr., and the two Houses, sharing in the general grief, and desiring to manifest their sensibility upon the occasion of the family's bereavement, request the Senator from Montgomery to transmit a copy of these resolutions to Mrs. Hudson and to Mr. R. F. Hudson, Sr., and to assure them of the profound respect of the two Houses for the person and character of R. F. Hudson, Jr., and of their sincere condolence on his untimely passing.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Goodwyn the rules were suspended and the House concurred in and adopted the S. J. R. 26 set out in the above and foregoing Message from the Senate.

#### CERTIFICATE OF CLERK

To The House of Representatives

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hours named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:10 P. M. On September 29, 1959

H. J. R. 66

Delivered to the Governor at 4:50 P. M. On September 29, 1959

H. 480

H. 518

H. 519

H. 523

H. 524

H. 525

H. 526

H. 538

H. 541

H. 542

H. 543

H. 544

H. 556

H. 557

H. 558

H. 559

H. 567

H. 573  
H. 574  
H. 575  
H. 576  
H. 580  
H. 581  
H. 582  
H. 588  
H. 589  
H. 590  
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H. 612  
H. 670  
H. 530  
H. 577  
H. 579  
H. 614  
H. 621  
H. 632  
H. 638  
H. 640  
H. 641  
H. 646  
H. 647  
H. 648  
H. 649  
H. 650  
H. 663  
H. 345  
H. 639  
H. 643

Delivered to the Secretary of State at 4:56 P. M. On September 29,  
1959

H. 214  
H. 613

OAKLEY MELTON, JR.,  
Clerk.

#### ADJOURNMENT

On motion of Mr. Lee the House adjourned until Friday, October 2,  
1959 at 10 o'clock A.M.

## TWENTY-FOURTH DAY

House of Representatives  
Montgomery, Alabama  
Friday, October 2, 1959

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend James A. Coleman, Jr., Pastor, Ashville Baptist Church, Ashville, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                 |                    |                     |                     |
|-----------------|--------------------|---------------------|---------------------|
| Mr. Speaker:    | Dickson            | Johnson (J. T. Tom) | Powell              |
| Adams (Houston) | Edwards            | Johnston (Leonard)  | Pruitt              |
| Albea           | Faulk              | Jones (Covington)   | Ramey               |
| Ashworth        | Ferguson           | Jones (Monroe)      | Rast                |
| Avery           | Franklin           | Lee                 | Reynolds (Chambers) |
| Bailey          | Gilchrist          | Locke               | Roberts             |
| Barnett         | Gilmer             | Long (Lauderdale)   | Rogers              |
| Bassett         | Glass              | Long (Perry)        | Rozelle             |
| Bevill          | Goldthwaite        | McClendon (Chamb)   | Salter              |
| Bishop          | Gordon             | McCorquodale        | Self                |
| Boyd            | Grant              | McLendon (Bullock)  | Sessions            |
| Brannan         | Gross              | Martin              | Shumate             |
| Branyon         | Grouby             | Meade               | Smith (Russell)     |
| Broadfoot       | Hain               | Merrill             | Smith (St. Clair)   |
| Brooks          | Hanby              | Morrow              | Solomon             |
| Cabiness        | Hankins            | Murphy              | Speaks              |
| Callahan        | Hardy              | Nettles             | Steagall            |
| Camp            | Harris             | Nichols             | Sullivan            |
| Casey           | Hawkins            | Oakley              | Taylor              |
| Cates           | Hearn              | Oden                | Thomas              |
| Chambers        | Hocklander         | Owens               | Torbert             |
| Cook            | Ingram             | Perry               | Trimmier            |
| Copeland        | Jenkins            | Phillips            | Turner              |
| Cornett         | Johnson (Hardaway) | Pierce              | Turnham             |
| Daniel          |                    |                     |                     |

—97

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-third legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the twenty-third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-third legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 596. To regulate further the sale, issuance, and redemption of trading stamps in the State of Alabama, to define trading stamps and trading stamp companies, to provide for the registration and filing of a performance bond by trading stamp companies with the Secretary of State, to prescribe the manner of redemption of trading stamps, to prescribe the power, duties and authority of the State Department of Revenue in the administration and enforcement of this Act, to provide for the licensing of trading stamp companies and to provide for the payment of privilege and license taxes in Alabama by trading stamp companies, to prescribe penalties for the violation of the provisions of this Act; and to repeal all laws in conflict herewith and also to repeal the provisions of Title 57, Section 114, and Title 51, Section 606, Code of Alabama 1940, as amended, and Act 110 (H. 182), approved February 14, 1956 (Acts of Alabama, 1956, V. 1, P. 166).

CHAS. C. ADAMS,  
Chairman.

The above and foregoing report of the Standing Committee on Rules was concurred in and adopted.

## RESOLUTIONS

The following resolutions were introduced:

By Messrs. Perry and Locke:

H. R. 68. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA that the Honorable Chief Justices and Associate Justices of the Supreme Court of Alabama, or a majority of them, are hereby respectfully requested to give this body their written opinions on the following important constitutional questions that have arisen concerning the pending bill, House Bill No. 782, a true and correct copy of this is attached hereto:

1. Does the bill propose a general law within the meaning of Section 110 of the Constitution?

2. Do the provisions of the bill that authorize the use of the proceeds of the tax for four separate and different purposes, some county and some municipal, violate the provisions of Section 45 of the Constitution that no law shall contain more than one subject?

3. Is the bill a "revenue bill" that cannot be passed within the last five days of a session of the legislature without violating Section 70 of the Constitution?

On motion of Mr. Perry the rules were suspended and H. R. 68 was adopted.

Also:

By Messrs. Perry and Locke:

H. R. 69. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA that the Honorable Chief Justice and Associate

Justices of the Supreme Court of Alabama, or a majority of them, are hereby respectfully requested to give this body their written opinions on the following important constitutional questions that have arisen concerning a pending bill, House Bill No. 821, a true and correct copy of this is attached hereto:

1. Does the bill propose a general law within the meaning of Section 110 of the Constitution?

2. Do the referendum features of the bill provided for in Sections 1 and 17 constitute an unlawful delegation of the power to levy taxes in violation of Section 212 of the Constitution?

3. Does the referendum feature in Section 12 of the bill providing for a termination of the levy of the taxes authorized by the act permit the exercise of the power to suspend laws contrary to Section 21 of the Constitution?

4. Do the referendum features of the bill, as provided for in Sections 1 and 17, constitute an unlawful delegation of the legislative power in violation of Section 44 of the Constitution?

5. Do the references in Sections 3, 6, 8, 13 and 14 of the bill to Act No. 100, House 94, approved August 18, 1959, effective October 1, 1959, and article 11, chapter 20, Code of Alabama, 1940, as amended, violate the provisions of Section 45 of the Constitution that no law shall be revised, amended, or the powers thereof extended or conferred by reference to its title only; but that so much thereof as is revised, amended, extended or conferred, shall be reenacted and published at length?

6. Do the provisions of the bill for two taxes, a sales tax and a use tax, violate the provision of Section 45 that no law shall contain more than one subject?

7. Do the provisions of the bill that authorize the use of the proceeds of the tax for four separate and different purposes, some county and some municipal, violate the provisions of Section 45 of the Constitution that no law shall contain more than one subject?

8. Is the bill a "revenue bill" that cannot be passed within the last five days of a session of the legislature without violating Section 70 of the Constitution?

On motion of Mr. Perry the rules were suspended and H. R. 69 was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 13. Creating a Commission on Juvenile Delinquency.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Godfrey:

S. J. R. 25. BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That the bill, H. B. 345, which has passed both Houses, be designated the "Godfrey-Meade Bill."

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The S. J. R. 25 set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

#### BILLS ON SECOND READING

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 280 (with amendment). To provide further for the service of process in civil suits growing out of motor vehicle accidents; providing an additional or alternative method of serving such process upon any person who was a resident of the State of Alabama when a motor vehicle, owned or operated upon the public highways in the State by such person was involved in an accident, but who has since absented himself from the State or concealed himself so that personal service cannot be had upon him.

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 49. To provide further for furnishing information of convictions to boards of registrars by requiring justices of the peace, notaries public ex officio justices of the peace, judges of recorders' courts and clerks of all county courts or other courts of record to report the names of persons convicted of crimes disqualifying them from voting; providing a penalty for violations of the Act.

H. 758. To provide for the manner of payment, disposition and use of purchase money paid or payable for sale of any lands belonging to the State of Alabama for the use of the Insane of the State, situated in Mounty Vernon Barracks Military Reservation, in Mobile County, Alabama.

H. 775. To amend Section 125 of Title 12, Code of Alabama 1940, which relates to the interest rate and maturity of temporary loans made by county governing bodies in anticipation of taxes.

H. 776. To provide for and authorize the introduction in evidence in any court in Alabama, when relevant and material, certified copies of hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, clinical, hospital, occupational, disease, injury and disability histories,

X-Rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as employees of such hospital, forming a part of such hospital records, as to the health, physical and mental condition, state, sickness, disease, mental and physical disorders, damages, duration and character of disabilities, diagnosis, prognosis, progress, operations, incisions, injuries, wounds, cuts, lacerations, contusions, bruises, breaks, fractures, sprains, dislocations and the adjustment and treatment thereof, dismemberments, amputations, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, treatment and care and charge sheets and the costs expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, when the custodian of such hospital records certifies and affirms in writing that the same are an exact, full, true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but they shall not affect their admissibility; and to provide for such certificate and substantial form thereof and for the cost and the taxing thereof for said copy and certificate and affirmance in writing thereto and the filing of said copy with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

H. 788. To amend Section 24 of "The Motor Vehicle Safety-Responsibility Act" (Act No. 704, H. 475, approved September 5, 1951), in relation to proof of title and value of real estate when any party desires to furnish proof of financial responsibility by bond with individual sureties.

Mr. Oden, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 829 (with amendment). Relating to crimes and offenses; providing that the willful failure and refusal to pay any wage claim when due to any employee within the State of Alabama will constitute a crime; providing for punishment therefor; and providing for the disposition of the fine.

Mr. Edwards, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 717 (with substitute). To amend Act No. 653, H. 489, entitled "An Act To regulate the teaching and practice of cosmetology; requiring the registration and licensing of cosmetologist and cosmetologists' apprentices, and schools of cosmetology, creating for the administration of this Act a State Board of Cosmetology, and defining violation of this Act and prescribing penalties therefor," approved September 20, 1957 (Acts of Alabama 1957, page 981).

Mr. Cornett, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 847. To prohibit the taking of menhaden and trash fish by the use of trawls, seines or similar devices from certain of the tide-waters

under the jurisdiction of the State of Alabama; and to prescribe penalties.

Mr. Jenkins, Vice-Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 568 (with amendment). To provide that all offices of the officials in the court houses of the several counties in the State of Alabama may close one week-day in each week during the year; to provide for the fixing of the day of such closing to be determined by the governing body of the county by resolution entered on its minutes; to repeal Act No. 74, H. 12, approved June 9, 1945 (General Acts of Alabama 1945, p. 72).

Mr. Jenkins, Vice-Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 754 (with substitute). To provide for and regulate elections in the cities and towns of this state which have a commission form of government; designating the date for regular elections, and authorizing the board of commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

Mr. Jenkins, Vice-Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 755 (with amendment). To regulate further elections in the cities and towns of this state: Authorizing, regulating, and providing for the holding of municipal primary elections for the purpose of nominating candidates of political parties for municipal offices.

Mr. Jenkins, Vice-Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 757 (with substitute). To provide for and regulate general and special elections in the cities and towns of this state, except those cities and towns which have a commission form of government; designating the date for regular elections, and authorizing the municipal governing



body to call special elections; prescribing the manner of giving notice of municipal elections, and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

Mr. Jenkins, Vice-Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 855. To permit any water works board organized under the provisions of Sections 394 to 402, inclusive, of Title 37 of the Code of Alabama of 1940 which has acquired or may hereafter acquire a gas plant and system pursuant to Act No. 154 adopted at the 1947 Regular Session of the Legislature of Alabama, to issue revenue bonds for certain water works purposes and to pledge for payment of such revenue bonds not only water revenues, but also any available gas revenues and to provide that in order so to issue revenue bonds it shall not be necessary for such water works board to combine such water and gas systems.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 400. To fix the compensation of the coroner of Geneva County and provide for the payment thereof.

H. 828. To encourage and promote medical and scientific research and the establishment of medical research facilities, and the development of scientific research devices, by exempting certain activities, persons, organizations, and properties from building and zoning restrictions, permits, and fees, and public health and sanitary inspection fees, charges, and limitations, in all counties having a population of not less than 125,000 nor more than 225,000, according to the most recent federal decennial census.

H. 837. To levy additional county privilege license and excise taxes for public school purposes in Hale County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 86, H. 388, approved June 21, 1957 (Acts 1957, vol. I, pp. 127-130).

H. 838. To amend Section 2 of an act approved June 3, 1953, establishing a board of revenue for Hale County (Act No. 61, H. 209, Acts of Alabama 1953, Vol. I, p. 89) so as to provide for the election of members of the board of revenue by districts.

H. 851. To provide for the relief of W. E. Sikes, of Roanoke, by Randolph County.

H. 854. To create in the City of Tuscaloosa, Alabama, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departments, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such fund of a proportion of the monthly salary of such members of the fire department and police department of such city as are eligible to participate in the benefits of such fund; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies including mutual and industrial fire insurance companies, doing business within such city, and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such fund, and to prescribe the penalty for failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerk by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such city, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such fund certain witness fees and certain rewards and gratuities received by firemen and policemen; to provide for the payment into such fund of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing body of such city to make appropriations to such fund out of the city treasury; to create in such city a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the transfer of all monies, securities, property, assets, and things of value in any Firemen's and Policemen's Fund in the City heretofore created to the jurisdiction and control of the Board of Trustees created under this Act; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees of such fund; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department and police department and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind.

H. 856. To abolish the office of comptroller of Walker County, and establish in lieu thereof a county depository; and to provide for the performance of certain duties relative to county funds by the county deposi-

tory and other duties relative thereto by the Board of Finance and Control of Walker County and the President thereof, or any other like governing body of such county and its presiding officer.

H. 859. To alter, re-arrange and extend the boundaries and corporate limits of the municipality of Greensboro in Hale County; annexing certain territory to said municipality.

S. 348. Relating to the holding of elections in Marengo County; requiring the court of county commissioners, board of revenue, or other like governing body of Marengo County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

S. 352. Relating to Elmore County: To provide for a Clerk in the office of the Clerk of the Circuit Court of Elmore County, Alabama; to fix the method and basis of such Clerk's employment and compensation, and to designate the fund from which payable; to repeal all laws in conflict herewith; to provide that the partial invalidity of this Act shall not affect the remainder thereof; and to fix the time when this Act shall become effective.

Mr. Perry, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 861. To alter and re-arrange the boundary lines of the City of Homewood, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 827. To amend Section 695, Title 51, Code of Alabama 1940, in relation to an apportionment of the license taxes payable by certain common carriers of passengers.

H. 749. To amend Section 41 of Title 52, Code of Alabama (1940), by providing for the appointment, qualifications, and compensation of the state superintendent of education.

H. 750. Proposing an amendment to the Constitution of Alabama relative to the state superintendent of education and the state board of education.

The above bill was read a second time at length as required by the Constitution.

H. 751. To amend Sections 6, 7, 8, 9, 10, and 13 of Title 52 Code of Alabama (1940), by providing for the composition of the state board of education and for the election, term, qualifications, and compensation of the individual members thereof.

S. 39. To establish a legislative committee to make an investigation to determine if certain businesses have formed a combination in restraint of trade or in preventing reasonable and fair competition,

or have otherwise violated any of the monopoly or trust laws of this state; to provide for the selection of the committee, and to prescribe its powers, duties, and authority; to provide for the payment of the expenses of the committee out of funds appropriated for the use of the Legislature; to provide for the enforcement of the Act; and to prescribe penalties.

S. 264. To make an appropriation to the board of trustees of Alabama Polytechnic Institute for capital outlays at certain branch experiment stations.

S. 296. To make appropriations for each of the fiscal years ending September 30, 1960 and September 30, 1961, to the state department of health for its dental program.

H. 424. To further amend the Farm-to-Market Road Act of 1943 (Act No. 329, approved July 1, 1943) by amending Sections 1, 2, and 13 of said Act as amended by Act No. 41, approved June 1, 1945 (1945 Acts, page 47); by amending Sections 3 and 7 of said Act as amended by Act No. 831, approved September 19, 1953 (1953 Acts, page 1119); and by amending Section 11 of said Act as amended by Act No. 14 approved August 11, 1950 (Fourth Special Session 1950 Acts, page 55).

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 760. (with substitute): To further provide for and raise revenue for the State of Alabama; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of the taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into a special fund, to be designated the Alabama Special Mental Health Fund, and for use of said proceeds for mental health purposes.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 762. To authorize the sale and issuance of not exceeding \$3,000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of constructing and equipping a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to appropriate and pledge, as additional security therefor, so much as may be necessary for those portions of the state taxes on the sale of spirituous or vinous liquors and of the state license taxes on those selling, storing or receiving for distribution malt or brewed beverages that are required by law to be

paid into the Alabama Special Mental Health Fund; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds thereof.

H. 765. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of not exceeding \$3,000,000 principal amount of General Obligation Bonds of the State of Alabama for construction and equipment of a hospital building for mental patients to constitute a part of the University of Alabama Medical Center.

The above bill was read a second time at length as required by the Constitution.

H. 634. To make an appropriation to the Citizens for T. V. A., Inc.

H. 752. To make additional appropriations to the State Department of Education for each of the fiscal years ending September 30, 1960, and September 30, 1961.

#### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Ashworth:

H. 863. TO AMEND SECTIONS 3, 4, 9, 12, 14, 16, 17, 20, 24, 25, 26 AND 27, AND SECTIONS 1, 11, 18 AND 30, AS HERETOFORE AMENDED, AND TO REPEAL SECTION 22, OF TITLE 19, OF THE CODE OF ALABAMA OF 1940, ALL OF SAID SECTIONS BEING IN CHAPTER 1 OF SAID TITLE 19, AND TO INSERT A NEW SECTION NUMBERED 22 IN SAID TITLE 19, WHICH PROVIDES FOR THE INTERVENTION OF INTERESTED PARTIES IN EMINENT DOMAIN PROCEEDINGS; ALL OF SAID SECTIONS AND AMENDMENTS RELATE TO THE CONDEMNATION OF LAND FOR PUBLIC PURPOSES, AND THE PROCEDURE TO BE FOLLOWED IN SUCH PROCEEDINGS.

Judiciary.

By Mr. Ashworth:

H. 864. TO AMEND SECTION 2 OF TITLE 1 OF THE CODE OF ALABAMA OF 1940.

Judiciary.

By Mr. Ashworth:

H. 865. TO PROVIDE FOR THE CONDEMNATION OF ALL OR ANY PART OF A CEMETERY OR BURIAL GROUND WHICH MAY BE NECESSARY IN THE CONSTRUCTION OR IMPROVEMENT OF A PUBLIC ROAD OR HIGHWAY, AND TO PROVIDE FOR THE REMOVAL AND REINTERMENT OF ALL GRAVES LOCATED WITHIN THE AREA TO BE ACQUIRED.

Judiciary.

By Mr. Ashworth:

H. 866. TO AUTHORIZE AND EMPOWER THE HIGHWAY DIRECTOR, ACTING IN THE NAME OF THE STATE, AND ANY COUNTY OR MUNICIPALITY THEREOF, TO ACQUIRE BY EMINENT DO-

MAIN PROCEEDINGS, OR OTHERWISE, AN ENTIRE LOT, BLOCK OR TRACT OF LAND, OR INTEREST IN LAND, WHERE A PART THEREOF IS, OR WILL BE, NECESSARY FOR PUBLIC HIGHWAY PURPOSES, AND TO ACQUIRE LANDS AND INTEREST IN LANDS FOR FUTURE USE.

Judiciary.

By Mr. Ashworth:

H. 867. TO AMEND SECTIONS 40 AND 44, AND TO REPEAL SECTION 41, OF TITLE 23, OF THE CODE OF ALABAMA OF 1940.

Judiciary.

By Mr. Ashworth:

H. 868. TO AMEND SECTION 5 OF ACT NO. 104 OF THE FIRST SPECIAL SESSION OF THE LEGISLATURE OF ALABAMA OF 1956, APPROVED FEBRUARY 9, 1956 (GENERAL ACTS, SPECIAL SESSION, 1956, PAGES 148-151), ENTITLED "AN ACT TO AUTHORIZE AND PROVIDE FOR THE PLANNING, DESIGNATION, ESTABLISHMENT, USE, REGULATION, ALTERATION, IMPROVEMENT, MAINTENANCE, AND VACATION OF CONTROLLED ACCESS FACILITIES; DEFINING SUCH TERMS; PROVIDING FOR THE ACQUISITION OF LANDS REQUIRED THEREFOR; THE RESTRICTION OF INTERSECTIONS AND CONTROL OF APPROACHES; THE ESTABLISHMENT OF LOCAL SERVICE ROADS; THE PROHIBITION OF CERTAIN ACTS THEREON AND PROVISION FOR PENALTIES THEREFOR; AND FOR OTHER PURPOSES."

Judiciary.

By Mr. Ashworth:

H. 869. TO AMEND SECTION 367 OF TITLE 7 OF THE CODE OF ALABAMA OF 1940.

Judiciary.

By Mr. Meade (with notice and proof):

H. 870. To amend an act approved September 1, 1939, authorizing the governing body of Cherokee County to levy and collect a gasoline tax (Act No. 314, H. 700, Local Acts 1939, p. 200) so as to exclude diesel fuel as a taxable fuel under the act.

Local Legislation No. 1.

Notice and Proof H. 870

#### LEGAL NOTICE

STATE OF ALABAMA,  
COUNTY OF CHEROKEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and Application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To amend an act approved September 1, 1939, authorizing the governing body of Cherokee County to levy and collect a gasoline tax

(Act No. 314, H. 700, Local Acts 1939, p. 200) so as to exclude diesel fuel as a taxable fuel under the act.

Be It Enacted by the Legislature of Alabama:

Section 1 of the act approved September 1, 1939, authorizing the governing body of Cherokee County to impose an excise tax on gasoline (Act No. 314, H. 700, Local Acts 1939, p. 200) is hereby amended to read as follows:

"Section 1. The term 'gasoline' as used in this Act shall include gasoline naphtha, and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commonly known as kerosene oil, fuel oil, and crude oil used for lighting or heating purposes, nor to diesel fuel used in diesel engines. The term 'person' means and includes every person, corporation, copartnership, company agency or association singular or plural. The term 'distributor' shall include any person who shall engage in the selling of gasoline as herein defined in Cherokee County, by wholesale, in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. Term 'retail dealer' shall include any person herein defined as the distributor who is also engaged in the sale of gasoline as herein defined at any place in Cherokee County in broken quantities. The term 'storer' as used herein shall include any person who ships gasoline into Cherokee County in tank quantities and stores the same and withdraws or uses same for any purpose."

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF CHEROKEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joe Shaw, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 8-26-59, 9-2-59, 9-9-59, and 9-16-59, all in the year 1959.

JOE SHAW, JR.

Sworn to and subscribed before me 9-29-59.

CHARLES A. FORMBY,  
Judge of Probate.

By Messrs. Gilmer, Hardy and Hain (with notice and proof):

871. To amend Act No. 194 which was duly passed at the regular Session, 1957, Legislature of Alabama, Vol. 1, Acts of Alabama, Regular Session 1957, pp 245-254, and which said Act did create and establish in Dallas County a Court known as the Dallas County Court.

Local Legislation No. 1.

Notice and Proof H. 871:

#### LEGAL NOTICE

##### STATE OF ALABAMA COUNTY OF DALLAS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

To amend Act. No. 194 which was duly passed at the Regular Session, 1957, Legislature of Alabama, Vol. 1, Acts of Alabama, Regular Session 1957, pp 245-254, and which Act did create and establish in Dallas County a Court known as the Dallas County Court.

The amendment shall consist of the following: Amend present Section 2 of said Act to read as follows:

Section 2. The Dallas County Court shall have jurisdiction in all civil matters over which justices of the peace of Dallas County have jurisdiction under the general laws of the State of Alabama, concurrently with the several justices of the peace in the county; and, in addition thereto, the Court shall have jurisdiction concurrently with the Circuit Court of Dallas County, of all matters, suits and actions at law in which the amount involved exceeds the jurisdiction of the justice of the peace, but is not more than the sum of \$500.00, exclusive of the interest, costs and attorney's fees. The Court shall have original jurisdiction, concurrently with the Circuit Court of Dallas County, of all misdemeanors committed in Dallas County; and it shall have preliminary jurisdiction of all felonies and of bastardy and of other criminal and quasi-criminal proceedings cognizable in justice of the peace Courts; the Dallas County Court shall have and exercise exclusive and original jurisdiction of all cases arising under Article 3 of Chapter 4 of Title 34, Code of Alabama of 1940, any provision of law to the contrary notwithstanding. The jurisdiction of the Dallas County Court shall be co-extensive with the County. Said Court shall not have jurisdiction of cases arising under the workmen's Compensation laws.

Amend said Act by adding and inserting immediately following Section 24 thereof, a new section to read as follows:

"Section 24-A. In any civil proceeding, a defendant must demur, plead or answer within fifteen days after the services of the summons, or within fifteen days after the date of receipt by the Clerk of a return receipt showing that the defendant has been served by registered mail, or within fifteen days after the period specified in an order of publication if service by publication was ordered and has been perfected."

#### THE STATE OF ALABAMA THE COUNTY OF DALLAS

Before me, Cornelia L. Morrison, a Notary Public in and for said County in said State, personally appeared Henry H. Lloyd, who is known to me and who, being first duly sworn, deposes and says:

My name is Henry H. Lloyd. I am Business Manager of The Selma Times-Journal, a daily newspaper published in Selma, Dallas County, Alabama.

In conformity with Section 106 of the Constitution of the State of Alabama, The Court of County Revenues of Dallas County, Alabama has had published in The Selma Times-Journal, Selma, Alabama, a "notice" of a bill to be entitled an act to provide for an amendment to Act No. 194 which was duly passed at the Regular Session,



1957, Legislature of Alabama, Vol. 1, Acts of Alabama, Regular Session 1957, pp 245-254, and which said Act did create and establish in Dallas County a Court known as the Dallas County Court. The said notice was published once a week for four consecutive weeks and on the following dates: to-wit, August 30, September 6, September 13 and September 20, 1959. The said notice was published in its entirety and a true copy of each of said notices as published is attached hereto.

HENRY H. LLOYD,  
Business Manager.

Sworn to and subscribed before me this the 28th day of September 1959.

CORNELIA L. MORRISON,  
Notary Public, Dallas County, Alabama.

By Messrs. Hanby and Copeland:

H. 872. To propose an amendment to the Constitution of Alabama authorizing the several school districts of Etowah County to levy and collect additional special property taxes for public school purposes.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Adams (Houston):

H. 873. To amend Section 15 of Act No. 75 adopted at the First Special Session of the Legislature of Alabama of 1959 pertaining to records of the proceedings of and resolutions and ordinances adopted by Boards of Commissioners in certain cities having the commission form of government.

Local Government.

By Messrs. Edwards, Morrow, Locke, Hawkins, Sessions, Perry and Rast:

H. 874. To apply to cities having a population of not less than 23,500 and not more than 100,000 inhabitants according to the last or any subsequent federal decennial census, to provide that when the statute providing for the organization of a Commission form of government in any such City shall be declared invalid, illegal or unconstitutional, it may by ordinance adopted by its governing body become organized under the Commission form of government as provided in Act No. 96, General Laws of Alabama (Second Special Session of 1959) approved August 17, 1959, and to authorize an election on the question of adopting any other form of government under any other statute by petition and election of the qualified electors of such City.

Local Government.

By Mr. Perry:

H. 875. To fix the compensation of the Director of Aeronautics; repealing conflicting laws.

Ways and Means.

By Messrs. Perry and Locke:

H. 876. To provide that at the beginning of the next and of each succeeding full term for which a judge of the Court of Appeals is

chosen the annual salary of each judge of said court is hereby fixed in an amount equal to an amount which is less by five hundred dollars than the amount then fixed by law as the annual salary of an Associate Justice of the Supreme Court of Alabama, payable in equal semi-monthly installments as the salaries of other state officers are paid.

Ways and Means.

By Mr. Hankins (with notice and proof):

H. 877. To alter, rearrange and extend the corporate limits of the Town of Millport, Lamar County, Alabama:

Local Legislation No. 1.

Notice and Proof H. 877:

#### LEGAL NOTICES

#### THE STATE OF ALABAMA, LAMAR COUNTY.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the corporate limits of the Town of Millport, Lamar County, Alabama:

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the Town of Millport Lamar County, Alabama, be altered, rearranged and extended to include the following territory:

The S $\frac{1}{2}$  of the NE $\frac{1}{4}$ , the S $\frac{1}{2}$  of the NW $\frac{1}{4}$ , the SW $\frac{1}{4}$  and the SE $\frac{1}{4}$  of Section 22, all of Section 23, the N $\frac{1}{2}$  of Section 26 and the N $\frac{1}{2}$  of Section 27, Township 17 South, Range 15 West, in Lamar County, Alabama.

Section 2. That all laws and parts of laws, general, special and local, in conflict with this Act, be and the same are hereby repealed.

Section 3. This Act shall go into effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF LAMAR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack Hankins, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Lamar Democrat, a newspaper of general circulation published in Lamar County, Alabama, and that

the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 10, Sept. 17, Sept. 24, and Oct. 1, all in the year 1959.

JACK HANKINS

Sworn to and subscribed before me October 1, 1959.

ESTELLE E. DEAN,  
Notary Public.

By Messrs. Turnham and Torbert (with notice and proof):

H. 878. To extend, alter and rearrange the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 878:

### LEGALS

#### STATE OF ALABAMA COUNTY OF LEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of said City all of the following described territory:

Beginning at the northeast corner of Section 16, Township 19 North, Range 26 East, of the St. Stephens Meridian in Lee County, Alabama, run southerly along the east boundary line of said Section 16 for a distance of one mile to the northeast corner of Section 21, Township 19 North, Range 26 East, Lee County Alabama; run thence southerly, along the east boundary of said section 21 for a distance of one mile to the northwest corner of Section 27, Township 19 North, Range 26 East, Lee County, Alabama; run thence easterly, along the north boundary of said Section 27 for a distance of one mile to the northeast corner of said Section 27; run thence southerly, along the east boundary of said Section 27 for a distance of one mile to the northeast corner of Section 34, Township 19 North, Range 26 East, Lee County, Alabama; run thence southerly, along the east boundary of said Section 34 for one mile to the northeast corner of Section 3, Township 18 North, Range 26 East, Lee County, Alabama; run thence southerly, along the east boundary of said Section 3, for a distance of one-half ( $\frac{1}{2}$ ) mile to the southeast corner of the northeast quarter of said Section 3; run thence westerly, along the east-west half section line running

through said Section 3 for a distance of one mile to the southwest corner of the northwest quarter of said Section 3; run thence westerly, along the east-west half section line running through Section 4, Township 18 North, Range 26 East, Lee County, Alabama for a distance of one mile to the southwest corner of the northwest quarter of said Section 4; run thence westerly, along the east-west half section line running through Section 5, Township 18 North, Range 26 East, Lee County, Alabama, for a distance of one mile to the southwest corner of the northwest quarter of said Section 5; run thence westerly along the east-west half section line of Section 6, Township 18 North, Range 26 East, Lee County, Alabama, for a distance of one mile to the southwest corner of the northwest quarter of said Section 6; run thence westerly, along the east-west half section line running through Section 1, Township 18 North, Range 25 East, Lee County, Alabama, for a distance of one mile to the southwest corner of the northwest quarter of said Section 1; run thence westerly, along the east-west half section line running through Section 2, Township 18 North, Range 25 East, Lee County, Alabama; for a distance of one-half mile to the southwest corner of the northeast quarter of said Section 2; run thence northerly, along the north-south half section line running through said Section 2 for a distance of one-half mile to the northwest corner of the northeast quarter of said Section 2; run thence northerly, along the north-south half-section line running through Section 35, Township 19 North, Range 25 East, Lee County, Alabama, for a distance of one mile to the southwest corner of the southeast quarter of Section 26, Township 19 North, Range 25 East, Lee County, Alabama; run thence northerly, along the north-south half-section line running through said Section 26 for a distance of one mile to the southwest corner of the southeast quarter of Section 23, Township 19 North, Range 25 East, Lee County, Alabama; run thence northerly, along the north-south half-section line running through said Section 23 for a distance of one mile to the southwest corner of the southeast quarter of Section 14, Township 19 North, Range 25 East, Lee County, Alabama; run thence northerly along the north-south half-section line running through said Section 14 for a distance of one mile to the northwest corner of the northeast quarter of said Section 14; run thence easterly along the north edge of said Section 14 for a distance of one-half mile to the northwest corner of Section 13, Township 19 North, Range 25 East, Lee County Alabama; run thence easterly along the north edge of said Section 13 for one mile to the northwest corner of Section 18, Township 19 North, Range 26 East, Lee County, Alabama; run thence easterly, along the north edge of said Section 18 for a distance of one mile to the northwest corner of Section 17, Township 19 North, Range 26 East, Lee County, Alabama; run thence easterly, along the north edge of said Section 17 for a distance of one mile to the northwest corner of Section 16, Township 19 North, Range 26 East, Lee County, Alabama; run thence easterly along the north edge of said Section 16 for a distance of one mile to the northeast corner of said Section 16 and the point of beginning, all said lands being situated in Lee County, State of Alabama.

The above described boundary line being the corporate limits of the City of Auburn, Alabama, and including all lands lying within the above described boundary line.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective on the 30th day of September, 1959, after its passage and approval by the Governor, or if this Act is passed and approved by the Governor subsequent to the 30th day of September, 1959, then the same shall become effective immediately upon its passage and approval by the Governor.

## AFFIDAVIT OF PUBLICATION

I, Neil O. Davis, Publisher, of Lee County Bulletin, published weekly at Auburn, Ala., do solemnly swear that a copy of the notice, as per clipping attached, was published 4 times in the regular and entire issue of said newspaper and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated July 30, 1959, and ending with the issue dated Aug. 20, 1959.

NEIL O. DAVIS.

Subscribed and sworn before me this 31st day of August, 1959.

ALMA N. SHAFFER,  
Notary Public.

By Messrs. Turnham, Phillips, Sessions, McCorquodale, Gordon and Gross:

H. 879. To provide for the vaccination or immunization of pre-school age children against poliomyelitis;

Education.

By Messrs. Murphy and Hocklander:

H. 880. To amend Section 1 of Act No. 49, General Acts of Alabama 1947, approved July 1, 1947, as amended by Act No. 931, General Acts of Alabama 1951, Vol. 2, page 1599, approved September 12, 1951, entitled "An Act To amend Act No. 49, General Acts of Alabama 1947, approved July 1, 1947" which pertains to shrimp caught for commercial purposes.

Conservation.

By Messrs. Murphy and Hocklander (with notice and proof):

H. 881. To require the Director of the State Department of Public Safety to notify the Commissioner of Licenses of Mobile County upon the suspension or revocation of the permanent driver license of any resident of Mobile County.

Local Legislation No. 1.

Notice and Proof H. 881:

## LEGAL NOTICE

STATE OF ALABAMA,  
COUNTY OF MOBILE.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To require the Director of the State Department of Public Safety to notify the Commissioner of Licenses of Mobile County upon the suspension or revocation of the permanent driver license of any resident of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the revocation or suspension by the Director of the State Department of Public Safety of the permanent driver license of any resident of Mobile County, or upon notification to the State Department of Public Safety by any trial court of this State that the permanent driver license of any resident of Mobile County has been revoked or suspended, the Director of Public Safety shall notify the Commissioner of Licenses of Mobile County, within five days thereafter, of such revocation or suspension.

Section 2. A certified copy of such notice from the Director of Public Safety shall be admissible in any court in Mobile County as conclusive proof of the fact that the party referred to therein has had his driving privileges revoked.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared A. A. Johnson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Comptroller of the Mobile Press Register, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 2nd, Sept. 9th, Sept. 16th, and Sept. 23rd, all in the year 1959.

A. A. JOHNSON.

Sworn to and subscribed before me September 23rd, 1959.

GREG L. KENNY,  
Notary Public.

By Mr. Trimmier (with notice and proof):

H. 882. To amend Section Six (6) of an Act approved March 28, 1955, and found in Acts of Alabama, 1955, Volume 1, pages 122-123, relating to the appointment of an Assistant Treasurer of Mobile County; and providing for the qualifications, term, duties, bond, compensation, and manner and method of paying same, and fixing time at which said Act shall go into effect.

Local Legislation No. 1.

Notice and Proof H. 882:

### LEGAL NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama for the passage of an Act, to read substantially as follows:

An Act to amend Section Six (6) of an Act approved March 28, 1955, and found in Acts of Alabama, 1955, Volume 1, pages 122-123, relating to the appointment of an Assistant Treasurer of Mobile County; and providing for the qualifications, term, duties, bond, compensation, and manner and method of paying same, and fixing time at which said Act shall go into effect.

Be It Enacted by the Legislature of Alabama:

That Section Six (6) of an Act approved March 28, 1955, and found in Acts of Alabama, 1955, Volume 1, pages 122-123, relating to the appointment of an Assistant Treasurer of Mobile County; and providing for the qualifications, term, duties, bond, compensation, and manner and method of paying same, and fixing time at which said Act shall go into effect, be and the same is hereby amended to read as follows:

Section 6. The compensation of such Assistant Treasurer of Mobile County shall be not less than Five Thousand (\$5,000.00) Dollars per annum nor more than Six Thousand (\$6,000.00) Dollars per annum,

at the discretion of the County Treasurer, and shall be paid in equal monthly installments from the County Treasury of Mobile County.

W. F. Egan being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Press, 8/18.25 9/1.8 1959.

W. F. EGAN

Sworn to and subscribed before me this 14th day of September, 1959.

ALVIN A. JOHNSON,  
Notary Public.

By Mr. Trimmier (with notice and proof):

H. 883. To amend Section 41, Title 62 of the Code of Alabama, 1940, as amended by Act 412 of the Regular Session 1947, of the Legislature of Alabama, approved September 19, 1947.

Local Legislation No. 1.

Notice and Proof H. 883:

#### LEGAL NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama for the passage of an Act, to read substantially as follows:

An Act to amend Section 41, Title 62 of the Code of Alabama, 1940, as amended by Act 412 of the Regular Session 1947 of the Legislature of Alabama, approved September 19, 1947.

Be It Enacted by the Legislature of Alabama:

That Section 41, Title 62, of the Code of Alabama, 1940, as amended by Act 412 of the Regular Session of the Legislature of Alabama 1947, and approved September 19, 1947, be and the same is hereby amended to read as follows:

Section 41. Compensation of the County Treasurer—The Salary of the County Treasurer in the County of Mobile shall be Nine Thousand (\$9000.00) Dollars per annum, payable in equal monthly installments from the County Treasury on warrants drawn by the President or Chairman of the County governing body.

W. F. Egan being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Press, 8/17.24 31 9/7, 1959.

W. F. EGAN

Sworn to and subscribed before me this 14th day of September, 1959.

ALVIN A. JOHNSON,  
Notary Public.

By Messrs. Cook, Hain, Brewer, McLendon (Bullock), Lee, McCorquodale, Reynolds (Chambers), Meade, Merrill, Cornett, Turn-

ham, Torbert, Steagall, Jones (Monroe), Guthrie, Jones (Covington), Trimmier, and Ingram:

H. 884. To amend Sections 181 and 183 of Title 15, 1940 Code of Alabama, relating to removal of prisoners arrested in one county and triable in another county.

Judiciary.

By Messrs. Cook, Hain, Ingram, Brewer, McCorquodale, McLendon (Bullock), Lee, Jones (Monroe), Reynolds (Chambers), Meade, Hawkins, Merrill, Cornett, Turnham, Steagall, Hocklander, Jones (Covington), Trimmier and Guthrie:

H. 885. To amend further Section 325 of Title 15, Code of Alabama 1940, which relates to legal punishments.

Judiciary.

Mr. Jones (Covington) (with notice and proof):

H. 886. To abolish the jury board of Covington County and to create in lieu thereof a commission composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to prescribe his duties and compensation; and to prescribe the functions, authority, duties, and compensation of the jury commissioners appointed hereunder.

Local Legislation No. 1.

Notice and Proof H. 886:

A BILL  
TO BE ENTITLED  
AN ACT

STATE OF ALABAMA,  
COUNTY OF COVINGTON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To abolish the jury board of Covington County and to create in lieu thereof a commission composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to prescribe his duties and compensation; and to prescribe the functions, authority, duties and compensation of the jury commissioners appointed hereunder.

Be It Enacted by the Legislature of Alabama:

Section 1. The jury board of Covington County created by Act No. 37, H. 132, approved May 23, 1951 (Acts of Alabama, 1951, P. 244), is hereby abolished; and there is established in lieu thereof a commission to be composed of nine members appointed by the Governor for terms to run concurrently with his own term of office. Two members of the commission shall be appointed for each of the commissioner's districts of the county and one member shall be appointed for the county at large. The members that are appointed for the several districts must be residents and qualified electors of the districts for which they are appointed. The other member shall be a resident and qualified elector of the county.

Section 2. The clerk of the circuit court of Covington County, at his election, shall serve as clerk of the jury commission hereby



created. If he fails to accept or to serve or shall resign, the commission shall name another clerk, who shall serve at the pleasure of the commission. The clerk shall file an oath of office with the judge of probate of Covington County, and the filing and recording fees thereon shall be paid from county funds. The clerk shall keep the records and minutes of the commission, and shall perform all the duties imposed by the general laws of Alabama on clerks of jury commissions. The clerk shall be paid the sum of fifty dollars (\$50) each calendar year, and in addition thereto the sum of eight cents (8c) for each name that lawfully appears on the jury roll in any calendar year. The compensation of the clerk shall be paid from the general funds of the county, but the claim of the clerk for such compensation shall be approved by the president of the commission before payment.

Section 3. Except as otherwise provided herein, the jury commissioners herein provided for shall have the same function and authority, shall perform the same duties, and shall receive the same compensation as provided for jury commissioners under the general laws of this State.

Section 4. All laws or parts of laws which conflict with this Act are repealed. Act No. 37, H. 132, approved May 23, 1951 (Acts of Alabama, 1951, p 244), is expressly repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF COVINGTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert D. Burgess, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of The Opp News, a newspaper of general circulation published in Covington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appearing in the issues of said paper on August 6th, August 13th, August 20th, and August 27th, all in the year 1959.

ROBERT D. BURGESS

Sworn to and subscribed before me Sept. 14, 1959.

W. B. BENTON,  
Notary Public.

By Mr. Pierce:

H. 887. To authorize the Attorney General to employ not more than two investigators and to make an appropriation therefor.

Ways and Means.

By Messrs. Torbert, Thomas, Powell, Adams (Houston), Chambers, Hardy, Gilmer, Steagall, Lee, Meade and Morrow:

H. 888. To regulate the lending of money in sums not in excess of \$500, repayable in stallments; to regulate the lending of money in excess of \$500, repayable in installments; to provide the rate of interest and other charges therefor; to regulate such transactions, and to prescribe penalties for violation thereof; to define the phrase

"Installment Loan" for the purposes of this Act; to provide for a short title therefor so that the same may be cited as the "Installment Loan Act"; to provide for the repeal of inconsistent laws heretofore enacted; to provide when this Act shall take effect, and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Business and Labor.

By Mr. Jones (Covington) (with notice and proof):

H. 889. To amend Section 2 of an act approved August 31, 1953, providing a special fund for the payment of certain expenses incurred by the solicitor or judge of the Twenty-second Judicial Circuit (Act No. 460, H. 856, Acts of Alabama 1953, Vol. 1, p. 564).

Local Legislation No. 1.

Notice and Proof H. 889:

A BILL  
TO BE ENTITLED  
AN ACT

STATE OF ALABAMA,  
COUNTY OF COVINGTON.

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To amend Section 2 of an act approved August 31, 1953, providing a special fund for the payment of certain expenses incurred by the solicitor or judge of the Twenty-second Judicial Circuit (Act No. 460, H. 856, Act of Alabama 1953, Vol. 1, p. 564).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of the act approved August 31, 1953, providing a special fund for the payment of certain expenses incurred by the solicitor or judge of the Twenty-second Judicial Circuit (Act No. 460, H. 856, Acts of Alabama 1953, Vol. 1, p. 564) is amended to read as follows:

Section 2. The circuit solicitor of the Twenty-second Judicial Circuit, with the written approval of the chairman or president of the court of county commissioners, board of revenue, or other like county governing body, may make expenditures from the fund for the payment of all expenses necessarily incurred by him in the discharge of the duties of his office or in promoting its welfare, including expenditures for supplies, postal service, fixtures, and facilities. Provided, that no requisition shall be made on the fund in any county of the circuit not sharing in the benefits flowing from such expenditure."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF COVINGTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert D. Burgess, who, being

by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of The Opp News, a newspaper of general circulation published in Covington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 20th, Aug. 27th, Sept. 3rd, and Sept. 10th, all in the year 1959.

ROBERT D. BURGESS

Sworn to and subscribed before me September 14, 1959.

W. B. BENTON,  
Notary Public.

By Mr. Lee:

H. 890. To provide administrative consultants for the constitutional executive officers of the state government; to prescribe the conditions under which a constitutional executive officer of the State may become such an administrative consultant; to prescribe the qualifications, tenure of office, duties, compensation, and method of removal of such administrative consultants; and to make an appropriation for the payment of their compensation.

Ways and Means.

By Messrs. Nichols and Camp (with notice and proof):

H. 891. To authorize any municipality in Talladega County, Alabama, and Talladega County, to make appropriations of moneys and transfers of property to or for the benefit of any public hospital corporation now or hereafter organized in Talladega County, Alabama, under Act No. 211, adopted at the 1945 Regular Session of the Legislature of Alabama, Act No. 46 adopted at the 1949 Regular Session of said Legislature, or Act No. 63 adopted at the 1957 Regular Session of said Legislature; to authorize agreements between Talladega County or any municipality located in Talladega County and any such public hospital corporation located in Talladega County whereunder such corporation will agree to make available hospital space to inhabitants of such agreeing municipality or Talladega County, and whereunder such agreeing municipality or Talladega County will agree to make monthly or annual payments to such corporation; and to provide that any appropriations made hereunder and any payments provided for in any such agreements shall be deemed revenues of the public hospital corporation receiving them, within the meaning of said Act No. 211 and said Act No. 46 and any other applicable statute, and may be pledged as security for obligations of the public hospital corporation pursuant to the provisions of said statutes.

Local Legislation No. 1.

Notice and Proof H. 891:

#### LEGAL NOTICE

#### STATE OF ALABAMA TALLADEGA COUNTY

Notice is hereby given that a Bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:—

A BILL  
TO BE ENTITLED  
AN ACT

To authorize any municipality in Talladega County, Alabama, and Talladega County, to make appropriations of moneys and transfers of property to or for the benefit of any public hospital corporation now or hereafter organized in Talladega County, Alabama, under Act No. 211, adopted at the 1945 Regular Session of the Legislature of Alabama, Act No. 46 adopted at the 1949 Regular Session of said Legislature, or Act No. 63 adopted at the 1957 Regular Session of said Legislature; to authorize agreements between Talladega County or any municipality located in Talladega County and any such public hospital corporation located in Talladega County whereunder such corporation will agree to make available hospital space to inhabitants of such agreeing municipality or Talladega County, and whereunder such agreeing municipality or Talladega County will agree to make monthly or annual payments to such corporation; and to provide that any appropriations made hereunder and any payments provided for in any such agreements shall be deemed revenues of the public hospital corporation receiving them, within the meaning of said Act No. 211 and said Act No. 46 and any other applicable statute, and may be pledged as security for obligations of the public hospital corporation pursuant to the provisions of said statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words when used herein shall have the following respective meanings: "Local subdivision" means Talladega County or any municipal corporation in Talladega County. "Hospital corporation" means any of the following: (1) a hospital association in Talladega County heretofore or hereafter organized under the provisions of Act No. 211 adopted at the 1945 Regular Session of the Legislature of Alabama, as originally adopted or as at any time heretofore or hereafter amended; (2) a hospital board heretofore or hereafter organized under the provisions of Act No. 46 adopted at the 1949 Regular Session of the Legislature of Alabama, as originally adopted or as at any time heretofore or hereafter amended; and (3) any corporation heretofore or hereafter organized or created pursuant to the provisions of Act No. 63 adopted at the 1957 Regular Session of the Legislature of Alabama, as originally adopted or as at any time hereafter amended.

Section 2. Appropriations and Transfers of Property to Hospital Corporations. Any local subdivision may make an appropriation or appropriations of money, and may transfer and convey property with or without pecuniary consideration, to or for the benefit of any hospital corporation; provided, that no such appropriation of money or transfer of property shall be made unless the governing body of such local subdivision shall by resolution or ordinance have authorized such appropriation or transfer, as the case may be.

Section 3. Agreements between Local Subdivisions and Hospital Corporations. Any local subdivision and any hospital corporation shall have the power to enter into agreements with each other whereunder the hospital corporation will agree to make and keep available hospital space to regular paying patients and indigent patients, or either, who are inhabitants of such local subdivision, the space to be made and kept available to be of such character and of such extent and the number and types or classifications of such patients to be as may be specified in such agreement, and whereunder the local subdivision shall agree, in consideration of the availability of such space, to pay to such hospital corporation such amounts of money, either monthly or annually, as may be specified in such agreement; provided, that no such agreement shall be entered into unless authorized by the governing body of the local subdivision and by the board of directors or other governing body of the hospital corporation; and provided, further, that

no such agreement shall extend for a period longer than ten years from its effective date. Any such agreement may, in the discretion of the parties thereto, include a provision making the availability of space thereunder subject to suspension in situations of unusual emergency.

Section 4. Moneys Paid Hereunder to Hospital Corporation Deemed Revenues of Corporation Within Applicable Statutes. Any moneys appropriated by a local subdivision to a hospital corporation hereunder or provided in any agreement entered into hereunder to be paid by a local subdivision to a hospital corporation shall be deemed to constitute revenues of the hospital corporation within the meaning of Section 12 of said Act. No. 211, and Section 8 of said Act No. 46, and any other statute dealing with or affecting pledges of the revenues of a hospital corporation; and may be specially pledged by the hospital corporation as security for its obligations issued under authority of said Act No. 211, said Act No. 46, or other applicable statute, pursuant to and in accordance with the provisions of any of said statutes respecting pledges of the revenues of a hospital corporation.

Section 5. Severability. If any provision or portion of this act should for any reason be held invalid by any court of competent jurisdiction, the holding of such invalidity shall not affect any other provisions or portions of this act, all of which shall continue effective.

Section 6. Effective Date. This act shall become effective immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA  
TALLADEGA COUNTY

Personally appeared before me, a Notary Public in and for said County W. A. Moody, who being duly sworn according to law deposes and says that he is the Publisher of the SYLACAUGA ADVANCE a newspaper published in said County and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit in the issues hereof dated as follows: Aug. 20, 1959, Aug. 27, 1959, Sept. 3, 1959, Sept. 10, 1959.

W. A. MOODY

Subscribed and sworn to before me this 24 day of Sept. 1959.  
My commission expires 8-30-63.

H. C. KRAMER, JR.  
Notary Public.

By Messrs. Nichols and Camp (with notice and proof):

H. 892. To provide a civil service system governing the appointment, removal, promotion, demotion, tenure and official conduct of the employees of the City of Sylacauga, including the City Clerk, the city engineer, the superintendent of the street department, the superintendent of the sanitation department, the chief of the police department, the superintendent of the city shop, the chief of the fire department, and excluding the secretary of the Mayor and any confidential assistant authorized to the Mayor, excluding all common laborers of the city or any of its departments and excluding the employees of any board or public corporation created by the City of Sylacauga under authority of law; providing for the examination, appointment and promotion of members of the departments on a competitive merit basis; providing for the establishment of a Personnel Board composed of five mem-

bers; providing for the selection of members of the Personnel Board; prescribing their qualifications; prescribing the powers and duties of the Board and authorizing it to make rules and regulations for the administration of the Act; providing for hearings before the Board in cases of demotions and dismissals; providing for appeals from the Board to the Circuit Court; providing for the expenses of the Board; prohibiting political activities by covered employees of the City of Sylacauga and prohibiting rewards to covered employees thereof for political support; prescribing penalties for the violation of this Act; providing for the transfer of books, papers and records of the Civil Service Board created by Act No. 428, H. 936, approved August 17, 1951, (Acts 1951, page 763) to the Personnel Board; repealing all laws in conflict with this Act, including, but not limited to, Act No. 428, H. 936, approved August 17, 1951, (Acts 1951, page 763); and providing for the effective date of this Act.

Local Legislation No. 1.

Notice and Proof H. 892:

LEGAL  
NOTICE

STATE OF ALABAMA  
COUNTY OF TALLADEGA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide a civil service system governing the appointment, removal, promotion, demotion, tenure and official conduct of the employees of the City of Sylacauga, including the City Clerk, the city engineer, the superintendent of the street department, the superintendent of the sanitation department, the chief of the police department, the superintendent of the city shop, the chief of the fire department, and excluding the secretary of the Mayor and any confidential assistant authorized to the Mayor, excluding all common laborers of the city or any of its departments and excluding the employees of any board or public corporation created by the City of Sylacauga under authority of law; providing for the examination, appointment and promotion of members of the departments on a competitive merit basis; providing for the establishment of a Personnel Board composed of five members; providing for the selection of members of the Personnel Board; prescribing their qualifications; prescribing the powers and duties of the Board and authorizing it to make rules and regulations for the administration of the Act; providing for hearings before the Board in cases of demotions and dismissals; providing for appeals from the Board to the Circuit Court; providing for expenses of the Board; prohibiting political activities by covered employees of the City of Sylacauga and prohibiting rewards to covered employees thereof for political support; prescribing penalties for the violation of this Act; providing for the transfer of books, papers and records of the Civil Service Board created by Act. No. 428, H. 936, approved August 17, 1951, (Acts 1951, page 763) to the Personnel Board; repealing all laws in conflict with this Act; including, but not limited to, Act. No. 428, H.

936, approved August 17, 1951, (Acts 1951, page 763); and providing for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. In this act words used in the masculine gender include the feminine and neuter genders and words used in the neuter gender include the masculine and feminine genders. The following words, terms and phrases, whenever used in this act, shall have the meanings respectively ascribed to them in this section unless the context plainly indicates a contrary meaning; "Civil Service Board", the Civil Service Board created by Act No. 428, H. 936, approved August 17, 1951, (Acts 1951, page 763). "Board" or "the Board," the Personnel Board created hereby. "Employee" or "appointee", persons in the classified service herein set up and appointed by an appointing authority, unless herein specifically excepted.

Section 2. The employees of the City of Sylacauga, including the chief of the police department, the chief of the fire department, the city clerk, deputy city clerk, the superintendent of the city shop, the superintendent of the street department, the superintendent of the sanitation department, the city engineer and his assistants, excluding the employees of any board or public corporation which may have been created by the City of Sylacauga under authority of the laws of the State of Alabama, excluding all common laborers employed by the City of Sylacauga or any of its departments and excluding the secretary of the Mayor or any confidential assistant to the Mayor which is now authorized or which may be hereafter authorized by the City Council of the City of Sylacauga, shall be under and governed by civil service regulations under the direction and supervision of a board as hereinafter provided, and all persons who may hereafter be elected or appointed as officers or members of such departments, or may hereafter be employed by any department thereof shall thereafter remain and continue in their respective employments as such municipal officers and employees of said city during good behavior, efficiency and obedience to such reasonable rules and regulations as may from time to time be prescribed by the Personnel Board which is herein provided for, and as is hereafter provided. Nothing herein contained shall be construed to prevent or preclude removal of any officer, member or employee of any of the departments by the Personnel Board for cause, in the manner hereinafter prescribed.

Section 3. The Personnel Board shall consist of five members to be selected as herein provided. Three members of said Board shall constitute a quorum. No person shall be eligible to be a member of said Personnel Board who shall not, at the time of his appointment be over twenty-five years of age and an actual resident in and qualified voter of said city. No person shall be eligible to be a member of said Board who holds any office of profit under the State, City or County. The members of the Board shall be designated respectfully as member number one, member number two, member number three, member number four and member number five. The Board shall meet once each calendar quarter on dates to be fixed by its rules and regulations and as much oftener as shall be necessary for the orderly dispatch of its business. The member of the Civil Service Board whose term of office would expire the first Monday in April, 1960, shall be designated as member number one on the Board and shall serve until the first Monday in April, 1960, and until his successor shall be selected and shall qualify; in the event of a vacancy in the office of member number one the Mayor shall appoint a qualified person to serve the balance of the unexpired term. The Mayor of the City shall appoint the successor to

member number one who shall hold office for a term of three years and until his successor shall be selected and shall qualify. The member of the Civil Service Board whose term of office would expire the first Monday in April, 1961, shall be designated as member number two on the Board and shall serve until the first Monday in April, 1961, and until his successor shall be selected and shall qualify; in the event of a vacancy in the office of member number two the City Council shall select a qualified person to serve the balance of the unexpired term. The City Council shall select the successor to member number two who shall hold office for a term of three years and until his successor shall be selected and shall qualify. The member of the Civil Service Board whose term would expire the first Monday in April, 1962, shall be designated as member number three on the Board and shall serve until the first Monday in April, 1962, and until his successor shall be selected and shall qualify; in the event of a vacancy in the office of member number three, the City Clerk, the chief of the police department, the chief of the fire department, the city engineer, the superintendent of the city shop, the superintendent of the street department, and the superintendent of the sanitation department serving as an election committee shall select a qualified person to serve the balance of the unexpired term; such election committee shall select the successor to member number three who shall hold office for a term of three years and until his successor shall be selected and shall qualify. The Board of Directors of the Sylacauga Chamber of Commerce shall select from its membership a qualified person to serve as a member of the Board who shall be designated as member number four and who shall serve until the first Monday in April, 1961, and until his successor shall be selected and shall qualify; in the event of a vacancy in the office of member number four the Board of Directors of the Sylacauga Chamber of Commerce shall select a qualified person from its membership to serve the balance of the unexpired term. The Board of Directors of the Sylacauga Chamber of Commerce shall select from its membership a qualified person as the successor to member number four who shall hold office for a term of three years regardless of his continuing membership as a member of the Board of Directors of the Sylacauga Chamber of Commerce and until his successor shall be selected and shall qualify. The Sylacauga Ministerial Association shall select from its membership a qualified person to serve as a member of the Board who shall be designated as member number five and who shall serve until the first Monday in April, 1962, and until his successor shall be selected and shall qualify; in the event of a vacancy in the office of member number five the Sylacauga Ministerial Association shall select a qualified person from its membership to serve the balance of the unexpired term. The Sylacauga Ministerial Association shall select from its membership a qualified person as the successor to member number five who shall hold office for a term of three years and until his successor shall be selected and shall qualify. Subsequent vacancies on the Board and selections for membership on the Board shall be made by the persons or groups of persons herein authorized to fill original vacancies or make original selections, the term for each member of the Board to be for a term of three years from and including the first Tuesday after the first Monday in April of said year and until his successor shall be selected and shall qualify for office. Any member of said Board whose term shall expire shall be eligible for reappointment.

Section 4. Every person who shall be selected as a member of said Personnel Board according to the provisions of this Act shall, within fifteen days thereafter, qualify by making oath that he is eligible for said office and will execute the duties of the same according to his best knowledge and ability. Such oath shall be administered by any person



authorized to administer oaths, and a copy thereof filed with the City Clerk.

Section 5. The Personnel Board shall make rules and regulations to carry out the purpose of this act, and for examinations, appointments, and removals in accordance with its provisions and the board may, from time to time, make changes in the existing rules. The City Clerk, superintendent of the street department, superintendent of the sanitation department, the superintendent of the city shop, city engineer, chief of the police department and chief of the fire department shall, from the membership of their respective departments, recommend for promotion such person or persons as the occasion may call for to fill any vacancy or vacancies that may occur in said respective departments, and all such vacancies shall be filled and all such promotions shall be made by the Personnel Board. The board may make rules and regulations relating to eligibility for promotion. The City Clerk, city engineer, superintendent of the street department, superintendent of the city shop, superintendent of the sanitation department, chief of the police department and chief of the fire department shall have authority in their respective departments to demote any member of the respective departments by and with the consent and approval of the Personnel Board, provided however, that upon written demand filed with the Personnel Board within five days from the date of the order of demotion the person whom it is proposed to demote shall be given a public hearing by the Personnel Board before any order of demotion shall be final. The city clerk, city engineer, superintendent of the street department, superintendent of the city shop, superintendent of the sanitation department, chief of the police department and chief of the fire department shall have authority to suspend any member of their respective departments, pending the hearing by the Personnel Board. In the event any vacancy shall occur in the office of city clerk, of city engineer, of superintendent of the city shop, of superintendent of the street department, of superintendent of the sanitation department, of the chief of police department or of the chief of the fire department, such vacancy shall be filled by appointment by the Mayor with the approval of the City Council and such appointment shall be made from among the three persons eligible for such office as certified to the Mayor by the Personnel Board. In the event there is a reduction in the number of employees employed by any department of the city, the men last employed shall be the first to be dropped, and so on in succession; provided that the number of employees in any classification or in any department shall not thereby be reduced below the number which may from time to time be determined by the governing body of such city for such classification or for such department.

Section 6. All applicants for a place or position with any department of the city shall file their application in writing with the Personnel Board, said applications to be on the blank forms furnished by the board, and all applicants must be subject to examination, which shall be public, competitive, and open to all citizens of the United States, with specified limitations as to age, residence, health, habits and moral character. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to intelligently discharge the duties of the position to which they aspire.

Section 7. The board shall control all examinations, and whenever an examination is to take place, shall conduct such examination. Every applicant for examination shall pay to the City Clerk the sum of one dollar and fifty cents, and the receipt therefor shall be attached to his application.

Section 8. The city clerk, city engineer, superintendent of the street department, superintendent of the city shop, superintendent of the sanitation department, chief of the police department and chief of the fire department shall notify the Personnel Board of vacancies in their departments, respectively, and the board shall furnish the city clerk, city engineer, the respective superintendents and chiefs with the name and address, or the names and addresses, of the candidate or candidates, not exceeding three in number, standing highest on the eligible list, and from the names so submitted the city clerk, city engineer, the respective superintendents and chiefs shall make appointment or appointments to fill such vacancies. All appointees shall be on probation for a period of six months from date of appointment. Before the expiration of the period of probation, the Mayor as to the city clerk, city engineer, superintendent of the street department, superintendent of the city shop, superintendent of the sanitation department, chief of police department and chief of the fire department, and the appointing authority as to any other appointee, may, without cause, discharge any probationer in his respective department. If a probationer be not discharged before the expiration of his probation, his appointment shall be deemed complete.

Section 9. The Personnel Board may, in an emergency, or in cases where it deems proper, authorize the city clerk, city engineer, superintendent of the street department, superintendent of the city shop, superintendent of the sanitation department, chief of the police department or chief of the fire department to appoint for temporary service such number of employees as in the opinion of the governing body of said city the existing conditions demand. All such officers appointed for the police force shall be furnished with badges to be different in size and design from the regulation badges used by the regular members of the police force and must have the words "special officer" across the face of them in large letters. The chief of police shall furnish the board with the names and addresses of all persons to whom he has issued special badges, and at the expiration of their appointment shall cause all such badges to be taken up. It shall be unlawful for any person to have in his possession any commission or any badge of a police officer of said City of Sylacauga unless same has been issued to him in accordance with the provisions of this section.

Section 10. It shall be a violation of the provisions of this Act for any official, officer or other person to issue, give or lend one of the regulation police badges to any person other than a regularly employed police officer of the city.

Section 11. No employee of any department of the city shall be removed or discharged, nor shall the city clerk, city engineer, superintendent of the street department, superintendent of the city shop, superintendent of the sanitation department, chief of the police department nor the chief of the fire department, be removed, discharged or demoted, except for cause, upon written charges or complaint and after an opportunity to face his accusers and be heard in his own defense. Such charges shall be investigated by and before the Personnel Board after not less than five days' notice in writing with a copy of such charges shall have been given to the person charged and the hearings thereof and thereon shall be public. The decision of the board thereon shall be given in writing to the accused, and shall be spread on the minutes. In all proceedings before the Personnel Board the city attorney may appear and represent the interest of the city when ordered to do so by the Personnel Board. Any attorney secured by the person or persons making the charge or accusation shall be allowed to represent the

prosecution, and any attorney selected by the accused shall be allowed to represent the accused. Any person may be served with a subpoena to appear and testify, or to produce books and paper relevant to such investigation before the Personnel Board, such subpoena to be issued as subpoenas are now issued and provided for in the circuit courts of this state; and anyone who shall refuse or neglect to appear and testify, or produce such books and papers relevant to such investigation as commanded in such subpoena, shall be guilty of a misdemeanor, and punished as misdemeanors are punished under the laws of the State of Alabama. The fees of witnesses for attendance and travel shall be the same as fees for witnesses before the circuit courts of this state, and shall be paid from the treasury of the city. The decision of the board shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the board's conclusions upon each issue of fact contested.

The party making the complaint or the person against whom the complaint is made may appeal the board's decision to the Circuit Court of Talladega County, Alabama, by filing a petition with the Register of such court within ten days after receipt of notice of the decision, such petition must be accompanied by security for costs of court, such security to be approved by the Register of the Court. A copy of the petition shall be served on the Chairman of the Board, in person or by registered or certified mail. The board shall transmit, or cause to be transmitted, the record in the case to the court within ten days after the service of the petition. The order of the board shall remain in full force and effect pending such appeal unless the court shall order otherwise. The review by the court shall be confined to the record. The court may affirm the decision or remand the case for further proceedings; or it may reverse or modify the decision if it was affected by any error of law or was unsupported by substantial evidence as reflected by the findings of fact, or was arbitrary or capricious. Such appeals shall be given a preference over other cases pending before the court.

Section 12. The Personnel Board shall elect one of its members as Chairman and one of its members as Vice Chairman, the Chairman and Vice Chairman shall hold office as such at the pleasure of the board. The Personnel Board shall hold regular meetings at least once each calendar quarter at times to be determined by the board for the transaction of business, and may hold special, adjourned or called meetings at any time. Special or called meetings shall be called by the Chairman or, in his absence, by the Vice Chairman. All meetings of the board shall be held in the city hall unless otherwise provided by the board. All meetings of the board shall be public meetings.

Section 13. The Personnel Board shall keep minutes of their meetings and records of all business transacted by them at each and every meeting. All minutes and records of the board except examination papers and grades thereon shall be open for inspection at all times by any citizen of the city. The examination papers and grades thereon shall be subject to inspection at any time by the respective appointing authority.

Section 14. The members of the Personnel Board shall receive no compensation for their respective services. The City Council or other governing body of such city shall provide for the expenses of the Personnel Board and shall provide in the annual budget an appropriation to cover the expenses of such board, provided, however, the board may not incur any expenses and may not obligate the city to pay any sum

or sums not theretofore previously authorized by the City Council or other governing body of such city.

Section 15. No employee of the city shall solicit orally, or by letter or otherwise, or receive, or be in any manner concerned in soliciting or receiving any assessment or subscription or contribution for any candidate, political party or political purpose whatsoever.

Section 16. No employee of the city, or other persons, shall in any wise undertake or threaten to degrade, discharge, or promote, or in any manner change the official rank or pay of any other employee of the city, or promise or threaten to do so, for giving or withholding, or neglecting to make any contribution of money or any valuable thing for any party or for any political purpose whatsoever. No employee of the city shall receive any promotion as a reward for his support of any candidate or political party. No employee of any department shall be reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 17. No recommendation by any officer or official whether said officer or official be a city, county, state or national officer or official, shall be considered by any person concerned in any examination or appointment under this Act, except as to the general moral character of the applicant.

Section 18. Any person in the service of the city by appointment under civil service rules who shall wilfully, or through culpable negligence, violate any of the provisions of this act, and who shall be found guilty after a trial before the Personnel Board, shall be dismissed from the service of the city, and shall not be subject to reappointment for two years. Any officer or employee of the city other than those holding office under the civil service rules, who shall wilfully or through culpable negligence, violate any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than fifty dollars, nor more than five hundred dollars, unless same be otherwise provided herein, and the office so held by such person, by force of such conviction, shall be rendered vacant, and such person shall not again be allowed to hold any office or place of employment under the city thereafter for two years. Any other person who shall wilfully, or through culpable negligence, violate any of the provisions of this act shall be guilty of a misdemeanor, and shall on conviction be punished by a fine in the sum of not less than fifty dollars and not exceeding five hundred dollars.

Section 19. Every employee of said city who is such an employee on the day upon which this act goes into effect shall retain his position without examination, and be subject to all the conditions and benefits of this civil service law.

Section 20. No person shall be eligible to take a civil service examination or to appointment as an employee of the city, who is not a citizen of the United States, or who has ever been convicted of a felony, or who does not possess of good moral character.

Section 21. The Personnel Board shall draw and have printed such rules and regulations for the government of the said departments, in accordance with the provisions of this act, as may seem necessary. The board shall have the power and authority to fix the maximum and minimum age limits of applicants for examinations, and may specify the weight, height, etc., required of all applicants.

Section 22. The violation of any of the provisions of this act by any person or persons is hereby declared to be a commission by such per-

son or persons of a misdemeanor; and unless otherwise provided herein, any person who commits such misdemeanor must, on conviction, be fined not more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county wherein such misdemeanor is committed for not more than six months, at the discretion of the court.

Section 23. Each section of this act and each part of each section are hereby declared to be independent sections and parts of sections, and if any section, sentence, clause or provision of this act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section, sentence, clause or provision of this act which is not of itself void or unconstitutional.

Section 24. All records, papers, forms, documents, supplies, books, minutes and property of other kind or character under the control of the Civil Service Board which was created by Act No. 428, H. 936, approved August 17, 1951 (Acts of 1951, page 763) on the effective date of this act shall be transferred to the Personnel Board herein and hereby created.

Section 25. All laws or parts of laws, including, but not limited to, Act No. 428, H. 936, approved August 17, 1951 (Acts of 1951, page 763), in conflict with the provisions of this act are hereby repealed.

Section 26. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law under Section 125 of the Constitution.

STATE OF ALABAMA  
TALLADEGA COUNTY

Personally appeared before me, a Notary Public in and for said County W. A. Moody, who being duly sworn according to law deposes and says that he is the Publisher of the SYLACAUGA ADVANCE a newspaper published in said County and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit in the issues hereof dated as follows: Sept. 10, 1959, Sept. 17, 1959, Sept. 24, 1959, Oct. 1, 1959.

W. A. MOODY.

Subscribed and sworn to before me this 1 day of Oct., 1959.

H. C. KRAMER, JR.,  
Notary Public.

By Messrs. Bevill, Shumate, Gross, Gordon, Goodwyn, Guthrie, Cabiness, Oden, Dodd, Ray, Hearn, Rast, Bailey, Roberts, Morrow, Sessions, Harris, Jones (Covington), Edwards, Hawkins, Meade, Albea, Hanby, Johnston (Leonard), Johnson (Hardaway), Solomon, Rogers, Adams (Houston), Owens, Brannan, Hocklander, Turnham, Reynolds (Chambers), McClendon (Chambers), Smith (St. Clair), Grouby, Hankins, Perry, Locke, Long, Jenkins, Thomas, Cates, Ramey and Goldthwaite:

H. 893. To make an appropriation for a tentative or preliminary survey of the Mulberry Fork of the Black Warrior River for the purpose of promoting the development of a waterway system connecting the Tennessee River and the Warrior River in the State of Alabama.

Ways and Means.

By Mr. Bevill:

H. 894. To amend Sections 42 and 45 of Act No. 516, H. 769, approved August 30, 1949 (Acts of Alabama, 1949, p. 740), entitled "An Act To regulate further the use of the highways of the State by pedestrians and vehicles; prescribing equipment of certain vehicles and further prescribing rules and regulations governing traffic and the operation of vehicles on the highways; providing the method of enforcing this Act; and prescribing penalties for violations hereof."

Judiciary.

By Mr. Bevill:

H. 895. To amend further Chapter 1 of Title 36, Code of Alabama (1940), so as to require drivers of vehicles to yield the right-of-way to other traffic under certain conditions.

Judiciary.

By Mr. Bevill:

H. 896. To amend Section 1 of Act No. 22, H. 1, approved May 26, 1953 (Acts of Alabama, 1953, p. 25), entitled "An Act To provide for the speed of motor vehicles on the highways of this State; to make it a misdemeanor to violate the provisions hereof, and to provide for the punishment thereof," by regulating the speed of any motor vehicle towing a house trailer.

Judiciary.

By Mr. Bevill:

H. 897. To amend further Section 17 of Title 36, Code of Alabama (1940), which relates to the giving of signals on starting, stopping, turning, and backing motor vehicles.

Judiciary.

By Mr. Bevill:

H. 898. To amend Sections 2 and 11 of an Act entitled "An Act to eliminate the reckless and irresponsible driver of motor vehicles from the highways of the State of Alabama; to provide for the giving of security and proof of financial responsibility by owners and operators of motor vehicles; to define words and phrases in said Act; to provide for the administration and enforcement of said Act by the Director of Public Safety of the State of Alabama and to prescribe his powers and duties; to provide for an operating record; to provide for appeals from his orders and decisions; to provide for the making of reports following a motor vehicle accident, and giving of security in case of a motor vehicle accident and giving of security in case of a motor vehicle accident involving property damage in excess of \$50.00 or personal injuries to, or death of any person; to provide for certain exceptions where evidence of existing insurance is furnished; to provide certain further exceptions to requirements of the Act; to provide for the suspension of licenses and registration of motor vehicles, and duration thereof; to provide that the Act shall apply to non-residents, unlicensed drivers and unregistered motor vehicles and shall apply in certain instances to accidents in other states; to provide the form and amount of security; to provide for the custody, disposition and return of security; to provide matters not to be evidence in civil suits; to provide for reports on the non-payment of judgments; to provide for the suspension of licenses and registration for non-payment of judgments; to provide for the suspension until judgement paid or until proof given; to provide for the payment of judgments by installments; to provide for the proof required to be furnished upon certain convictions;

to provide alternative methods of giving proof of financial responsibility, including a certificate of any insurance carrier that has in effect a motor vehicle liability policy; to provide certificates furnished by non-residents, owners of motor vehicles in the state; to define a motor vehicle liability policy; to provide for cancellation or termination of policies, and that this act shall not affect other policies; to provide for bond for proof of financial responsibility, amount of security, where deposited and type of security; to provide for money or securities as proof of financial responsibility; to prohibit a transfer of registration to defeat purposes of Act; to provide penalties for the violation of the provisions of this Act; to provide for surrender of licenses and registration; to provide for self-insurers; to provide Act not to apply to any motor vehicle owned by the United State, State of Alabama, or any political subdivision of this State, or any municipality; to provide that certain provisions of Act not to apply to certain motor vehicles subject to supervision and regulation of the Alabama Public Service Commission; to provide certain powers and duties of the Superintendent of Insurance with respect to approval of plans for equitable apportionment among insurance companies of applicants for insurance who cannot obtain insurance by ordinary methods, and provide for appeals to the courts from decisions of said Superintendent of Insurance respecting such plans; to provide that this Act shall not prevent use of other process; to provide for uniformity of interpretation; to provide that if part of Act be held unconstitutional it shall not affect remaining parts of Act; to provide that this Act may be cited as the Motor Vehicle Safety-Responsibility Act; to authorize the Director of Public Safety, subject to provision of the Merit System, to appoint employees necessary to discharge the duties imposed by this Act; to declare that this Act is supplemental of the State Motor Vehicle Laws; to repeal Act No. 276, approved August 6, 1947, Acts 1947, page 121, known as the Alabama Motor Vehicle Responsibility Act; to appropriate the sum of \$100,000.00 or so much thereof as may be necessary for the purposes set forth in this Act; to provide the effective date of this Act and a repeal of all acts and parts of acts in conflict herewith," approved September 5, 1951.

Judiciary.

By Messrs. Bevill, Ray, McLendon (Bullock) and Bailey:

H. 899. To amend the Motor Vehicle Safety-Responsibility Act, (Act No. 704, H. 475, approved September 5, 1951, Acts of Alabama, 1951, page 1224) by amending Sections 3, 7 and 41 thereof.

Judiciary.

By Messrs. Bevill, Ray, McLendon (Bullock) and Bailey:

H. 900. To amend further Chapter 2 of Title 36, Code of Alabama 1940, which relates to motor vehicles and more particularly to licenses of drivers of motor vehicles and licenses of such vehicles; amending Sections 63, 68, 69, 74 and 75 thereof.

Judiciary.

By Mr. Grouby:

H. 901. To outlaw all matches except safety matches and prescribing a penalty.

Judiciary.

By Messrs. Hanby and Turnham:

H. 902. To provide for examining persons employed as school bus drivers.

Education.

By Mr. Bishop:

H. 903. To make an additional appropriation to the Helen Keller property Board of the City of Tuscumbia for the purpose of repairing, renovating, restoring, and equipping certain property in said city to perpetuate the memory of Helen Keller.

Ways and Means.

By Mr. Owens (with notice and proof):

H. 904. Relating to Crenshaw County; providing for the reidentification of all registered voters; directing the board of registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Local Legislation No. 1.

Notice and Proof H. 904:

A BILL  
TO BE ENTITLED  
AN ACT

STATE OF ALABAMA  
COUNTY OF CRENSHAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Relating to Crenshaw County; directing the Board of Registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Crenshaw County is hereby directed to purge all lists of the qualified electors in Crenshaw County to the end that the names of all who are deceased or non-residents of the county, or who have otherwise become disqualified from voting therein, shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars of Crenshaw County shall omit and remove from the lists of qualified electors in the county the name of every person who fails to reidentify himself in one of the ways hereinafter provided before the first day of October, 1961. Any person removed from the list of qualified electors as herein provided shall cease to be a qualified elector until such person shall again register and qualify as an elector as provided by law for original registration.

Section 3. A voter may reidentify himself in any one of the following ways:

(a) A voter may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate of Crenshaw County, or before one of the duly authorized employees of the judge of probate, and answering such questions and submitting such proof as may be set forth hereinafter to establish the voter's identity and place of legal residence and that the voter has not become disqualified from voting in the county.



Section 5. Any person who makes a willfully false statement in answer to the reidentification questionnaire to the board of registrars or the judge of probate or the duly authorized employees of the judge of probate or to the clerk, manager, inspector or returning officer or to the commissioned officer of the United States Army, Navy, or Air Force shall be guilty of perjury and upon conviction shall be punished

by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 6. The court of county commissioners, board of revenue, or like governing body of Crenshaw County is hereby authorized and directed to furnish the board of registrars and the judge of probate the supplies, equipment, printed forms, stationery, stamps, clerical help and publicity necessary for the reidentification of voters as herein provided.

Section 7. The board of registrars of Crenshaw County shall retain as a public record in the office of the judge of probate for ten years all completed questionnaires, and shall file the same in alphabetical order showing all qualified electors registered by precincts or districts, or other subdivisions thereof, or where any precinct has been divided, or sub-divided, if not within a city or town, and by wards or other subdivisions, if within a city or incorporated town.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF CRENSHAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mary F. Reeder, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was publisher of the Luverne Journal, a newspaper of general circulation published in Crenshaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 20, May 27, June 3, and June 10, all in the year 1959.

MARY F. REEDER

Sworn to and subscribed before me June 10, 1959.

VONCILE R. NICHOLS,  
Notary Public.

By Mr. Owens:

H. 905. To provide for the payment of certain expenses of the county or deputy solicitors of all counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

#### Local Legislation No. 1.

By Messrs. Bassett, Jones (Covington), Boyd and Casey:

H. 906. Relating to the purchase of supplies, materials, equipment, and contractual services, and the sale or exchange of property, by counties; providing for competitive bidding on certain contracts, purchases, sales, and exchanges; prescribing penalties.

Local Government.

## BILLS ON THIRD READING

## H. 230 INDEFINITELY POSTPONED

On motion of Mr. Ferguson, the bill, H. 230, was indefinitely postponed.

And the bill:

H. 72. To provide for and regulate the selection and impaneling of alternate jurors for the trial of any civil case triable by a jury in all courts in all counties having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

## Yeas:

|                 |                    |                     |                     |
|-----------------|--------------------|---------------------|---------------------|
| Mr. Speaker:    | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Adams (Houston) | Faulk              | Johnston (Leonard)  | Pierce              |
| Albea           | Ferguson           | Jones (Covington)   | Powell              |
| Ashworth        | Franklin           | Jones (Monroe)      | Ramey               |
| Avery           | Gilchrist          | Lee                 | Rast                |
| Bailey          | Gilmer             | Locke               | Reynolds (Chambers) |
| Barnett         | Glass              | Long (Lauderdale)   | Rogers              |
| Bassett         | Goldthwaite        | McClendon (Chamb)   | Rozelle             |
| Bishop          | Gordon             | McCorquodale        | Self                |
| Boyd            | Grant              | McLendon (Bullock)  | Sessions            |
| Branyon         | Gross              | Martin              | Shumate             |
| Broadfoot       | Hain               | Meade               | Smith (St. Clair)   |
| Cabiness        | Hanby              | Merrill             | Solomon             |
| Camp            | Hankins            | Morrow              | Speaks              |
| Casey           | Hardy              | Murphy              | Steagall            |
| Cates           | Harris             | Nettles             | Sullivan            |
| Chambers        | Hearn              | Nichols             | Taylor              |
| Cook            | Hocklander         | Oakley              | Thomas              |
| Copeland        | Ingram             | Oden                | Trimmier            |
| Daniel          | Jenkins            | Owens               | Turner              |
| Dickson         | Johnson (Hardaway) | Perry               | Turnham             |

—84

And the bill:

H. 73 (with substitute). Relating to judicial procedure, and to provide for and regulate the selecting and impaneling of juries and alternate jurors in all criminal and quasi-criminal cases in the circuit courts in counties having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to judicial procedure, and to provide for and regulate the selecting and impaneling of juries and alternate jurors in all criminal and quasi-criminal cases in the circuit courts in counties having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to and be operative only in circuit courts of this State in counties having not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

Section 2. In every criminal case, any defendant or the prosecution may demand a struck jury. When so demanded, the clerk or his deputy or assistant or other person designated by the judge presiding, shall furnish all parties with a list thirty competent jurors in attendance upon the court in all cases except in capital cases, and in capital cases shall furnish all parties with a list of forty-two competent jurors in attendance upon the court; and from such lists so furnished a jury must be obtained by the prosecution striking first from the list the name of one juror, and the defendant striking from the list the name of two jurors, and thereafter the prosecution shall continue to strike off one name and the defendant shall continue to strike off two names until two jurors remain on the list, and these twelve thus selected shall be the jury charged with the trial of the case.

Section 3. The thirty, or forty-two, jurors shall be obtained from all of the jurors then in attendance upon the court and who at the time are readily and presently available for the trial of the case in such manner but without selection of names as the judge of such courts may prescribe by rule of court, or if no such rule is provided, then in such manner, but without selection of names, as ordered by the judge presiding on the trial of the case. In the event neither the prosecution nor any defendant demands a struck jury, the court shall obtain without selection of names, twelve competent jurors from the jurors then in attendance upon the court, and readily available for the trial, which said twelve jurors shall try the case.

Section 4. In the event that thirty competent jurors are not readily and presently available for the striking of a jury in a misdemeanor or quasi-criminal case, then the prosecution and the defendant or defendants may be required to strike from the competent jurors that are presently and readily available for the trial provided the number of competent jurors is not less than twenty-four. The striking of names when less than thirty competent jurors are presently and readily available for the trial shall proceed in the same order and manner as if striking from a list of twenty-four jurors, until only twelve jurors remain on the list and these twelve shall be the jury charged with the trial of the case.

Section 5. In case two or more persons are tried jointly, by agreement, the solicitor shall strike one and each defendant shall have the right to strike off one name and they shall continue thus to strike off names until only twelve remain, and the twelve thus selected shall be the jury charged with the trial of the defendants.

Section 6. If any defendant or defendants should refuse to strike the number of jurors allowed him by the provisions hereof from the list furnished him, then the judge presiding shall proceed to strike off the names for the defendant or defendants refusing to strike.

Section 7. No special venire shall be ordered or drawn for the trial or trials of a defendant or defendants in capital felonies, but a defendant or defendants in capital felony cases shall be entitled to strike from a list of forty-two competent jurors obtained from the regular juries in the court.

Section 8. It shall not be a ground to quash the venire or to continue any case of the kinds referred to in this subdivision that the sheriff has failed to summon any of the jurors drawn for service during the week in which said case is set for trial, or that any of the jurors summoned have failed or refused to attend court, or that there is any mistake in the name of any juror summoned, or that a judge, either in open court or otherwise has, with the consent of the defendant for any cause, excused any juror summoned for service for the week in which said case is set for trial.

Section 9. In any felony case, whether capital or non-capital, the court in its discretion may order the selection of one or two alternate jurors.

Section 10. If the court orders the selection of one alternate juror, such juror shall be selected in the following manner:

(a) If and when according to the provisions of sections 2, 3 and 7 of this Act the parties would be entitled (in the absence of such order for an alternate juror) to strike from a list of thirty competent jurors, the parties shall be provided with, and required to strike from, a list of thirty-four competent jurors until thirteen names remain on the list. Thereupon the court shall select by lot one name from such thirteen names. The juror whose name is so selected shall be the alternate juror, and the remaining twelve shall be the principal jurors.

(b) If and when according to the provisions of section 2, 3 and 7 of this Act, the parties would be entitled (in the absence of such order an alternate juror) to strike from a list of forty-two competent jurors, the parties shall be provided with, and required to strike from a list of forty-six competent jurors until thirteen names remain on the list. Thereupon the court shall select by lot one name from such thirteen names. The juror whose name is so selected shall be the alternate juror, and the remaining twelve shall be the principal jurors.

Section 11. If the court orders the selection of two alternate jurors, such alternate jurors shall be selected in the following manner:

(a) If and when according to the provisions of sections 2, 3 and 7 of this Act the parties would be entitled (in the absence of an order for alternate jurors) to strike from a list of thirty competent jurors, the parties shall be provided with, and required to strike from, a list of thirty-eight competent jurors until fourteen names remain on the list. Thereupon the court shall select by lot one name from such fourteen names and the juror whose name is so selected shall be Alternate Juror No. 1, Thereupon the court shall select by lot from the remaining thirteen names, another name, and the juror whose name is so selected shall be Alternate Juror No. 2. The remaining twelve shall be the principal jurors.

(b) If and when according to the provisions of sections 2, 3 and 7 of this Act the parties would be entitled (in the absence of an order for alternate jurors) to strike from a list of forty-two competent jurors, the parties shall be provided with, and required to strike from, a list of fifty competent jurors until fourteen names remain on the list. There-

upon the court shall select by lot one name from such fourteen names, and the juror whose name is so selected shall be Alternate Juror No. 1. Thereupon the court shall select by lot from the remaining thirteen names, another name, and the juror whose name is so selected shall be Alternate Juror No. 2. The remaining twelve shall be the principal jurors.

Section 12. The court may order an alternate juror to take the place of a principal juror only when a principal juror, prior to the retirement of the jury to consider its verdict, is excused by the court, in the exercise of its sound discretion, from further service by reason of some mental or physical ailment in such principal juror or his confrontation with some emergency, rendering him unable to perform his duties satisfactorily.

Section 13. If there are two alternate jurors, and both are able to perform the duties of a juror satisfactorily, the court shall order Alternate Juror No. 1 to take the place of the first member of the jury who, for a cause specified in section 12 of this Act, is excused from further service. If two alternate jurors were selected, but only one of them is able to perform the duties of a juror satisfactorily, then such one shall be ordered to take the place of any member of the jury who, for a cause specified in section 12 of this Act, is excused from further service. An alternate juror who is able to perform satisfactorily the duties of a juror may be ordered (under the same conditions as he might have been ordered to take the place of a member of the original twelve jurors) to take the place of a juror who himself was originally an alternate juror.

Section 14. All alternate jurors shall obey all orders and admonitions of the court. If the regular jurors are ordered to be kept in the custody of an officer or officers during the trial, such alternate jurors shall also be kept in such custody with the regular jurors. All alternate jurors shall be seated near the regular jurors with equal facilities for observing the proceedings in the trial, and shall attend the trial at all times in company with the regular jurors. If any alternate juror is ordered to become a member of the jury, he shall take the same oath as that administered to other jurors, and shall have the same functions, powers, duties, and privileges as regular members of the jury. Any alternate juror who has not been ordered to take a place on the jury, prior to the retirement of the jury to consider its verdict, shall be discharged.

Section 15. This Act shall supersede and repeal any and all local laws in conflict with or variant from this Act.

Section 16. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 86; Nays 0.

**Yeas:**

|                 |          |        |         |
|-----------------|----------|--------|---------|
| Mr. Speaker:    | Albea    | Avery  | Barnett |
| Adams (Houston) | Ashworth | Bailey | Bassett |

|           |                                |                               |                              |
|-----------|--------------------------------|-------------------------------|------------------------------|
| Bishop    | Goldthwaite                    | Lee                           | Pruitt                       |
| Boyd      | Gordon                         | Locke                         | Ramey                        |
| Branyon   | Grant                          | Long <sup>(Lauderdale)</sup>  | Rast                         |
| Broadfoot | Gross                          | Long <sup>(Perry)</sup>       | Rogers                       |
| Cabiness  | Grouby                         | McCorquodale                  | Rozelle                      |
| Camp      | Hain                           | McLendon <sup>(Bullock)</sup> | Salter                       |
| Casey     | Hanby                          | Martin                        | Self                         |
| Cates     | Hankins                        | Meade                         | Sessions                     |
| Chambers  | Hardy                          | Merrill                       | Shumate                      |
| Cook      | Harris                         | Morrow                        | Smith <sup>(St. Clair)</sup> |
| Copeland  | Hawkins                        | Murphy                        | Solomon                      |
| Daniel    | Hearn                          | Nettles                       | Speaks                       |
| Dickson   | Hocklander                     | Nichols                       | Steagall                     |
| Edwards   | Ingram                         | Oakley                        | Sullivan                     |
| Faulk     | Jenkins                        | Oden                          | Taylor                       |
| Ferguson  | Johnson <sup>(Hardaway)</sup>  | Perry                         | Thomas                       |
| Franklin  | Johnson <sup>(J. T. Tom)</sup> | Phillips                      | Trimmier                     |
| Gilchrist | Johnston <sup>(Leonard)</sup>  | Pierce                        | Turner                       |
| Gilmer    | Jones <sup>(Covington)</sup>   | Powell                        | Turnham                      |
| Glass     | Jones <sup>(Monroe)</sup>      |                               |                              |

—86

And said bill, H. 73, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

#### Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Faulk       | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Adams <sup>(Houston)</sup> | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Albea                      | Franklin    | Johnston <sup>(Leonard)</sup>  | Pruitt                       |
| Avery                      | Gilchrist   | Jones <sup>(Covington)</sup>   | Ramey                        |
| Bailey                     | Gilmer      | Jones <sup>(Monroe)</sup>      | Rast                         |
| Barnett                    | Glass       | Lee                            | Rogers                       |
| Bassett                    | Goldthwaite | Locke                          | Rozelle                      |
| Bevill                     | Gordon      | Long <sup>(Lauderdale)</sup>   | Salter                       |
| Bishop                     | Grant       | Long <sup>(Perry)</sup>        | Self                         |
| Boyd                       | Gross       | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Branyon                    | Grouby      | McCorquodale                   | Shumate                      |
| Broadfoot                  | Hain        | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Hanby       | Martin                         | Solomon                      |
| Camp                       | Hankins     | Merrill                        | Speaks                       |
| Casey                      | Hardy       | Morrow                         | Steagall                     |
| Cates                      | Harris      | Murphy                         | Sullivan                     |
| Chambers                   | Hawkins     | Nettles                        | Taylor                       |
| Cook                       | Hearn       | Nichols                        | Thomas                       |
| Copeland                   | Hocklander  | Oden                           | Trimmier                     |
| Daniel                     | Ingram      | Perry                          | Turner                       |
| Dickson                    | Jenkins     | Phillips                       | Turnham                      |
| Edwards                    |             |                                |                              |

—85

#### S. 286 POSTPONED

On motion of Mr. Ferguson, consideration of the bill, S. 286, was postponed until the twenty-sixth legislative day.

And the bill:

H. 696. To provide that clerks of county courts in all counties having a population of not less than 26,000, nor more than 26,600, ac-

ording to the most recent federal decennial census, may take affidavits and complaints and issue warrants of arrest in misdemeanor cases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Edwards     | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Adams <sup>(Houston)</sup> | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Pruitt                       |
| Albea                      | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ramey                        |
| Ashworth                   | Franklin    | Jones <sup>(Monroe)</sup>      | Rast                         |
| Avery                      | Gilchrist   | Lee                            | Roberts                      |
| Bailey                     | Gilmer      | Locke                          | Rogers                       |
| Barnett                    | Glass       | McClendon <sup>(Chamb)</sup>   | Rozelle                      |
| Bassett                    | Goldthwaite | McCorquodale                   | Salter                       |
| Bevill                     | Gordon      | McLendon <sup>(Bullock)</sup>  | Self                         |
| Bishop                     | Grant       | Martin                         | Sessions                     |
| Boyd                       | Gross       | Meade                          | Shumate                      |
| Branyon                    | Grouby      | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Hain        | Morrow                         | Solomon                      |
| Cabiness                   | Hanby       | Murphy                         | Speaks                       |
| Camp                       | Hankins     | Nettles                        | Steagall                     |
| Casey                      | Hardy       | Nichols                        | Sullivan                     |
| Cates                      | Harris      | Oden                           | Taylor                       |
| Chambers                   | Hawkins     | Owens                          | Thomas                       |
| Cook                       | Hearn       | Perry                          | Trimmier                     |
| Daniel                     | Hocklander  | Phillips                       | Turner                       |
| Dickson                    | Jenkins     | Pierce                         | Turnham                      |

—84

And the bill:

H. 777. To provide further for enforcement of highway traffic control laws and rules of the road by deputy sheriffs in counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

**Yeas:**

|                            |             |                                |          |
|----------------------------|-------------|--------------------------------|----------|
| Mr. Speaker:               | Cates       | Hain                           | Martin   |
| Adams <sup>(Houston)</sup> | Chambers    | Hanby                          | Meade    |
| Albea                      | Cook        | Hankins                        | Merrill  |
| Ashworth                   | Daniel      | Harris                         | Morrow   |
| Avery                      | Edwards     | Hawkins                        | Nettles  |
| Bailey                     | Faulk       | Hearn                          | Nichols  |
| Barnett                    | Ferguson    | Hocklander                     | Oden     |
| Bassett                    | Franklin    | Jenkins                        | Owens    |
| Bevill                     | Gilchrist   | Johnson <sup>(Hardaway)</sup>  | Perry    |
| Bishop                     | Glass       | Johnson <sup>(J. T. Tom)</sup> | Phillips |
| Boyd                       | Goldthwaite | Johnston <sup>(Leonard)</sup>  | Pierce   |
| Branyon                    | Gordon      | Lee                            | Powell   |
| Cabiness                   | Grant       | Locke                          | Pruitt   |
| Camp                       | Gross       | McClendon <sup>(Chamb)</sup>   | Ramey    |
| Casey                      | Grouby      | McLendon <sup>(Bullock)</sup>  | Rast     |



|         |                              |          |          |
|---------|------------------------------|----------|----------|
| Roberts | Smith <sup>(St. Clair)</sup> | Sullivan | Trimmier |
| Rogers  | Solomon                      | Taylor   | Turner   |
| Rozelle | Speaks                       | Thomas   | Turnham  |
| Salter  | Steagall                     |          |          |

—74

And the bill:

H. 791. To fix the compensation of the clerk of the Inferior Civil Court of Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

**Yeas:**

|                            |                               |                                |                              |
|----------------------------|-------------------------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Edwards                       | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Adams <sup>(Houston)</sup> | Faulk                         | Johnston <sup>(Leonard)</sup>  | Pruitt                       |
| Albea                      | Ferguson                      | Jones <sup>(Monroe)</sup>      | Ramey                        |
| Avery                      | Franklin                      | Lee                            | Rast                         |
| Bailey                     | Gilchrist                     | Locke                          | Roberts                      |
| Barnett                    | Gilmer                        | Long <sup>(Perry)</sup>        | Rogers                       |
| Bassett                    | Glass                         | McClendon <sup>(Chamb)</sup>   | Rozelle                      |
| Bevill                     | Goldthwaite                   | McCorquodale                   | Salter                       |
| Bishop                     | Gordon                        | McLendon <sup>(Bullock)</sup>  | Self                         |
| Boyd                       | Grant                         | Martin                         | Shumate                      |
| Brannan                    | Gross                         | Meade                          | Smith <sup>(Russell)</sup>   |
| Branyon                    | Grouby                        | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hain                          | Morrow                         | Solomon                      |
| Brooks                     | Hanby                         | Nettles                        | Speaks                       |
| Cabiness                   | Hankins                       | Nichols                        | Steagall                     |
| Camp                       | Hardy                         | Oakley                         | Sullivan                     |
| Casey                      | Harris                        | Oden                           | Taylor                       |
| Cates                      | Hawkins                       | Owens                          | Thomas                       |
| Chambers                   | Hearn                         | Perry                          | Trimmier                     |
| Cook                       | Hocklander                    | Phillips                       | Turner                       |
| Daniel                     | Jenkins                       | Pierce                         | Turnham                      |
| Dickson                    | Johnson <sup>(Hardaway)</sup> |                                |                              |

—86

And the bill:

H. 812. To levy additional county privilege license and excise taxes for public school purposes in Chilton County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act, and prescribing penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

**Yeas:**

|                            |         |         |           |
|----------------------------|---------|---------|-----------|
| Mr. Speaker:               | Avery   | Bevill  | Branyon   |
| Adams <sup>(Houston)</sup> | Bailey  | Bishop  | Broadfoot |
| Albea                      | Barnett | Boyd    | Brooks    |
| Ashworth                   | Bassett | Brannan | Cabiness  |

|             |                     |                    |                   |
|-------------|---------------------|--------------------|-------------------|
| Camp        | Grouby              | McCorquodale       | Roberts           |
| Casey       | Hain                | McLendon (Bullock) | Rogers            |
| Cates       | Hanby               | Martin             | Rozelle           |
| Chambers    | Hankins             | Meade              | Salter            |
| Cook        | Hardy               | Merrill            | Self              |
| Daniel      | Harris              | Morrow             | Sessions          |
| Dickson     | Hawkins             | Nettles            | Shumate           |
| Edwards     | Hearn               | Oakley             | Smith (St. Clair) |
| Faulk       | Hocklander          | Oden               | Solomon           |
| Ferguson    | Jenkins             | Owens              | Speaks            |
| Franklin    | Johnson (Hardaway)  | Perry              | Steagall          |
| Gilchrist   | Johnson (J. T. Tom) | Phillips           | Sullivan          |
| Gilmer      | Johnston (Leonard)  | Pierce             | Taylor            |
| Glass       | Jones (Monroe)      | Powell             | Thomas            |
| Goldthwaite | Lee                 | Pruitt             | Trimmer           |
| Gordon      | Locke               | Ramey              | Turner            |
| Grant       | Long (Perry)        | Rast               | Turnham           |
| Gross       | McClendon (Chamb)   |                    |                   |

—86

## H. 718 POSTPONED

On motion of Mr. Self, consideration of the bill, H. 718, was postponed until the twenty-eighth legislative day.

And the bill:

H. 813. To validate certain elections held in the year 1958 under the provisions of Articles 6 and 7, Chapter 10, Title 52, Code of Alabama (1940), and Section 216, Article 11, Constitution of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

## Yeas:

|                 |                    |                     |                   |
|-----------------|--------------------|---------------------|-------------------|
| Mr. Speaker:    | Daniel             | Johnson (J. T. Tom) | Pruitt            |
| Adams (Houston) | Dickson            | Johnston (Leonard)  | Ramey             |
| Albea           | Edwards            | Jones (Monroe)      | Rast              |
| Ashworth        | Faulk              | Locke               | Roberts           |
| Avery           | Ferguson           | Long (Lauderdale)   | Rogers            |
| Bailey          | Franklin           | Long (Perry)        | Rozelle           |
| Barnett         | Gilmer             | McClendon (Chamb)   | Salter            |
| Bassett         | Glass              | McCorquodale        | Self              |
| Bevill          | Goldthwaite        | McLendon (Bullock)  | Sessions          |
| Bishop          | Gordon             | Martin              | Shumate           |
| Boyd            | Grant              | Meade               | Smith (Russell)   |
| Brannan         | Gross              | Merrill             | Smith (St. Clair) |
| Branyon         | Grouby             | Morrow              | Solomon           |
| Broadfoot       | Hain               | Nettles             | Speaks            |
| Brooks          | Hanby              | Nichols             | Steagall          |
| Cabiness        | Hankins            | Oakley              | Sullivan          |
| Camp            | Hardy              | Owens               | Taylor            |
| Casey           | Harris             | Perry               | Thomas            |
| Cates           | Hawkins            | Phillips            | Trimmer           |
| Chambers        | Hearn              | Pierce              | Turner            |
| Cook            | Hocklander         | Powell              | Turnham           |
| Copeland        | Johnson (Hardaway) |                     |                   |

—86

And the bill:

H. 814. To alter, extend and rearrange the boundary line and corporate limits of the Town of Glen Allen in Marion and Fayette Counties, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|                 |                    |                     |                   |
|-----------------|--------------------|---------------------|-------------------|
| Mr. Speaker:    | Dickson            | Johnson (J. T. Tom) | Powell            |
| Adams (Houston) | Edwards            | Johnston (Leonard)  | Pruitt            |
| Albea           | Faulk              | Jones (Monroe)      | Ramey             |
| Ashworth        | Ferguson           | Lee                 | Rast              |
| Avery           | Franklin           | Locke               | Rogers            |
| Bailey          | Gilchrist          | Long (Lauderdale)   | Rozelle           |
| Barnett         | Gilmer             | Long (Perry)        | Salter            |
| Bassett         | Glass              | McClendon (Chamb)   | Self              |
| Bevill          | Goldthwaite        | McCorquodale        | Sessions          |
| Bishop          | Gordon             | McLendon (Bullock)  | Shumate           |
| Boyd            | Grant              | Martin              | Smith (Russell)   |
| Brannan         | Gross              | Meade               | Smith (St. Clair) |
| Branyon         | Grouby             | Merrill             | Solomon           |
| Broadfoot       | Hain               | Morrow              | Speaks            |
| Brooks          | Hanby              | Nettles             | Steagall          |
| Cabiness        | Hankins            | Nichols             | Sullivan          |
| Casey           | Hardy              | Oakley              | Taylor            |
| Cates           | Harris             | Oden                | Thomas            |
| Chambers        | Hawkins            | Owens               | Trimmier          |
| Cook            | Hearn              | Perry               | Turner            |
| Copeland        | Hocklander         | Phillips            | Turnham           |
| Daniel          | Johnson (Hardaway) | Pierce              |                   |

—87

And the bill:

H. 830. To provide for the appointment, tenure, and compensation of a stenographic secretary for the judge of the county court of Walker County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|                 |           |             |                     |
|-----------------|-----------|-------------|---------------------|
| Mr. Speaker:    | Camp      | Glass       | Jenkins             |
| Adams (Houston) | Casey     | Goldthwaite | Johnson (Hardaway)  |
| Albea           | Cates     | Gordon      | Johnson (J. T. Tom) |
| Ashworth        | Chambers  | Grant       | Johnston (Leonard)  |
| Bailey          | Cook      | Gross       | Jones (Monroe)      |
| Barnett         | Copeland  | Grouby      | Lee                 |
| Bassett         | Cornett   | Hain        | Locke               |
| Bevill          | Daniel    | Hanby       | Long (Lauderdale)   |
| Bishop          | Dickson   | Hankins     | Long (Perry)        |
| Boyd            | Edwards   | Hardy       | McClendon (Chamb)   |
| Brannan         | Faulk     | Harris      | McCorquodale        |
| Branyon         | Ferguson  | Hawkins     | McLendon (Bullock)  |
| Broadfoot       | Franklin  | Hearn       | Martin              |
| Brooks          | Gilchrist | Hocklander  | Meade               |
| Cabiness        | Gilmer    | Ingram      | Merrill             |

|          |                     |                   |          |
|----------|---------------------|-------------------|----------|
| Murphy   | Pierce              | Salter            | Steagall |
| Nettles  | Powell              | Self              | Sullivan |
| Nichols  | Pruitt              | Sessions          | Taylor   |
| Oakley   | Ramey               | Shumate           | Thomas   |
| Oden     | Rast                | Smith (Russell)   | Trimmier |
| Owens    | Reynolds (Chambers) | Smith (St. Clair) | Turner   |
| Perry    | Rogers              | Solomon           | Turnham  |
| Phillips | Rozelle             | Speaks            |          |

—91

And the bill:

H. 832. To repeal Act No. 336 of the Regular Session of the Legislature of Alabama of 1951, entitled "An Act Relating to Winston County: To prevent the disclosure of the identity of persons drawn or summoned for jury service at any session of court prior to the beginning of the session; and prescribing penalties for violation of this Act," approved August 1, 1951 (Acts of Alabama, 1951, page 624.)

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|                 |                    |                     |                     |
|-----------------|--------------------|---------------------|---------------------|
| Mr. Speaker:    | Dickson            | Johnson (J. T. Tom) | Pruitt              |
| Adams (Houston) | Edwards            | Johnston (Leonard)  | Ramey               |
| Albea           | Faulk              | Jones (Monroe)      | Rast                |
| Ashworth        | Ferguson           | Lee                 | Reynolds (Chambers) |
| Avery           | Franklin           | Locke               | Roberts             |
| Bailey          | Gilchrist          | Long (Lauderdale)   | Rogers              |
| Barnett         | Gilmer             | Long (Perry)        | Rozelle             |
| Bassett         | Glass              | McClendon (Chamb)   | Salter              |
| Bevill          | Goldthwaite        | McCorquodale        | Self                |
| Bishop          | Gordon             | McLendon (Bullock)  | Sessions            |
| Boyd            | Grant              | Martin              | Shumate             |
| Brannan         | Gross              | Meade               | Smith (Russell)     |
| Branyon         | Grouby             | Merrill             | Smith (St. Clair)   |
| Broadfoot       | Hain               | Murphy              | Solomon             |
| Brooks          | Hanby              | Nettles             | Speaks              |
| Cabiness        | Hankins            | Nichols             | Steagall            |
| Camp            | Hardy              | Oakley              | Sullivan            |
| Casey           | Harris             | Oden                | Taylor              |
| Cates           | Hawkins            | Owens               | Thomas              |
| Chambers        | Hocklander         | Perry               | Trimmier            |
| Cook            | Ingram             | Phillips            | Turner              |
| Copeland        | Jenkins            | Pierce              | Turnham             |
| Daniel          | Johnson (Hardaway) | Powell              |                     |

—91

And the bill:

H. 833. To authorize, direct, and require the state department of revenue to collect any sales and use taxes which may be levied in the municipality of Double Springs, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said municipality; to prescribe the power, duties, and authority of the state department of revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Daniel      | Jenkins                        | Pierce                       |
| Adams <sup>(Houston)</sup> | Dickson     | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Albea                      | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Pruitt                       |
| Ashworth                   | Faulk       | Johnson <sup>(Leonard)</sup>   | Ramey                        |
| Avery                      | Ferguson    | Jones <sup>(Monroe)</sup>      | Roberts                      |
| Bailey                     | Franklin    | Lee                            | Rogers                       |
| Barnett                    | Gilchrist   | Locke                          | Rozelle                      |
| Bassett                    | Gilmer      | Long <sup>(Lauderdale)</sup>   | Salter                       |
| Bevill                     | Glass       | Long <sup>(Perry)</sup>        | Self                         |
| Bishop                     | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Boyd                       | Gordon      | McCorquodale                   | Shumate                      |
| Brannan                    | Grant       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Branyon                    | Gross       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Grouby      | Meade                          | Solomon                      |
| Brooks                     | Hain        | Merrill                        | Speaks                       |
| Cabiness                   | Hanby       | Nettles                        | Steagall                     |
| Camp                       | Hankins     | Nichols                        | Sullivan                     |
| Casey                      | Hardy       | Oakley                         | Taylor                       |
| Cates                      | Harris      | Oden                           | Thomas                       |
| Chambers                   | Hawkins     | Owens                          | Trimmier                     |
| Cook                       | Hocklander  | Perry                          | Turner                       |
| Copeland                   | Ingram      | Phillips                       | Turnham                      |

—88

And the bill:

H. 834. To create and establish a single governing body in and for Winston County, to be known as the Board of Revenue of Winston County, Alabama, to be composed of three members, one of whom shall be chairman of said Board; to provide for the selection and election of the chairman and associate members of said Board; to fix their qualifications and term of office; to fix their compensation and prescribe the funds from which it may be paid; to define and prescribe the jurisdiction, power, and authority of said Board of Revenue, its chairman, and its members, and to repeal all laws, local and general, in conflict herewith.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

**Yeas:**

|                            |          |             |                                |
|----------------------------|----------|-------------|--------------------------------|
| Mr. Speaker:               | Brooks   | Gilchrist   | Hearn                          |
| Adams <sup>(Houston)</sup> | Cabiness | Gilmer      | Hocklander                     |
| Albea                      | Camp     | Glass       | Ingram                         |
| Ashworth                   | Casey    | Goldthwaite | Jenkins                        |
| Avery                      | Cates    | Gordon      | Johnson <sup>(Hardaway)</sup>  |
| Bailey                     | Chambers | Grant       | Johnson <sup>(J. T. Tom)</sup> |
| Barnett                    | Cook     | Gross       | Johnson <sup>(Leonard)</sup>   |
| Bassett                    | Copeland | Grouby      | Jones <sup>(Covington)</sup>   |
| Bevill                     | Daniel   | Hain        | Jones <sup>(Monroe)</sup>      |
| Bishop                     | Dickson  | Hanby       | Lee                            |
| Boyd                       | Edwards  | Hankins     | Locke                          |
| Brannan                    | Faulk    | Hardy       | Long <sup>(Lauderdale)</sup>   |
| Branyon                    | Ferguson | Harris      | Long <sup>(Perry)</sup>        |
| Broadfoot                  | Franklin | Hawkins     | McClendon <sup>(Chamb)</sup>   |

|                               |          |                              |          |
|-------------------------------|----------|------------------------------|----------|
| McCorquodale                  | Oden     | Roberts                      | Solomon  |
| McLendon <sup>(Bullock)</sup> | Owens    | Rogers                       | Speaks   |
| Martin                        | Perry    | Rozelle                      | Steagall |
| Meade                         | Phillips | Salter                       | Sullivan |
| Merrill                       | Pierce   | Self                         | Taylor   |
| Morrow                        | Powell   | Sessions                     | Thomas   |
| Nettles                       | Pruitt   | Shumate                      | Trimmier |
| Nichols                       | Ramey    | Smith <sup>(Russell)</sup>   | Turner   |
| Oakley                        | Rast     | Smith <sup>(St. Clair)</sup> | Turnham  |

—92

And the bill:

S. 269. Providing further for the compensation and allowances of members of the court of county commissioners or other like governing body of St. Clair County.

Was read a third time at length and passed.

Yeas 92; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Dickson     | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Adams <sup>(Houston)</sup> | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Albea                      | Faulk       | Johnston <sup>(Leonard)</sup>  | Pruitt                       |
| Ashworth                   | Ferguson    | Jones <sup>(Covington)</sup>   | Ramey                        |
| Avery                      | Franklin    | Jones <sup>(Monroe)</sup>      | Rast                         |
| Bailey                     | Gilchrist   | Lee                            | Roberts                      |
| Barnett                    | Gilmer      | Locke                          | Rogers                       |
| Bassett                    | Glass       | Long <sup>(Perry)</sup>        | Rozelle                      |
| Bevill                     | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Salter                       |
| Bishop                     | Gordon      | McCorquodale                   | Self                         |
| Boyd                       | Grant       | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Brannan                    | Gross       | Martin                         | Shumate                      |
| Branyon                    | Grouby      | Meade                          | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Hain        | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Hanby       | Morrow                         | Solomon                      |
| Cabiness                   | Hankins     | Murphy                         | Speaks                       |
| Camp                       | Hardy       | Nettles                        | Steagall                     |
| Casey                      | Harris      | Nichols                        | Sullivan                     |
| Cates                      | Hawkins     | Oakley                         | Taylor                       |
| Chambers                   | Hearn       | Oden                           | Thomas                       |
| Cook                       | Hocklander  | Owens                          | Trimmier                     |
| Copeland                   | Ingram      | Perry                          | Turner                       |
| Daniel                     | Jenkins     | Phillips                       | Turnham                      |

—92

And the bill:

S. 342. Proposing an amendment to the Constitution of Alabama providing for a special tax in Winston County for school purposes.

Was read a third time at length and passed.

Yeas 89; Nays 0.

**Yeas:**

|                            |         |         |           |
|----------------------------|---------|---------|-----------|
| Mr. Speaker                | Bailey  | Bishop  | Broadfoot |
| Adams <sup>(Houston)</sup> | Barnett | Boyd    | Cabiness  |
| Albea                      | Bassett | Brannan | Camp      |
| Ashworth                   | Bevill  | Branyon | Casey     |

|             |                                |                               |                              |
|-------------|--------------------------------|-------------------------------|------------------------------|
| Cates       | Hankins                        | McLendon <sup>(Bullock)</sup> | Roberts                      |
| Chambers    | Hardy                          | Martin                        | Rogers                       |
| Cook        | Harris                         | Meade                         | Rozelle                      |
| Copeland    | Hawkins                        | Merrill                       | Salter                       |
| Daniel      | Hearn                          | Morrow                        | Self                         |
| Edwards     | Hocklander                     | Murphy                        | Sessions                     |
| Faulk       | Ingram                         | Nettles                       | Shumate                      |
| Ferguson    | Jenkins                        | Nichols                       | Smith <sup>(Russell)</sup>   |
| Franklin    | Johnson <sup>(Hardaway)</sup>  | Oakley                        | Smith <sup>(St. Clair)</sup> |
| Gilchrist   | Johnson <sup>(J. T. Tom)</sup> | Oden                          | Solomon                      |
| Gilmer      | Johnston <sup>(Leonard)</sup>  | Owens                         | Speaks                       |
| Glass       | Jones <sup>(Covington)</sup>   | Perry                         | Steagall                     |
| Goldthwaite | Jones <sup>(Monroe)</sup>      | Phillips                      | Sullivan                     |
| Gordon      | Lee                            | Pierce                        | Taylor                       |
| Grant       | Locke                          | Powell                        | Thomas                       |
| Gross       | Long <sup>(Perry)</sup>        | Pruitt                        | Trimmier                     |
| Grouby      | McClendon <sup>(Chamb)</sup>   | Ramey                         | Turner                       |
| Hain        | McCorquodale                   | Rast                          | Turnham                      |
| Hanby       |                                |                               |                              |

—89

And the bill:

H. 822. To apply in and only in counties in Alabama having a population of 400,000 inhabitants or more, according to the last or any subsequent Federal census, and to empower and authorize the County Commission, board of revenue, or like governing body of all such counties to authorize and approve a monetary allowance not to exceed the sum of Six Hundred Dollars annually, payable in monthly installments, to be made to the Judge of Probate in such county for and on account of the use of an automobile owned or controlled by such Judge of Probate in the event such automobile is used by such Judge of Probate partially or entirely in connection with the performance of his official duties as such Judge of Probate, which sum shall include any other expenses incurred by such Judge of Probate in travelling in his official duties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

#### Yeas:

|                            |             |                                |          |
|----------------------------|-------------|--------------------------------|----------|
| Mr. Speaker                | Chambers    | Hankins                        | Martin   |
| Adams <sup>(Houston)</sup> | Cook        | Hardy                          | Meade    |
| Albea                      | Copeland    | Harris                         | Merrill  |
| Ashworth                   | Daniel      | Hawkins                        | Morrow   |
| Bailey                     | Dickson     | Hearn                          | Murphy   |
| Barnett                    | Edwards     | Hocklander                     | Nettles  |
| Bassett                    | Faulk       | Ingram                         | Nichols  |
| Bevill                     | Ferguson    | Jenkins                        | Oakley   |
| Bishop                     | Franklin    | Johnson <sup>(Hardaway)</sup>  | Owens    |
| Boyd                       | Gilchrist   | Johnson <sup>(J. T. Tom)</sup> | Perry    |
| Brannan                    | Gilmer      | Johnston <sup>(Leonard)</sup>  | Phillips |
| Branyon                    | Goldthwaite | Jones <sup>(Monroe)</sup>      | Pierce   |
| Broadfoot                  | Gordon      | Lee                            | Powell   |
| Brooks                     | Grant       | Locke                          | Pruitt   |
| Cabiness                   | Gross       | Long <sup>(Perry)</sup>        | Ramey    |
| Camp                       | Grouby      | McClendon <sup>(Chamb)</sup>   | Rast     |
| Casey                      | Hain        | McCorquodale                   | Roberts  |
| Cates                      | Hanby       | McLendon <sup>(Bullock)</sup>  | Rogers   |

|          |                              |          |          |
|----------|------------------------------|----------|----------|
| Rozelle  | Shumate                      | Steagall | Trimmier |
| Salter   | Smith <sup>(Russell)</sup>   | Sullivan | Turner   |
| Self     | Smith <sup>(St. Clair)</sup> | Taylor   | Turnham  |
| Sessions | Solomon                      | Thomas   |          |

—87

And the bill:

H. 821. Relating to counties having a population of 500,000 or more, according to the last or any subsequent federal decennial census; to provide for levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in such counties, such tax to be measured by the gross receipts or gross proceeds of such businesses; to provide for levying an excise tax on the storage, use or other consumption in such counties of tangible personal property purchased for use, storage or other consumption in such counties; specifying sales and transactions that are exempt from the measurement of the license tax; specifying property the use, storage or other consumption of which is exempt from the excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of said taxes, and the enforcement of the provisions of this Act; making applicable to the taxes herein levied, and adopting certain provisions of Act No. 100, H. B. 94, approved August 18, 1959, effective October 1, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, as amended; providing the commissioner of the state department of revenue and the department of revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for the use of the revenues from said taxes; providing for referenda or elections of the qualified electors for making the taxes applicable to any such county; and providing for the termination of the taxes imposed subject to referenda or elections of the qualified electors of such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

#### Yeas:

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker                | Chambers    | Hain                           | McLendon <sup>(Bullock)</sup> |
| Adams <sup>(Houston)</sup> | Cook        | Hanby                          | Martin                        |
| Albea                      | Copeland    | Hankins                        | Meade                         |
| Ashworth                   | Daniel      | Hardy                          | Merrill                       |
| Avery                      | Dickson     | Harris                         | Morrow                        |
| Bailey                     | Edwards     | Hawkins                        | Nettles                       |
| Barnett                    | Faulk       | Hearn                          | Nichols                       |
| Bassett                    | Ferguson    | Hocklander                     | Oakley                        |
| Bevill                     | Franklin    | Ingram                         | Oden                          |
| Bishop                     | Gilchrist   | Jenkins                        | Owens                         |
| Boyd                       | Gilmer      | Johnson <sup>(Hardaway)</sup>  | Perry                         |
| Branyon                    | Glass       | Johnson <sup>(J. T. Tom)</sup> | Phillips                      |
| Broadfoot                  | Goldthwaite | Johnston <sup>(Leonard)</sup>  | Pierce                        |
| Brooks                     | Gordon      | Lee                            | Powell                        |
| Cabiness                   | Grant       | Locke                          | Pruitt                        |
| Camp                       | Gross       | Long <sup>(Perry)</sup>        | Ramey                         |
| Casey                      | Grouby      | McClendon <sup>(Chamb)</sup>   | Rast                          |



|         |                            |                              |          |
|---------|----------------------------|------------------------------|----------|
| Roberts | Self                       | Smith <sup>(St. Clair)</sup> | Taylor   |
| Rogers  | Sessions                   | Solomon                      | Thomas   |
| Rozelle | Shumate                    | Steagall                     | Trimmier |
| Salter  | Smith <sup>(Russell)</sup> | Sullivan                     | Turner   |

—84

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Nichols to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 335, was adopted.

Yeas 75; Nays 5.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Copeland    | Ingram                         | Pierce                       |
| Adams <sup>(Houston)</sup> | Dickson     | Jenkins                        | Powell                       |
| Albea                      | Edwards     | Johnson <sup>(Hardaway)</sup>  | Pruitt                       |
| Ashworth                   | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Barnett                    | Ferguson    | Jones <sup>(Covington)</sup>   | Roberts                      |
| Bassett                    | Franklin    | Jones <sup>(Monroe)</sup>      | Rogers                       |
| Bevill                     | Gilchrist   | Lee                            | Salter                       |
| Bishop                     | Gilmer      | Locke                          | Self                         |
| Boyd                       | Goldthwaite | Long <sup>(Perry)</sup>        | Sessions                     |
| Brannan                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Shumate                      |
| Branyon                    | Gross       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Grouby      | Meade                          | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Hain        | Merrill                        | Solomon                      |
| Callahan                   | Hanby       | Morrow                         | Steagall                     |
| Camp                       | Hankins     | Nichols                        | Sullivan                     |
| Casey                      | Hardy       | Oden                           | Thomas                       |
| Cates                      | Harris      | Owens                          | Turner                       |
| Chambers                   | Hawkins     | Perry                          | Turnham                      |
| Cook                       | Hearn       | Phillips                       |                              |

—75

**Nays:**

|          |              |         |        |
|----------|--------------|---------|--------|
| Messrs.: | Cabiness     | Nettles | Taylor |
| Bailey   | McCorquodale |         |        |

—5

And the bill:

H. 335. To impose a road tax upon every person, firm or corporation who or which operates or causes to be operated on any highway in this State any vehicle defined in the Act as a "motor carrier"; to provide for the collection of such tax, and the enforcement of the Act; prescribing penalties.

Was taken up.

Mr. Nichols offered the following substitute for the bill, H. 335:

A BILL  
TO BE ENTITLED  
AN ACT

To make further provision regarding the taxation affecting motor fuel, as defined in this Act, sold to, or withdrawn from storage or used in this State by motor carriers, as defined in this Act, including the imposition of an excise tax measured by the quantity of motor fuel

used by such motor carriers in their operations in this State; the definition of the terms motor vehicle, motor carrier, operations, motor fuel, Commissioner, gasoline tax and Diesel fuel tax, as used in this Act; the fixing of the amount of such tax and provision for the collection thereof; provision for credit upon such tax for payment of the gasoline tax and the Diesel fuel tax and, in certain cases, provision for refunds of the gasoline tax and the Diesel fuel tax, if proper bond be given; provision for an audit of the records of applicants for refunds; provision for penalties for the violation of this Act; provision for the costs of administration of this Act; provision for the disposition of the proceeds of the tax imposed by this Act; provision for the making of reports by all motor carriers subject to this Act and for joint reports by certain of such motor carriers; provision for sales of motor fuel, as defined in this Act, to motor carriers duly reporting pursuant to this Act by a distributor or storer without liability for the gasoline tax or the Diesel fuel tax if such motor carrier has given bond in such amount as may be required by the Commissioner to secure the payment of the tax imposed by this Act; authorizing the Commissioner of the State Department of Revenue to promulgate rules and regulations with respect to the enforcement of the provisions of this Act; provision for reciprocal agreements with other states; provision for the modification and repeal of laws or portions thereof to the extent of any conflict with the provisions of this Act; the fixing of the effective date of this Act; and generally, provision for the enforcement of the provisions of this Act and rules and regulations adopted pursuant thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. Whenever used in this Act,

(a) the term "motor vehicle" shall mean any passenger vehicle that has seats for more than nine passengers in addition to the driver, or any road tractor, or any tractor, truck, or any truck having more than two axles.

(b) the term "motor carrier" shall mean every person, firm or corporation who or which operates or causes to be operated on any highway in this State any motor vehicle, as defined herein, except any resident person, firm or corporation owning or operating not more than one such motor vehicle for his own use and not for hire, and except any person, firm or corporation the motor vehicles of which are operated or caused to be operated wholly within this State.

(c) the term "operations" shall mean operations of all motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

(d) the term "motor fuel" shall mean and include gasoline, Diesel fuel, and any other inflammable liquid or substance by whatever name it may be known and sold, the use of which is as a fuel for the propulsion of motor vehicles.

(e) the term "Commissioner" shall mean the Commissioner of the State Department of Revenue.

(f) the term "gasoline tax" shall mean the tax imposed by Article 5, Chapter 20 of Title 51 of the Code of Alabama of 1940 as amended.

(g) the term "Diesel fuel tax" shall mean the tax imposed by Act No. 590, H. 392, General Acts of Alabama of 1939, pages 958-963, approved June 27, 1940.

Section 2. Amount of tax; levy. Every motor carrier shall pay an excise tax upon motor fuels used in its operations within this State at the same rate per gallon as shall be currently in effect for the classifications of fuels so used under applicable statutes levying the gasoline tax and Diesel fuel tax as such terms are defined in paragraphs (f) and (g) of Section 1.

Section 3. Credit of payment of gasoline and Diesel fuel taxes. (a) Every motor carrier subject to the tax hereby imposed shall be entitled to a credit on such tax equivalent to the rate per gallon of the applicable Alabama tax on motor fuel which is currently in effect, on all motor fuel purchased by such motor carrier within this State for use in its operations either within or without this State and upon which the gasoline tax or the Diesel fuel tax has been paid by such motor carrier. Evidence of the payment of such taxes in such form as may be required by, or is satisfactory to, the Commissioner shall be furnished by each such carrier claiming the credit herein allowed. When the amount of the credit herein provided to which any motor carrier is entitled for any quarter exceeds the amount of the tax hereby imposed for which the motor carrier is liable for the same quarter, such excess may under regulations of the Commissioner be allowed as a credit on the tax hereby imposed for which such motor carrier would be otherwise liable for any of the twelve succeeding quarters; or upon application within three years from the end of any quarter, duly verified and presented, in accordance with regulations promulgated by the Commissioner and supported by such evidence as may be satisfactory to the Commissioner, such excess may be refunded, if it shall appear that the applicant has paid to another state under a lawful requirement of such state a tax, similar in effect to the tax herein provided, on the use or consumption in such state of motor fuel purchased in Alabama, to the extent of such payment to said other state, but in no case to exceed the rate of the rate per gallon of the applicable Alabama tax on motor fuel which is currently in effect.

(b) The Commissioner shall not allow such refund except after an audit of the applicant's records and shall audit the records of an applicant at least once a year. If the Commissioner shall refuse to allow a refund in the amount claimed by the applicant, the applicant may request a formal hearing on the application for a refund. Such hearing shall be held by the Commissioner after notice to the applicant of not less than ten days. Whenever any refund is ordered it shall be paid by warrant of the state comptroller out of the same funds to which disbursed as provided in Section 7 hereof, and there is hereby appropriated out of said funds so much thereof as may be necessary to make refunds from time to time.

Section 4. Refunds to motor carriers who give bond. A motor carrier may give a surety company bond in an amount to be determined by the Commissioner but not in excess of fifteen thousand dollars payable to the State of Alabama and conditioned that the motor carrier will pay all taxes due and to become due under this Act from the date of the bond to the date when either the motor carrier or the surety company notifies the Commissioner that the bond has been cancelled. The surety shall be a corporation authorized to write surety bonds in Alabama. So long as the bond remains in force the Commissioner may order refunds to the motor carrier in the amounts appearing to be due on applications duly filed by the motor carrier under Section 3 of this Act without first auditing the records of the motor carrier. The surety shall be liable for all omitted taxes assessed against the motor carrier including the penalties and interest provided in Section 14 of

this Act even though the assessment is made after cancellation of the bond, but only for taxes due and payable while the bond was in force and penalties and interest on said taxes.

Section 5. Penalty for false statements. Any person who willfully and knowingly makes a false statement orally, or in writing, or in the form of a receipt for the sale of motor fuel, for the purpose of obtaining or attempting to obtain or to assist any other person, partnership or corporation to obtain or attempt to obtain a credit or refund or reduction of liability for taxes under this Act shall be guilty of a misdemeanor.

Section 6. Payment of tax. The tax hereby imposed shall be paid by each motor carrier quarterly to the Commissioner on or before the last day of April, July, October and January of each year and calculated upon the amount of motor fuel used in its operations within this State by each such motor carrier during the quarter ending with the last day of the preceding month.

Section 7. Disposition of proceeds of tax. The proceeds of the tax hereby imposed shall be disbursed as follows: that portion thereof that is attributable to the use of motor fuel subject to the gasoline tax, shall be disbursed in the manner provided by law for the disbursement of the proceeds of the gasoline tax; and that portion thereof that is attributable to the use of motor fuel subject to the Diesel fuel tax, shall be disbursed in the manner provided by law for the disbursement of the proceeds of the Diesel fuel tax. The administrative cost of this Act, not to exceed \$165,000 for the fiscal year ending September 30, 1960 and not to exceed \$260,000 for each succeeding fiscal year, shall be provided to the State Department of Revenue, to be allotted and budgeted under Title 55 of the Code of Alabama, as amended, in addition to the regular appropriation to such Department.

Section 8. How amount of motor fuel used in State ascertained. The amount of motor fuel used in the operations of any motor carrier within this State shall be such proportion of the total amount of such motor fuel used in its entire operations within and without this State as the total number of miles traveled within this State bears to the total number of miles traveled within and without this State.

Section 9. Reports of motor carriers. Every motor carrier subject to the tax imposed by this Act shall on or before the last day of April, July, October and January of every year make to the Commissioner such reports of its operations during the quarter ending the last day of the preceding month as the Commissioner may require and such other reports from time to time as the Commissioner may deem necessary.

Section 10. Joint reports by motor carriers. (a) Two or more motor carriers regularly engaged in the transportation of passengers on through buses on through tickets in pool service may, at their option, make joint reports of their entire operations in Alabama. The tax hereby imposed shall be calculated on the basis of such joint reports as though such motor carriers were a single motor carrier; and the motor carriers making such reports shall be jointly and severally liable for the tax.

(b) Such joint reports shall show the total number of over-the-road miles traveled in this State and the total number of gallons of motor fuel purchased in this State by the reporting motor carriers.

Credits to which the motor carriers making a joint return are entitled shall not be allowed as credits to any other motor carrier; but motor carriers filing joint reports shall permit all motor carriers engaged in this State in pool operations with them to join in filing joint reports.

(c) The motor vehicles of motor carriers filing joint reports shall be deemed to have consumed on the average of one gallon of motor fuel for each six miles traveled unless persuasive evidence discloses that a different amount was consumed.

Section 11. Inspection of books and records. The Commissioner and his authorized agents and representatives shall have the right at any reasonable time to inspect the books and records of any motor carrier subject to the tax hereby imposed. Records substantiating the operation of the motor carriers under this Act shall be kept within this state by the motor carriers for not less than three years; provided, that the Commissioner may permit such books and records to be kept without this State upon agreement by any motor carrier to defray reasonable travel expenses incurred in inspecting such books and records without the State.

Section 12. Cab card for motor vehicle. The Commissioner shall provide a permanent cab card to every motor vehicle, as defined herein, operated by a motor carrier, as defined in this Act, to be carried in the motor vehicle. The card shall remain the property of the State and may be recalled for any violation of the provisions of this Act or of the regulations promulgated thereunder. The Commissioner also shall provide by regulation for the registration of every such motor vehicle for a fee of one dollar each, which registration shall be good for the life of the motor vehicle. The proceeds of cab card fees attributable to motor vehicles using motor fuel subject to the gasoline tax shall be disbursed in the manner provided by law for the disbursement of the proceeds of the gasoline tax; and the proceeds of such cab card fees attributable to motor vehicles using motor fuel subject to the Diesel fuel tax shall be disbursed in the manner provided by law for the disbursement of the proceeds of the Diesel fuel tax. It shall be illegal for a motor carrier to operate or to cause to be operated in this State any motor vehicle as defined herein unless the motor vehicle carries the cab card required by this section; provided, however, the Commissioner by regulation may exempt from the requirement for carrying the said card such motor vehicles as urban and public transit motor vehicles or others if in his discretion they are clearly identifiable and the effective enforcement of this Act will not suffer thereby and further provided that motor vehicles bearing valid registration plates issued by this State shall be exempt from the provisions of this section. In addition and for a period not exceeding ten days as to any one motor carrier the Commissioner by letter or telegram may authorize the operation of a motor vehicle or motor vehicles without the cab card required when the enforcement of this section for that period would cause undue delay and hardship in the operation of the said motor vehicle or motor vehicles.

Section 13. Sales without liability for tax on part of distributor. The State Department of Revenue shall permit the sale of motor fuel without liability on the part of the distributor or storer for the gasoline tax or Diesel fuel tax as herein defined, when such motor fuel is sold to a motor carrier, as defined in this Act, for storage in bulk on such motor carrier's premises within the State of Alabama provided such motor carrier has given bond for such sum as the Commissioner may fix to secure the payment of the gasoline tax or Diesel fuel tax, as the

case may be, said bond to guarantee the prompt payment of all such tax accruing and to include such other reasonable conditions as the Commissioner may require to the end that evasions of the tax hereby imposed may be prevented, it being the intent of this act that the tax hereby imposed shall be imposed only where motor fuel is used in the operation of motor vehicles on the streets and highways of this State; provided, that the State Department of Revenue shall furnish to all distributors and storers who are bonded under the provisions of Section 670 of Title 51 of the Code of Alabama of 1940, as amended, a list of the motor carriers who have furnished the bond herein provided for and changes therein that from time to time occur.

Section 14. Penalties. Failure to comply with any rule or regulation issued by the Commissioner pursuant to the provisions of this Act, or the refusal or failure to file a report within the time prescribed pursuant to this Act, shall be deemed to be a violation thereof, and each such failure or violation shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than \$300.00. Each such violation shall constitute a separate offense.

Section 15. Rules and Regulations. The Commissioner is hereby authorized to adopt, promulgate and enforce reasonable rules and regulations, as herein before provided for and such other reasonable rules and regulations relating to the administration and enforcement of the provisions of this Act, not in conflict with the specific provisions hereof, as he may deem advisable.

Section 16. Tax in addition to all other taxes. The taxes imposed on motor carriers by this Act are in addition to any taxes of whatever character imposed on such motor carriers by any other provision of law.

Section 17. Nothing in this Act shall apply to any motor vehicle operated by or on behalf of any department, board, bureau, commission by county agency or taxing area or other agency of the federal government or of the State of Alabama or any political subdivision thereof, nor shall the provisions of this Act apply to any school bus operated by, for or on behalf of the State of Alabama, any political subdivision thereof, or any private or privately operated school or schools.

Section 18. Reciprocal agreements with other States. The provisions of this Act shall be subject to such reciprocal agreements as may be entered into between the Commissioner and the proper official of any other state.

Section 19. All laws or parts of laws which are inconsistent or in conflict with the provisions of this Act are, to the extent of such inconsistency or conflict, hereby repealed.

Section 20. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue effective.

Section 21. This Act shall take effect October 1, 1959, or immediately upon its enactment if enacted after that date.

And the substitute was adopted.

Yeas 82; Nays 5.

**Yeas:**

|             |             |                                |                              |
|-------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker | Edwards     | Jenkins                        | Phillips                     |
| Albea       | Faulk       | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Ashworth    | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Pruitt                       |
| Avery       | Franklin    | Jones <sup>(Covington)</sup>   | Rast                         |
| Barnett     | Gilchrist   | Jones <sup>(Monroe)</sup>      | Roberts                      |
| Bassett     | Gilmer      | Lee                            | Rogers                       |
| Bevill      | Glass       | Locke                          | Salter                       |
| Bishop      | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Self                         |
| Boyd        | Gordon      | Long <sup>(Perry)</sup>        | Sessions                     |
| Brannan     | Grant       | McClendon <sup>(Chamb)</sup>   | Shumate                      |
| Branyon     | Gross       | McCorquodale                   | Smith <sup>(Russell)</sup>   |
| Broadfoot   | Grouby      | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup> |
| Brooks      | Hain        | Meade                          | Solomon                      |
| Callahan    | Hanby       | Merrill                        | Speaks                       |
| Camp        | Hankins     | Morrow                         | Steagall                     |
| Casey       | Hardy       | Nichols                        | Sullivan                     |
| Cates       | Harris      | Oakley                         | Thomas                       |
| Chambers    | Hawkins     | Oden                           | Trimmier                     |
| Copeland    | Hearn       | Owens                          | Turner                       |
| Daniel      | Hocklander  | Perry                          | Turnham                      |
| Dickson     | Ingram      |                                |                              |

—82

**Nays:** Messrs. Bailey, Cabiness, Nettles, Pierce and Taylor

—5

And said bill, H. 335, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 3.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Copeland    | Ingram                        | Pruitt                       |
| Adams <sup>(Houston)</sup> | Daniel      | Jenkins                       | Ramey                        |
| Albea                      | Dickson     | Jones <sup>(Covington)</sup>  | Rast                         |
| Ashworth                   | Edwards     | Lee                           | Roberts                      |
| Avery                      | Faulk       | Locke                         | Rogers                       |
| Barnett                    | Ferguson    | Long <sup>(Lauderdale)</sup>  | Rozelle                      |
| Bassett                    | Franklin    | Long <sup>(Perry)</sup>       | Salter                       |
| Bevill                     | Gilchrist   | McClendon <sup>(Chamb)</sup>  | Self                         |
| Bishop                     | Gilmer      | McCorquodale                  | Sessions                     |
| Boyd                       | Glass       | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Brannan                    | Goldthwaite | Meade                         | Smith <sup>(Russell)</sup>   |
| Branyon                    | Gordon      | Merrill                       | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Gross       | Morrow                        | Solomon                      |
| Brooks                     | Grouby      | Nichols                       | Speaks                       |
| Cabiness                   | Hain        | Oakley                        | Steagall                     |
| Callahan                   | Hanby       | Oden                          | Sullivan                     |
| Camp                       | Hankins     | Owens                         | Thomas                       |
| Casey                      | Hardy       | Perry                         | Trimmier                     |
| Cates                      | Harris      | Phillips                      | Turner                       |
| Chambers                   | Hawkins     | Powell                        | Turnham                      |
| Cook                       | Hearn       |                               |                              |

—82

**Nays:** Messrs. Bailey, Nettles and Taylor

—3

MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Hanby to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 533 and H. 534, was adopted.

And the bill:

H. 533. Relating to taxation: exempting the gross proceeds of sales of certain small stores or vending stands operated by blind persons from the sales tax, and prescribing penalties for violations of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 1.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Jenkins                       | Pierce                       |
| Adams <sup>(Houston)</sup> | Dickson     | Johnson (J. T. Tom)           | Powell                       |
| Albea                      | Edwards     | Jones <sup>(Covington)</sup>  | Pruitt                       |
| Ashworth                   | Faulk       | Jones <sup>(Monroe)</sup>     | Ramey                        |
| Bailey                     | Ferguson    | Lee                           | Rast                         |
| Barnett                    | Franklin    | Locke                         | Rogers                       |
| Bassett                    | Gilchrist   | Long <sup>(Lauderdale)</sup>  | Rozelle                      |
| Bevill                     | Gilmer      | Long <sup>(Perry)</sup>       | Salter                       |
| Bishop                     | Glass       | McClendon <sup>(Chamb)</sup>  | Self                         |
| Boyd                       | Goldthwaite | McCorquodale                  | Sessions                     |
| Brannan                    | Gordon      | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Branyon                    | Grant       | Meade                         | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Gross       | Merrill                       | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Grouby      | Morrow                        | Solomon                      |
| Cabiness                   | Hain        | Murphy                        | Speaks                       |
| Callahan                   | Hankins     | Nettles                       | Steagall                     |
| Camp                       | Hardy       | Nichols                       | Sullivan                     |
| Casey                      | Harris      | Oakley                        | Taylor                       |
| Cates                      | Hawkins     | Owens                         | Thomas                       |
| Chambers                   | Hearn       | Perry                         | Trimmier                     |
| Cook                       | Ingram      | Phillips                      | Turner                       |

—84

**Nay:** Mr. Copeland

—1

And the bill:

H. 534. (with amendment): Relating to securities; prohibiting fraudulent practices in relation thereto; requiring the registration of securities dealers and salesmen and making unlawful the activities of unregistered securities dealers and salesmen; establishing the conditions precedent and concurrent to such registration; prohibiting the offer or sale of any unregistered security; requiring the registration of securities; and establishing the conditions precedent and concurrent to such registration; establishing the fees in connection with the registration of securities, securities dealers, and securities salesmen; setting out the grounds upon which a registration of securities may be denied, suspended, or revoked; defining certain terms as used in this Act; exempting certain securities from registration under the provisions of this Act; exempting certain transactions from certain provisions of this Act; requiring the filing of a consent to service of process by securities dealers and salesmen and certain issuers; making it unlawful to file any false document or material and providing the punishment



therefor; giving to the Securities Commissioner authority to investigate and subpoena witnesses and records in connection with investigations; granting authority for an examination fee and deposit to defray the expense of any investigation of an applicant under this Act; giving to the Securities Commissioner authority to enjoin acts in violation of this Act; creating criminal penalties for violations of this Act; establishing civil liabilities for the violation of the provisions of this Act; providing for judicial review of the orders of the Securities Commissioner; providing for the administration of this Act by the Securities Commissioner; directing said Commissioner to appoint an Assistant Commissioner and giving said Commissioner authority to appoint other personnel to carry out the purpose and intent of this Act; providing that any exemption under this Act must be proved by the person claiming said exemption; making the provisions of this Act severable; repealing the present Alabama Securities Law and related legislation; giving to the Commissioner authority to issue warning to the public with respect to securities; making the sale of securities by an insolvent issuer unlawful; providing that all filing and registration fees shall be paid into the General Fund of this state and establishing the effective date of this Act.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 534 by striking from Section 9, Subsection J, the language "and promising the payment of a fixed number of dollars either in a lump sum or periodically for life or some other specified period," immediately following the word "company" and preceding the word "bankers".

And the amendment was adopted.

Yeas 85; Nays 0.

**Yeas:**

|                 |                    |                    |                   |
|-----------------|--------------------|--------------------|-------------------|
| Mr. Speaker     | Edwards            | Jones (Covington)  | Pierce            |
| Adams (Houston) | Faulk              | Jones (Monroe)     | Powell            |
| Albea           | Ferguson           | Lee                | Pruitt            |
| Ashworth        | Franklin           | Locke              | Ramey             |
| Bailey          | Gilchrist          | Long (Lauderdale)  | Rast              |
| Barnett         | Gilmer             | Long (Perry)       | Roberts           |
| Bassett         | Glass              | McClendon (Chamb)  | Rogers            |
| Bevill          | Goldthwaite        | McCorquodale       | Rozelle           |
| Bishop          | Grant              | McLendon (Bullock) | Salter            |
| Boyd            | Gross              | Martin             | Self              |
| Brannan         | Grouby             | Meade              | Sessions          |
| Branyon         | Hain               | Merrill            | Smith (Russell)   |
| Broadfoot       | Hankins            | Morrow             | Smith (St. Clair) |
| Brooks          | Hardy              | Murphy             | Solomon           |
| Cabiness        | Harris             | Nettles            | Speaks            |
| Camp            | Hawkins            | Nichols            | Steagall          |
| Casey           | Hearn              | Oakley             | Taylor            |
| Cates           | Hocklander         | Oden               | Thomas            |
| Chambers        | Ingram             | Owens              | Torbert           |
| Cook            | Jenkins            | Perry              | Trimmier          |
| Daniel          | Johnson (Hardaway) | Phillips           | Turner            |
| Dickson         |                    |                    |                   |

Mr. Hanby offered the following amendment to the bill, H. 534, as amended:

Amend H. 534 by deleting the letter "E" where it appears in subsection (B) of Section 2 of the bill in the phrase "fee prescribed in subsection (E)" and substituting therefor the letter "F."

Amend H. 534 by deleting the letter "G" where it appears in subsection (B) of Section 2 of the bill in the phrase "or revoked under subsection (G)" and substituting therefor the letter "H."

And the amendment was adopted.

Yeas 86; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Dickson     | Johnson <sup>(Hardaway)</sup> | Powell                       |
| Adams <sup>(Houston)</sup> | Edwards     | Jones <sup>(Covington)</sup>  | Pruitt                       |
| Albea                      | Faulk       | Jones <sup>(Monroe)</sup>     | Ramey                        |
| Bailey                     | Ferguson    | Lee                           | Rast                         |
| Barnett                    | Franklin    | Locke                         | Roberts                      |
| Bassett                    | Gilchrist   | Long <sup>(Lauderdale)</sup>  | Rogers                       |
| Bevill                     | Gilmer      | Long <sup>(Perry)</sup>       | Rozelle                      |
| Bishop                     | Glass       | McClendon <sup>(Chamb)</sup>  | Salter                       |
| Boyd                       | Goldthwaite | McCorquodale                  | Self                         |
| Brannan                    | Gordon      | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Branyon                    | Grant       | Meade                         | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Gross       | Merrill                       | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Grouby      | Morrow                        | Solomon                      |
| Cabiness                   | Hain        | Nettles                       | Speaks                       |
| Callahan                   | Hankins     | Nichols                       | Steagall                     |
| Camp                       | Hardy       | Oakley                        | Sullivan                     |
| Casey                      | Harris      | Oden                          | Taylor                       |
| Cates                      | Hawkins     | Owens                         | Thomas                       |
| Chambers                   | Hearn       | Perry                         | Torbert                      |
| Cook                       | Hocklander  | Phillips                      | Trimmier                     |
| Copeland                   | Ingram      | Pierce                        | Turner                       |
| Daniel                     | Jenkins     |                               |                              |

—86

And said bill, H. 534, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|                            |          |             |                               |
|----------------------------|----------|-------------|-------------------------------|
| Mr. Speaker                | Cabiness | Gilchrist   | Hearn                         |
| Adams <sup>(Houston)</sup> | Callahan | Gilmer      | Hocklander                    |
| Albea                      | Camp     | Glass       | Ingram                        |
| Avery                      | Casey    | Goldthwaite | Jenkins                       |
| Bailey                     | Cates    | Gordon      | Johnson <sup>(Hardaway)</sup> |
| Barnett                    | Chambers | Grant       | Jones <sup>(Covington)</sup>  |
| Bassett                    | Cook     | Gross       | Jones <sup>(Monroe)</sup>     |
| Bevill                     | Copeland | Grouby      | Lee                           |
| Bishop                     | Daniel   | Hain        | Locke                         |
| Boyd                       | Dickson  | Hanby       | Long <sup>(Lauderdale)</sup>  |
| Brannan                    | Edwards  | Hankins     | Long <sup>(Perry)</sup>       |
| Branyon                    | Faulk    | Hardy       | McClendon <sup>(Chamb)</sup>  |
| Broadfoot                  | Ferguson | Harris      | McCorquodale                  |
| Brooks                     | Franklin | Hawkins     | McLendon <sup>(Bullock)</sup> |

|         |          |                   |          |
|---------|----------|-------------------|----------|
| Martin  | Owens    | Rogers            | Steagall |
| Meade   | Perry    | Rozelle           | Sullivan |
| Merrill | Phillips | Salter            | Taylor   |
| Morrow  | Pierce   | Self              | Thomas   |
| Murphy  | Powell   | Sessions          | Torbert  |
| Nettles | Pruitt   | Smith (Russell)   | Trimmier |
| Nichols | Ramey    | Smith (St. Clair) | Turner   |
| Oakley  | Rast     | Solomon           | Turnham  |
| Oden    | Roberts  | Speaks            |          |

—91

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Camp to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 651, was adopted.

And the bill:

H. 651. To make additional appropriations to the Alabama Institute for Deaf and Blind for each of the fiscal years ending September 30, 1960, and September 30, 1961.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

## Yeas:

|                 |            |                     |                   |
|-----------------|------------|---------------------|-------------------|
| Mr. Speaker     | Daniel     | Johnson (Hardaway)  | Phillips          |
| Adams (Houston) | Dickson    | Johnson (J. T. Tom) | Pierce            |
| Albea           | Edwards    | Jones (Covington)   | Powell            |
| Ashworth        | Ferguson   | Jones (Monroe)      | Pruitt            |
| Avery           | Franklin   | Lee                 | Rast              |
| Bailey          | Gilchrist  | Locke               | Roberts           |
| Barnett         | Gilmer     | Long (Lauderdale)   | Rogers            |
| Bassett         | Glass      | Long (Perry)        | Rozelle           |
| Bevill          | Gordon     | McClendon (Chamb)   | Salter            |
| Bishop          | Grant      | McCorquodale        | Self              |
| Boyd            | Gross      | McLendon (Bullock)  | Sessions          |
| Brannan         | Grouby     | Martin              | Smith (Russell)   |
| Branyon         | Hain       | Meade               | Smith (St. Clair) |
| Broadfoot       | Hanby      | Merrill             | Solomon           |
| Brooks          | Hankins    | Morrow              | Speaks            |
| Cabiness        | Hardy      | Murphy              | Steagall          |
| Callahan        | Harris     | Nettles             | Sullivan          |
| Camp            | Hawkins    | Nichols             | Taylor            |
| Casey           | Hearn      | Oakley              | Thomas            |
| Cates           | Hocklander | Oden                | Torbert           |
| Chambers        | Ingram     | Owens               | Trimmier          |
| Copeland        | Jenkins    | Perry               | Turner            |

—88

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Hain to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 703, was adopted.

And the bill:

H. 703. To make an appropriation to the Cahaba Historical Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

**Yeas:**

|                 |                    |                     |                   |
|-----------------|--------------------|---------------------|-------------------|
| Mr. Speaker     | Edwards            | Johnson (J. T. Tom) | Phillips          |
| Adams (Houston) | Ferguson           | Jones (Covington)   | Powell            |
| Albea           | Franklin           | Jones (Monroe)      | Pruitt            |
| Ashworth        | Gilchrist          | Lee                 | Ramey             |
| Avery           | Gilmer             | Locke               | Roberts           |
| Bailey          | Goldthwaite        | Long (Lauderdale)   | Rogers            |
| Barnett         | Gordon             | Long (Perry)        | Rozelle           |
| Bassett         | Grant              | McClendon (Chamb)   | Salter            |
| Bevill          | Gross              | McCorquodale        | Self              |
| Bishop          | Grouby             | McLendon (Bullock)  | Sessions          |
| Boyd            | Hain               | Martin              | Shumate           |
| Brannan         | Hanby              | Meade               | Smith (Russell)   |
| Branyon         | Hankins            | Merrill             | Smith (St. Clair) |
| Broadfoot       | Hardy              | Morrow              | Solomon           |
| Brooks          | Harris             | Murphy              | Speaks            |
| Cabiness        | Hawkins            | Nettles             | Sullivan          |
| Casey           | Hearn              | Oakley              | Thomas            |
| Cates           | Hocklander         | Oden                | Torbert           |
| Chambers        | Ingram             | Owens               | Turner            |
| Copeland        | Jenkins            | Perry               | Turnham           |
| Daniel          | Johnson (Hardaway) |                     |                   |

—82

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Smith (Russell) to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 797, was adopted.

And the bill:

H. 797. To revise Article 1 of Chapter 1 of Title 23 of the Code of Alabama of 1940 as amended, in relation to Highways, Roads, Bridges and Ferrys by amending Section 23 and Section 35.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

**Yeas:**

|                 |          |             |                     |
|-----------------|----------|-------------|---------------------|
| Mr. Speaker     | Brooks   | Goldthwaite | Johnson (Hardaway)  |
| Adams (Houston) | Cabiness | Gordon      | Johnson (J. T. Tom) |
| Albea           | Casey    | Grant       | Jones (Monroe)      |
| Ashworth        | Cates    | Gross       | Lee                 |
| Avery           | Chambers | Grouby      | Locke               |
| Bailey          | Cook     | Hain        | Long (Lauderdale)   |
| Barnett         | Copeland | Hankins     | Long (Perry)        |
| Bassett         | Daniel   | Hardy       | McClendon (Chamb)   |
| Bevill          | Dickson  | Harris      | McCorquodale        |
| Bishop          | Edwards  | Hawkins     | McLendon (Bullock)  |
| Boyd            | Ferguson | Hearn       | Martin              |
| Brannan         | Franklin | Hocklander  | Meade               |
| Branyon         | Gilmer   | Ingram      | Merrill             |
| Broadfoot       | Glass    | Jenkins     | Morrow              |

|          |         |                              |          |
|----------|---------|------------------------------|----------|
| Murphy   | Pierce  | Self                         | Sullivan |
| Nettles  | Powell  | Sessions                     | Taylor   |
| Nichols  | Ramey   | Shumate                      | Thomas   |
| Oakley   | Rast    | Smith <sup>(Russell)</sup>   | Torbert  |
| Oden     | Roberts | Smith <sup>(St. Clair)</sup> | Trimmier |
| Owens    | Rogers  | Speaks                       | Turner   |
| Perry    | Rozelle | Steagall                     | Turnham  |
| Phillips | Salter  |                              |          |

—86

## MESSAGE FROM THE SENATE

Mr. Speaker:

In accordance with the provisions of House Joint Resolution 13, the President and Presiding Officer of the Senate appointed Mr. Green as Senate member on the Alabama Commission on Juvenile Court Legislation.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 26 — Mourning the passing of R. F. Hudson, Jr. and expressing sympathy.

J. E. SPEIGHT,  
Secretary.

## SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title to which is set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Graham:

S. 369. To regulate the manner of constructing, improving, maintaining, repairing, and equipping public school buildings in Chilton County.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

to be introduced at the 1959 Regular Session of the Alabama State Legislature or any Special Session of the Legislature.

STATE OF ALABAMA  
COUNTY OF CHILTON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To regulate the manner of constructing, improving, maintaining, repairing, and equipping public school buildings in Chilton County.

Be It Enacted by the Legislature of Alabama:

Section 1. All contracts made by the board of education of Chilton County for the construction of public school buildings, or additions thereto, or for the purchase of equipment therefor when any such purchase involves a sum in excess of eight hundred dollars (\$800), shall be let on the basis of written, sealed, competitive bids. In the purchase of such equipment, no undertaking involving sums in excess of eight hundred dollars (\$800) shall be split into parts involving sums less than eight hundred dollars (\$800) for the purpose of evading the requirements of this Act. All such partial contracts involving less than eight hundred dollars (\$800) shall be void. Advertisements for bids shall be given by publication thereof at least one time in a newspaper of general circulation published in Chilton County and also by publication at least one time in a newspaper of general circulation throughout the State. In the event a newspaper of general circulation is not published in the county the publication in a newspaper of general circulation throughout the State shall be sufficient to comply with the requirements of this section. Advertisements for bids shall describe the character of the proposed contract or agreement in sufficient detail to insure that all bidders shall know exactly what their obligations will be either in the advertisement itself or by references to plans and specifications on file with the county board of education at the time of the publication of the advertisement for bids. Advertisements for bids shall state the day, time, and place of opening sealed bids, and no bid shall be received after such indicated time. All bids shall be publicly opened by the board, and all bidders shall be entitled to be present in person or by representative. No bid for the construction of a school building, or any addition thereto, shall be accepted from, and no contract shall be awarded to, any person, firm, or corporation not having been licensed as a general contractor under the laws of this State. Cash, a cashier's check, or a certified check, as a deposit of good faith, in a reasonable amount but not exceeding five percent (5%), of the proposed contract price, shall accompany the sealed proposal of each bidder. All contracts shall be awarded to the lowest responsible bidder. It is provided, however, that the board of education shall have the right to reject any and all bids if the price is deemed excessive or if no responsible bids are received. If all bids are rejected, the board shall advertise again and proceed as before. Bond for faithful performance of any contract awarded hereunder, with adequate surety shall be required in an amount equal to the amount of the contract.

Section 2. If the total cost of improving, maintaining, and repairing public school buildings in Chilton County in any one year does not exceed the sum of twenty thousand dollars (\$20,000) for any one school building, the board of education may utilize the services of regular employees of the board in carrying out such improvement, repair, and maintenance program. In the event the total cost of such improve-

ment, repair and maintenance exceeds the sum of twenty thousand dollars (\$20,000) per school building in any one year, the board of education shall award contracts for such improvement, repair and maintenance on the basis of written, sealed, competitive bids, in the same manner and to the same extent as required in Section 1 of this Act in the construction of public school buildings, or additions thereto, or the purchase of equipment therefor. On or before the first day of June each year, the principal or superintendent of each public school under the jurisdiction and authority of the board of education shall furnish in writing to the board the estimated cost of necessary improvements, repairs, and maintenance to such school during the next succeeding school year.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF CHILTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. M. Tucker, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Chilton County News, a newspaper of general circulation published in Clanton in Chilton County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 3rd, Sept. 10th, Sept. 17th, and Sept. 24th, all in the year 1959.

R. M. TUCKER.

Sworn to and subscribed before me Sept. 24th, 1959.

J. C. BURNETT,  
Notary Public.

Also:

By Mr. Graham:

S. 370. To amend Section 8 of the Act approved September 12, 1951, which established the Board of Revenue and Control of Chilton County (Act No. 872, H. 1118, Acts 1950-1951, vol. II, p. 1505); providing for nomination of each associate member of the Board by the voters of his district.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
CHILTON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and an application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 8 of the Act approved September 12, 1951, which established the Board of Revenue and Control of Chilton County (Act No. 872, H. 1118, Acts 1950-1951, vol. II, p. 1505); providing for nomination of each associate member of the board by the voters of his district.

Be it Enacted by the Legislature of Alabama:

Section 1. Section 8 of the Act No. 872, H. 1118, approved September 12, 1951, (Acts 1950-1951, vol. II, p. 1505) is hereby amended to read as follows:

"Section 8. Each associate member of the Board shall be a resident and qualified elector of the district for which he is elected, and shall reside in said district continuously during the term of his office. Each member shall be nominated for election by the voters of the district, not by the voters of the county at large."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF CHILTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared T. E. Wyatt, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Union-Banner, a newspaper of general circulation published in Chilton County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 3, Sept. 10, Sept. 17, and Sept. 24, all in the year 1959.

T. E. WYATT

Sworn to and subscribed before me September 24, 1959.

JOE G. BURNETT,  
Notary Public.

Also:

By Mr. Rutledge:

S. 366. To provide an additional expense allowance to the judge of the Twenty-fifth Judicial Circuit of Alabama.

Also:

By Messrs. Graham and Jones:

S. 287. To provide for two judges of the Nineteenth Judicial Circuit of Alabama, prescribe their qualifications, and provide for their



election or appointment and their compensation, jurisdiction, authority, powers, and duties.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 369. Local Legislation No. 1

S. 370. Local Legislation No. 1

S. 366. Local Legislation No. 1

S. 287. Judiciary

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 13. Relative to establishing the Alabama Commission on Juvenile Court Legislation.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Smith (Russell) to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 744, was adopted.

And the bill:

H. 744. Providing for the relocation of utility facilities when necessitated by Federal-aid highway system projects; providing for the payment of the costs of such relocations by the State as highway construction costs upon Federal participation and Federal funds being actually collected by the State; prescribing the authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 6.

**Yeas:**

|                 |                    |                     |                     |
|-----------------|--------------------|---------------------|---------------------|
| Mr. Speaker     | Faulk              | Johnson (J. T. Tom) | Pruitt              |
| Adams (Houston) | Ferguson           | Jones (Monroe)      | Ramey               |
| Ashworth        | Franklin           | Lee                 | Rast                |
| Avery           | Gilchrist          | Locke               | Reynolds (Chambers) |
| Bailey          | Glass              | Long (Perry)        | Roberts             |
| Barnett         | Goldthwaite        | McClendon (Chamb)   | Rogers              |
| Bassett         | Gordon             | McCorquodale        | Rozelle             |
| Bevill          | Grant              | McLendon (Bullock)  | Sessions            |
| Bishop          | Gross              | Martin              | Shumate             |
| Boyd            | Grouby             | Meade               | Smith (Russell)     |
| Branyon         | Hain               | Merrill             | Smith (St. Clair)   |
| Broadfoot       | Hanby              | Morrow              | Solomon             |
| Brooks          | Hankins            | Murphy              | Speaks              |
| Camp            | Hardy              | Nettles             | Steagall            |
| Casey           | Harris             | Nichols             | Sullivan            |
| Cates           | Hawkins            | Oakley              | Taylor              |
| Chambers        | Hearn              | Owens               | Thomas              |
| Cook            | Hocklander         | Perry               | Torbert             |
| Daniel          | Ingram             | Phillips            | Trimmier            |
| Dickson         | Jenkins            | Pierce              | Turner              |
| Edwards         | Johnson (Hardaway) | Powell              | Turnham             |

—84

**Nays:**

|          |          |                   |      |
|----------|----------|-------------------|------|
| Messrs.: | Cabiness | Jones (Covington) | Self |
| Albea    | Copeland | Long (Lauderdale) |      |

—6

**CERTIFICATE OF CLERK**

To The House of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:55 p.m. on October 2, 1959

H. J. R. 13

OAKLEY MELTON, JR.,  
Clerk.

**ADJOURNMENT**

On motion of Mr. Lee the House adjourned until Tuesday, October 6, 1959, at eleven o'clock A.M.

**TWENTY-FIFTH DAY**

House of Representatives  
Montgomery, Alabama  
Tuesday, October 6, 1959

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by Dr. E. R. Brannan, Dean, Alabama Christian College, Montgomery, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel      | Hocklander                     | Pierce                         |
| Adams <sup>(Houston)</sup> | Dickson     | Ingram                         | Powell                         |
| Albea                      | Dodd        | Jenkins                        | Pruitt                         |
| Ashworth                   | Edwards     | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Avery                      | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Bailey                     | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Barnett                    | Franklin    | Jones <sup>(Covington)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Gilchrist   | Lee                            | Reynolds <sup>(Madison)</sup>  |
| Bevill                     | Gilmer      | Locke                          | Rogers                         |
| Bishop                     | Glass       | Long <sup>(Perry)</sup>        | Rozelle                        |
| Boyd                       | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Salter                         |
| Brannan                    | Gordon      | McCorquodale                   | Self                           |
| Branyon                    | Grant       | Martin                         | Sessions                       |
| Brewer                     | Gross       | Meade                          | Shumate                        |
| Britton                    | Grouby      | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Guthrie     | Morrow                         | Solomon                        |
| Brooks                     | Hain        | Murphy                         | Speaks                         |
| Cabiness                   | Hanby       | Nettles                        | Steagall                       |
| Callahan                   | Hankins     | Nichols                        | Sullivan                       |
| Camp                       | Hardy       | Oakley                         | Taylor                         |
| Cates                      | Harris      | Oden                           | Thomas                         |
| Chambers                   | Harvey      | Owens                          | Trimmier                       |
| Cook                       | Hawkins     | Perry                          | Turner                         |
| Copeland                   | Hearn       | Phillips                       | Turnham                        |
| Cornett                    |             |                                |                                |

—97

A quorum was present.

## LEAVES OF ABSENCE

On motion of Mr. Ashworth leaves of absence were granted to Messrs. Goodwyn, Casey, McLendon (Bullock), Roberts and Torbert.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fourth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the twenty-fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-fourth legislative day was approved.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 531. To amend Section 1 of the act of August 19, 1957, changing the method of compensating certain officers of Cullman County (Act No. 297, H. 554, Acts 1957, Vol. I, p. 379).

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 591. To permit the use of facsimile signatures on bonds, warrants, notes, and certificates issued by any county, municipality, board of education, or public corporation in this state, the use of facsimile signatures thereon in any instance where authentication, certification of validation or registration, or other certification is required or permitted to be recorded thereon, and the reproduction in facsimile of any seal required or permitted to be affixed or impressed thereon.

Also:

H. 592. To Amend Section 107 of Title 12 of the Code of Alabama of 1940 so as to provide for the execution of bonds of counties by any two or more officers designated for that purpose by the governing body of the county, and so as to permit the use of facsimile signatures and seals in the execution of such bonds.

Also:

H. 236. Relating to estrays; providing for the seizure, holding and sale of animals found running at large; to prescribe a method for returning estrayed animals to the owner thereof and a method for the sale of such animals when the owner is unknown; to prescribe a penalty for filing false and fraudulent claims under this Act; and to repeal Act No. 989 of the Legislature of 1951, approved September 12, 1951, and other laws in conflict with this Act.

J. E. SPEIGHT,  
Secretary.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 236. Relating to estrays; providing for the seizure, holding and sale of animals found running at large; to prescribe a method for returning estrayed animals to the owner thereof and a method for the sale of such animals when the owner is unknown; to prescribe a penalty for filing false and fraudulent claims under this Act; and to repeal Act No. 989 of the Legislature of 1951, approved September 12, 1951, and other laws in conflict with this Act.

Also:

H. 591. To permit the use of facsimile signatures on bonds, warrants, notes and certificates issued by any county, municipality, board of education, or public corporation in this state, the use of facsimile signatures thereon in any instance where authentication, certification of validation or registration, or other certification is required or permitted to be recorded thereon, and the reproduction in facsimile of any seal required or permitted to be affixed or impressed thereon.

Also:

H. 592. To Amend Section 107 of Title 12 of the Code of Alabama of 1940 so as to provide for the execution of bonds of counties by any two or more officers designated for that purpose by the governing body of the county, and so as to permit the use of facsimile signatures and seals in the execution of such bonds.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 531. To amend Section 1 of the act of August 19, 1957, changing the method of compensating certain officers of Cullman County (Act No. 297, H. 554, Acts 1957, Vol. I, p. 379.)

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 269. Providing further for the compensation and allowances of members of the court of county commissioners or other like governing body of St. Clair County.

Also:

S. 342. Proposing an amendment to the Constitution of Alabama providing for a special tax in Winston County for school purposes.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Messrs. deGraffenried and Haltom:

S. 122. To amend Section 123 of Title 7, Code of Alabama 1940, relating to actions for wrongful act, omission, or negligence causing death.

J. E. SPEIGHT,  
Secretary.

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 122. Insurance

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Dumas and Caffey:

S. 308. To make additional appropriations to the State Health Department for each of the fiscal years ending September 30, 1960, and September 30, 1961.

Also:

By Messrs. Cooper and Porter:

S. 354. To amend Section 1 of Act No. 296, page 493, 1945 General Acts of Alabama, approved July 7, 1945, entitled "An Act To amend Section 55 of Title 8 of the Code of Alabama 1940" which pertains to the fees of arresting officers in game and fish cases.

Also:

By Messrs. Webb, Givhan, Barnett and Berryman:

S. 315. To provide in addition to all other revenues heretofore appropriated to the Division of State Parks, Monuments and Historical

Sites the sum of \$50,000.00 for each of the fiscal years 1959-60 and 1960-61 from the revenues derived from the sale of sand and gravel and timber and timber products.

J. E. SPEIGHT.  
Secretary.

### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 308. Ways and Means

S. 354. Ways and Means

S. 315. Ways and Means

### RESOLUTION

The following resolution was introduced:

By Mr. Ashworth:

H. J. R. 70. BE IT RESOLVED BY THE HOUSE, the SENATE concurring that the two Houses meet in Joint Session in the House Chamber at 11:30 a.m. for the purpose of hearing an address by the Honorable Hugh Morrow of Birmingham, Alabama.

BE IT FURTHER RESOLVED, that a Committee of three members of the House, to be appointed by the Speaker of the House and two members of the Senate, to be appointed by the President of the Senate, be appointed to wait upon the Governor and escort him and our guest speaker to the House Chamber.

On motion of Mr. Ashworth the rules were suspended and H. J. R. 70 was adopted.

And the Speaker appointed as a committee on the part of the House Messrs. Thomas, Edwards and Morrow.

### BILLS ON SECOND READING

Mr. Solomon, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 818. To regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower and herb seeds; to prevent misrepresentation thereof; to require seed dealers engaged in the sale of seed to obtain an annual permit from the Department of Agriculture and Industries and to levy and prescribe the amount of the annual permit fee; to give the State Board of Agriculture and Industries authority to promulgate rules and regulations for the purpose of carrying out the provisions of this Act; to repeal all laws in conflict with this Act, including Act No. 560 of the Legislature of 1943, approved July 9, 1943, as amended; to make the violation of any of the provisions of this Act a misdemeanor and to prescribe the punishment therefor; and for other related purposes including other administrative and enforcement provisions.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 652. Relating to Mobile County: To provide that the laws governing the countywide Civil Service System of Mobile County shall apply to any person holding the position of Chief Clerk, unclassified, in the office of the Tax Assessor of Mobile County, provided that such person shall have held such position continuously for a period of not less than eighteen years; and to provide for the placing of such person upon the employment roster of the Civil Service System of Mobile County, without examination and without any decrease in the salary of such person.

H. 836. Relating to counties having a population of less than 11,800, according to the last or any subsequent federal decennial census; to authorize the court of county commissioners, board of revenue or other like governing body to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the public highway and traffic control fund.

H. 877. To alter, rearrange and extend the corporate limits of the Town of Millport, Lamar County, Alabama:

H. 878. To extend, alter and rearrange the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama.

H. 881. To require the Director of the State Department of Public Safety to notify the Commissioner of Licenses of Mobile County upon the suspension or revocation of the permanent driver license of any resident of Mobile County.

H. 882. To amend Section Six (6) of an Act approved March 28, 1955, and found in Acts of Alabama, 1955, Volume 1, pages 122-123, relating to the appointment of an Assistant Treasurer of Mobile County; and providing for the qualifications, term, duties, bond, compensation, and manner and method of paying same, and fixing time at which said Act shall go into effect.

H. 883. To amend Section 41, Title 62 of the Code of Alabama, 1940, as amended by Act 412 of the Regular Session 1947, of the Legislature of Alabama, approved September 19, 1947.

H. 891. To authorize any municipality in Talladega County, Alabama, and Talladega County, to make appropriations of moneys and transfers of property to or for the benefit of any public hospital corporation now or hereafter organized in Talladega County, Alabama, under Act No. 211, adopted at the 1945 Regular Session of the Legislature of Alabama, Act No. 46 adopted at the 1949 Regular Session of said Legislature, or Act No. 63 adopted at the 1957 Regular Session of said Legislature; to authorize agreements between Talladega County or any municipality located in Talladega County and any such public hospital corporation located in Talladega County whereunder such corporation will agree to make available hospital space to inhabitants of such agreeing municipality or Talladega County, and whereunder such agreeing municipality or Talladega County will agree to make monthly or annual payments to such corporation; and to provide that any appropriations made hereunder and any payments provided for in any such



agreements shall be deemed revenues of the public hospital corporation receiving them, within the meaning of said Act No. 211 and said Act No. 46 and any other applicable statute, and may be pledged as security for obligations of the public hospital corporation pursuant to the provisions of said statutes.

S. 369. To regulate the manner of constructing, improving, maintaining, repairing, and equipping public school buildings in Chilton County.

S. 370. To amend Section 8 of the Act approved September 12, 1951, which established the Board of Revenue and Control of Chilton County (Act No. 872, H. 1118, Acts 1950-1951, vol. II, p. 1505); providing for nomination of each associate member of the board by the voters of his district.

S. 343. To provide a chief clerk for the Tax Assessor of Sumter County, Alabama, to regulate and fix his or her compensation and provide for the payment thereof and define his or duties, and to repeal conflicting laws.

Mr. Reynolds (Chambers), Vice Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 842. To amend further Act No. 147, H. 472, approved July 17, 1947, entitled "An act to provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and to prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86).

### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Cook, Torbert, Steagall, Lee, Chambers, Adams (Houston), Bailey, Jones (Covington) and Rozelle:

H. 907. Relating to the sale, possession, displaying, offering for sale and use of pyrotechnics in the State of Alabama, to regulate the periods of sale, offering for sale, possession or use of certain specified pyrotechnics illegal, to provide for confiscation and disposition of illegal pyrotechnics, to provide for the issuance, renewal, suspension or revocation of various permits to sell, offer for sale, ship or cause to be shipped, delivered or transport pyrotechnics into and within the State of Alabama and to provide fees for such permits and to provide penalty for violations of this Act and repealing laws or parts of laws in conflict herewith.

### Ways and Means.

By Messrs. Jones (Covington), Turnham, Rozelle, Albea, Grouby, Steagall and McCorquodale:

H. 908. Proposing an amendment to the Constitution of Alabama relative to the issuance of general obligation bonds to finance the purchase of voting machines for the counties, or to reimburse counties and municipalities for expenses heretofore incurred in installing voting machines.

### Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Mr. Franklin:

H. 909. Proposing an amendment to the Constitution of Alabama relating to the levying of special property taxes in Coosa County for school purposes.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Steagall (with notice and proof):

H. 910. Relating to the municipality of Ozark, in Dale County: To alter, rearrange, and extend the boundaries and corporate limits of the municipality of Ozark, exempting annexed farm land and appurtenances from municipal ad valorem taxation so long as the same is used for farm purposes.

Local Legislation No. 1.

Notice and Proof H. 910:

#### LEGAL NOTICE

TO WHOM IT MAY CONCERN:

Notice is hereby given in accordance with Section 106 of the Constitution of Alabama 1901 that a bill in substance as follows will be introduced in the Legislature of Alabama and application for its enactment will be made:

#### A BILL TO BE ENTITLED AN ACT

To alter, rearrange, and extend the boundaries and corporate limits of the City of Ozark, Dale County, so as to annex certain territory to the city, such territory being located in Sections 3, 4, 5, 6, 7, 8, 9, and 10, Township 5, Range 24, Dale County.

THE STATE OF ALABAMA  
DALE COUNTY.

Before me, the undersigned authority in and for said State and County, personally appeared John Q. Adams who, being known to me and by me first duly sworn, deposes and says as follows:

My name is John Q. Adams, I am the publisher of The Southern Star, a newspaper of general circulation in Ozark, and Dale County, Alabama; I hereby certify that the within notice was published in said paper four consecutive times on the following dates, to-wit: September 3, 1959; September 10, 1959; September 17, 1959; September 24, 1959.

Dated at Ozark, Alabama, this the 1st day of October, 1959.

JOHN Q. ADAMS,  
Publisher.

Sworn to and subscribed before me this the 1st October, 1959.

HENRY B. STEAGALL, II,  
Notary Public.

By Mr. Guthrie:

H. 911. To amend Section 1 of Act No. 388, approved September 9, 1955, entitled "An Act To fix the compensation of certain State Officers".

Ways and Means.

By Mr. Copeland:

H. 912. To confer on certain non-profit hospital corporations the power of eminent domain.

Judiciary.

By Messrs. Edwards, Locke, Sessions, Hawkins, Rast, Morrow and Perry (with notice and proof):

H. 913. To alter and extend the boundaries of the City of Birmingham, to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Local Legislation No. 2.

Notice and Proof H. 913:

#### LEGAL NOTICE

#### NOTICE

Notice is hereby given of intention to apply at the current regular session or any special session of the Legislature of Alabama for introduction and passage of a bill, the substance of which as distinguished from detail is and will be in substance as distinguished from detail as follows:

#### A BILL TO BE ENTITLED AN ACT

To alter and extend the boundaries of the City of Birmingham, to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Birmingham, in the County of Jefferson, State of Alabama, are, subject to the other provisions hereof hereby altered and extended so that said boundaries shall include within the corporate limits of said City all of the following described additional property not presently located in said City, to-wit:

Begin at the southwest corner of Lot 1, McCombs Addition to Killough Springs as recorded in Map Book 49, Page 86, in the Office of the Probate Judge, Jefferson County, Alabama. The said southwest corner of Lot 1, being a point on the west section line of Section 25, Township 16 South, Range 2 West; and on the present city limit line of the City of Birmingham; thence north along said west section line to the southwest corner of Section 24, Township 16 South, Range 2 West; thence east along the south line of Section 24, Township 16 South, Range 2 West, to the southeast corner of the southwest quarter of said section; thence north along the eastern line of the west one-half of Sections 24 and 13, Township 16 South, Range 2 West to

the northeast corner of the southeast quarter of the southwest quarter of Section 13, Township 16 South, Range 2 West; thence west along the north line of the southeast quarter of the southwest quarter to the northwest corner of the southeast quarter of the southwest quarter; thence north along the west line of the northeast quarter of the southwest quarter and the southeast quarter of the northwest quarter of said section, to the southwest corner of the northeast quarter of the northwest quarter; thence east along the south line of the northeast quarter of the northwest quarter to the southeast corner of said quarter-quarter section; thence north along the east line of the northeast quarter of the northwest quarter of said section, and along the west line of the southeast quarter of Section 12, Township 16 South, Range 2 West to the northwest corner of the southeast quarter of said section; thence east along the northern line of the southeast quarter of said section and the north line of the northwest quarter of the southwest quarter of Section 7, Township 16 South, Range 1 West to the southwest corner of the southeast quarter of the northwest quarter of said section; thence north along the west line of the southeast quarter of the northwest quarter of said section to the northwest corner of the southeast quarter of the northwest quarter of said section; thence east along the northern line of the southeast quarter of the northwest quarter and the southwest quarter of the northeast quarter and the southeast quarter of the northeast quarter of said section; thence continue east along the north line of the southwest quarter of the northwest quarter of Section 8, Township 16 South, Range 1 West to the northeast corner of the southwest quarter of the northwest quarter of said section; thence south along the east line of the southwest quarter of the northwest quarter of said section to the southwest corner of the southeast quarter of the northwest quarter of Section 8, Township 16 South, Range 1 West; thence east along the south line of the southeast quarter of the northwest quarter to the northeast corner of the northeast quarter of the southwest quarter of Section 8, Township 16 South, Range 1 West; thence south along the west line of the southeast quarter of Section 8, Township 16 South, Range 1 West; and the west line of the east half of Section 17, Township 16 South, Range 1 West, to the northwest corner of the northeast quarter of Section 20, Township 16 South, Range 1 West; thence east along the north line of the northeast quarter of Section 20, Township 16 South, Range 1 West, to the northeast corner of said section; thence south along the east line of Section 20, Township 16 South, Range 1 West, to the southeast corner of said section; thence west along the south line of the southeast quarter of Section 20, Township 16 South, Range 1 West, to the southwest corner of the southeast quarter of said section, said southwest corner being a point on the eastern city limits line of the City of Birmingham; then follow the said city limit line as follows: 362.5 feet north from the southwest corner of the southwest quarter of the southeast quarter of Section 20, Township 16 South, Range 1 West; thence west and parallel with the south line of said quarter-quarter section a distance of 362.7 feet; thence south 170 feet; thence northwest 563 feet; thence northeast 60 feet; thence northwest 222.6 feet to the southeast line of the old Springville Road; thence southwest along the southeast line of the old Springville Road to the west line of the southeast quarter of the southwest quarter of Section 20, Township 16 South, Range 1 West; thence south along said west line of said quarter-quarter section to the north line of Section 29, Township 16 South, Range 1 West; thence west along the north line of Section 29, Township 16 South, Range 1 West and Section 30, Township 16 South, Range 1 West to the northwest corner of the northeast quarter of the northeast quarter of Section 30, Township 16 South, Range 1 West; thence south along the west line of the northeast quarter of the northeast quarter and the

southeast quarter of the northeast quarter of Section 30, Township 16 South, Range 1 West, to the northwest line of the old Springville Road; thence continue along the present northeasterly city limit line of the City of Birmingham to the point of beginning.

Section 2. Upon the filing of a certified copy of a resolution of the Commission of the City of Birmingham said resolution stating the willingness of the said City of Birmingham to the inclusion of the above described property within the corporate limits of said City, the Judge of Probate of Jefferson County, Alabama, shall make and enter an order upon the minutes of said court directing and ordering an election to be held by the qualified voters residing within the territory described, which is to be annexed to said City, said election to be held within 40 days from the entry of said order. Said election shall be held to determine whether or not a majority of the voters residing within the territory above described to be annexed to said City and who actually vote in said election favor the annexation to said City of said territory above described. Said judge shall give notice of the holding of said election by publication in a newspaper published within the City of Birmingham, which notice shall state the day on which such election is to be held, the voting place or places designated by the Chairman of the Board of Registrars of said County, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the City of Birmingham and such notice shall give a description of the territory proposed to be annexed and must state that a map of said territory is on file in the Office of the Judge of Probate of said County, open to the inspection of the public.

Section 3. The Chairman of the Board of Registrars of said County may designate as many places within the territory hereby proposed to be annexed to said City as he may determine necessary for the convenience of the voters and must designate the boundaries within which the voters must reside to vote at the respective voting places and the Election Commission of Jefferson County shall appoint three inspectors of election, two clerks and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors.

Section 4. Each qualified voter who has resided within the boundaries of the territory hereby proposed to be annexed to said City for three months next preceding the election may vote at said election but must vote at the voting place designated by the Chairman of the Board of Registrars for voters in the territory in which he resides.

Section 5. Said election must be conducted in all respects as provided by the general election laws and under the same sanction and penalties, except as changed by the provisions of this Act, and except that an official ballot need not be provided nor voting machine used. There shall be no voting by absentee ballot.

Section 6. The City of Birmingham shall furnish the ballot with the following words written or printed thereon: "For annexation," and "Against annexation." It shall not be necessary for the ballot to be of any particular size, form or color.

Section 7. The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election at their respective voting places to the Judge of Probate of Jefferson County, at Birmingham, Alabama, and deliver the same to the returning officer, who must at once return the same to the Judge of Probate of Jefferson County, Birmingham, Alabama and said Judge

must canvass the returns as made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation" said Judge shall make and enter an order on the records of said Probate Court of Jefferson County, at Birmingham, Alabama, recording such fact, and from the time of the entry of said order this Act shall be fully effective and the boundaries of said City of Birmingham shall be as above set forth. If it appears that a majority of the votes cast at the election are "Against Annexation" the Judge of Probate shall make and enter an order on the records of said County recording such fact, and this act shall not be effective, and the boundaries of said City shall be and remain as they were before the passage of this Act.

Section 8. The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of a Justice of the Peace, making the City the contestee. The City of Birmingham shall pay all costs and expenses incident to the election, except such costs and expenses incurred in an unsuccessful contest of such election, in such event said unsuccessful contestant shall pay such costs and expenses.

Section 9. The Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said City of Birmingham shall pay all costs and expenses except in the case of a contest as herein provided.

Section 10. That this Act shall become effective immediately upon its passage or approval by the Governor, or its otherwise becoming a law.

STATE OF ALABAMA,  
COUNTY OF JEFFERSON.

On this 5th day of October A.D. one thousand nine hundred and Fifty Nine personally appeared before me, J. L. Roberts, a Notary Public in and for the County and State aforesaid J. B. Wilkerson who being duly sworn according to law, declares that he is Bookkeeper of "The Birmingham News" and "The Birmingham Post Herald", newspapers published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in "The Birmingham Post Herald" on the following dates: Sept. 14, 21, 28, Oct. 5, 1959.

Signed J. B. WILKERSON

Subscribed and sworn to before me this 5th day of October A.D. 1959,

J. L. ROBERTS,  
Notary Public.

My Commission Expires Feb. 28, 1960.

By Messrs. Cates and Speaks:

H. 914. To amend further Section 27 of Title 11, Code of Alabama 1940, in relation to the fees chargeable by registers of the circuit court for making transcripts on appeals to the supreme court.

Judiciary.

By Messrs. Turnham, Jones (Covington), Salter, Glass, Britton, Phillips, Broadfoot, Bishop, Hankins, Branyon, McCorquodale, Daniel, Nettles, Jenkins, McClendon (Chambers) and Rogers:

H. 915. To prohibit the sale of alcoholic beverages and intoxicating liquors in the vicinity of churches and schools, and prescribing penalties.

Health.

By Messrs. Self, Branyon, Hankins, Bishop, Broadfoot, Guthrie, Oden, Harvey and Locke:

H. 916. To provide for the issuance of special motor vehicle license tags or plates to certain disabled veterans.

Ways and Means.

By Messrs. Hocklander and Murphy (with notice and proof):

H. 917. To amend Section 1 of the Act of the Legislature approved on the 9th day of August, 1949, General and Local Acts, 1949, Page 536, entitled: "To provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being served by the Mobile Public Library."

Local Legislation No. 1.

Notice and Proof H. 917:

#### LEGAL NOTICE

#### STATE OF ALABAMA, COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama during the present Regular Session and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 1 of the Act of the Legislature approved on the 9th day of August, 1949, General and Local Acts 1949, page 536, entitled:

"To provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being served by the Mobile Public Library."

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue and Road Commissioners of the County of Mobile commencing on October 1, 1960 and until September 30, 1962 shall pay annually out of the general fund of such county to the board, commission or other governing body duly constituted by public law, of each public library situated in any incorporated town or city, sums at least equal to Fifteen Cents (\$.15) per capita of the population of Mobile County, in such manner as to pay to

each public library situated in any incorporated town or city other than the county seat, Fifteen Cents (\$.15) per capita of the population of each such incorporated town or city and to the board, commission or other governing body duly constituted by public law of each public library situated in the county seat of such county, Fifteen Cents (\$.15) per capita of the population of such incorporated town or county seat together with Fifteen Cents (\$.15)) per capita of the population of other parts of the county other than incorporated towns maintaining public libraries.

That commencing October 1, 1962 and thereafter said sum of Fifteen Cents (\$.15) shall be increased to Sixteen Cents (\$.16).

A. A. Johnson being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register 9/1.8.15.22, 1959.

A. A. JOHNSON

Sworn to and subscribed before me This 22nd day of September, 1959.

GREG L. KENNY  
Notary Public.

By Messrs. Murphy and Hocklander:

H. 918. To amend further Section 139, Title 8, Code of Alabama 1940, relating to the tax on oysters taken, caught, or removed from public reefs, beds, or bottoms, in relation to the replanting of oyster shells.

Conservation.

By Messrs. Murphy and Hocklander (with notice and proof):

H. 919. Directing the Secretary of State to transmit to the Commissioner of Licenses of Mobile County copies of all acts of the Alabama Legislature when printed in slip or pamphlet form, the bound volumes of such acts when printed for distribution in bound form, and the cumulative pocket supplements to the Code of Alabama (1940).

Local Legislation No. 1.

Notice and Proof H. 919:

#### LEGAL NOTICE

STATE OF ALABAMA,  
COUNTY OF MOBILE.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Directing the Secretary of State to transmit to the Commissioner of Licenses of Mobile County copies of all acts of the Alabama Legislature when printed in slip or pamphlet form, the bound volumes of such acts when printed for distribution in bound form, and the cumulative pocket supplements to the Code of Alabama (1940).



Be It Enacted by the Legislature of Alabama:

Section 1. The Secretary of State shall cause to be delivered to the Commissioner of Licenses of Mobile County copies of all acts of the Alabama Legislature when printed in slip or pamphlet form, the bound volumes of such acts when printed for distribution in bound form, and the cumulative pocket supplements to the Code of Alabama (1940). Such pamphlet acts, bound acts, and cumulative code pocket supplements shall be delivered to the Commissioner of Licenses of Mobile County at the same time and in the same manner as they are delivered to judges of probate and other county officers under the laws of this state.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

A. A. Johnson being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register 8/7.14.21.28 1959.

A. A. JOHNSON

Sworn to and subscribed before me This 5th day of October, 1959.

GREG L. KENNY  
Notary Public.

By Messrs. Murphy and Hocklander:

H. 920. Relating to oil and gas, relating to the drilling for, producing, and conservation of oil and gas, relating to the prevention of waste in oil and gas, and relating to the legislation, control and supervision of development of, drilling for, and production of and use of oil and gas in the State of Alabama, to prescribe additional powers on and limit certain powers of the State Oil and Gas Board, to further encourage the exploration for, drilling for, and development of and taking or production of oil and gas in this State, for the conservation of the oil and gas resources of this State and to provide for the reimbursement of those exploring for, drilling for, or developing oil and gas resources of this State, and to define the meanings of terms as used in this Act.

Judiciary.

By Messrs. Murphy and Hocklander (with notice and proof):

H. 921. To amend the act approved August 13, 1957 (Act No. 216, H. 598, Acts of 1957, p. 273) providing for the appointment of bailiffs by the judges of the court of general sessions of Mobile County.

Local Legislation No. 1.

Notice and Proof H. 921:

#### LEGAL NOTICE

STATE OF ALABAMA,  
COUNTY OF MOBILE.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend the act approved August 13, 1957 (Act No. 216, H. 598, Acts of 1957, p. 273) providing for the appointment of bailiffs by the judges of the court of general sessions of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of the act approved August 13, 1957 (Act No. 216, H. 598, Acts of 1957, p. 273) is amended to read as follows:

"Section 1. Each judge of the Court of General Sessions of Mobile County created by an act approved March 23, 1956, is authorized and empowered to appoint, without regard to the county merit or civil service system, one bailiff for the court. Each bailiff appointed shall hold office at the will and pleasure of the judge who appoints him, and shall be paid an annual salary of not more than forty-five hundred dollars, to be fixed by the judge. Each bailiff shall be granted a vacation with pay each year of from two to four weeks, as the appointing judge may determine. The compensation of such bailiff shall be paid from the county treasury on the certificate of the appointing judge showing that the bailiff had performed the duties assigned to him."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

A. A. Johnson being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register 8/7.14.21.28 1959.

A. A. JOHNSON,

Sworn to and subscribed before me This 5th day of October, 1959

GREG L. KENNY  
Notary Public.

By Messrs. Bailey, Pierce and Goodwyn:

H. 922. To amend the provisions of Section 131, Title 23, Code of Alabama 1940, relating to the throwing, placing or dumping of rubbish on highways.

Conservation.

By Messrs. Brewer, Dodd, Turner and Gilchrist (with notice and proof):

H. 923. To provide for the creation of the Tri-County Regional Planning Commission with jurisdiction in Morgan, Lawrence and Limestone Counties, to provide for its composition, organization, rules, procedure, appropriations, membership, terms of office, powers and duties, and for the adoption of a regional plan by such commission.

Local Legislation No. 1.

Notice and Proof H. 923:

LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the creation of the Tri-County Regional Planning Commission with jurisdiction in Morgan, Lawrence and Limestone Counties, to provide for its composition, organization, rules, procedure, appropriations, membership, terms of office, powers and duties, and for the adoption of a regional plan by such commission.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Tri-County Regional Planning Commission which shall have jurisdiction for planning purposes in the counties of Lawrence, Limestone and Morgan Counties and shall be comprised of nine members, three from each County, who shall hold office for a term of six years, except that the respective terms of three of the members first selected as hereinafter provided shall be for two years, and the terms of three of such members first selected shall be four years, and said members shall serve without compensation, and any vacancies in said commission shall be filled by the authority appointing the member filling such vacant position.

Section 2. Except as otherwise provided in this act the provisions of Article 3, Title 37, 1940 Code of Alabama, relative to the organization, rules, staff, finances, procedure and miscellaneous powers and duties of municipal planning commissions shall apply to this commission.

Section 3. Said commission is hereby authorized and empowered to make, adopt, amend, extend, and add to a master regional plan for the physical development of the three Counties comprising the region of this commission, and such plan shall be based on comprehensive studies of the present and anticipated development of the region with regard to its relation to neighboring regions and to the state as a whole. Such plans, including such maps, charts, diagrams and descriptive matter as may be adopted, shall show the commission's recommendations for the physical development of the region and may include among other things the general location, extent and character of streets, parks, and other public ways, grounds and open spaces, public buildings, and public properties and public utilities which affect the development of the region as a whole, and also the general location of forests, agricultural and open development areas for purposes of conservation, water supply, sanitary and drainage facilities, industrial use and development, and also a zoning plan for the control of the height and area, location, and use of buildings and premises; such master plan shall be made with the general purpose of guiding a coordinated, adjusted and harmonious development of the region and of public improvements and utilities and which will best promote the health, safety, morals, convenience, prosperity and general welfare of the region.

Section 4. The commission, after adopting the regional plan, shall certify a copy thereof to each municipality and to the governing body of

each County comprising the region, and such plans shall be ratified and approved by the County governing body of the several counties comprising said region. Amendments to said plan shall be ratified and approved in like manner.

Section 5. Any five members of the commission shall constitute a quorum for the transaction of business, and the chairman of the commission shall be elected by the members of the commission and shall serve a term of four years unless his term as a member of the commission shall sooner expire in which case his term as chairman shall expire simultaneously with his membership on the commission, and the commission shall likewise elect a vice-chairman and a secretary-treasurer who shall serve like terms as the chairman and on the same terms and conditions.

Section 6. There is hereby appropriated the sum of \$3,000.00 per year to said commission for its expenses in carrying out the provisions of this act, and said commission may hire such personnel, legal or otherwise, as it may deem necessary or expedient in carrying out the provisions of this act, and said amount so appropriated shall be paid equally by the governing bodies of the several counties comprising said region on or before the 1st day of October of each year after the effective date of this act.

Section 7. Said commission shall have all the powers and authority heretofore conferred on private corporations by the laws of Alabama, may sue and be sued, may take part as a party litigant in any suit at law or action in equity in any court of competent jurisdiction in this state, may adopt such rules and regulations as are not inconsistent herewith for its management and control, may spend public funds for the purposes outlined herein, and shall take such actions and have such powers as may be necessary to enforce the authority and duties imposed upon it by this act.

Section 8. The members of said commission shall be appointed by the governing bodies of the three counties comprising this region for the terms hereinabove provided, and vacancies shall be filled in like manner for the unexpired term of the office becoming vacant.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 3, Sept. 10, Sept. 17, and Sept. 24, all in the year 1959.

JACK W. HOFFHAUS.

Sworn to and subscribed before me Sept. 30, 1959.

Com. Exp. 10-29-1960.

ESTELLE J. ODEN,  
Notary Public.

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the creation of the Tri-County Regional Planning Commission with jurisdiction in Morgan, Lawrence and Limestone Counties, to provide for its composition, organization, rules, procedure, appropriations, membership, terms of office, powers and duties, and for adoption of a regional plan by such commission.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Tri-County Regional Planning Commission which shall have jurisdiction for planning purposes in the counties of Lawrence, Limestone and Morgan Counties and shall be comprised of nine members, three from each County who shall hold office for a term of six years, except that the respective terms of three of the members first selected as hereinafter provided shall be for two years, and the terms of three of such members first selected shall be four years, and said members shall serve without compensation, and any vacancies in said commission shall be filled by the authority appointing the member filling such vacant position.

Section 2. Except as otherwise provided in this act the provisions of Article 3, Title 37, 1940 Code of Alabama, relative to the organization, rules, staff, finances, procedure and miscellaneous powers and duties of municipal planning commissions shall apply to this commission.

Section 3. Said commission is hereby authorized and empowered to make, adopt, amend, extend, and add to a master regional plan for the physical development of the three Counties comprising the region of this commission, and such plan shall be based on comprehensive studies of the present and anticipated development of the region with regard to its relation to neighboring regions and to the state as a whole. Such plans, including such maps, charts, diagrams and descriptive matter as may be adopted, shall show the commission's recommendations for the physical development of the region and may include among other things the general location, extent and character of streets, parks and other public ways, grounds and open spaces, public buildings, and public properties and public utilities which affect the development of the region as a whole, and also the general location of forests, agricultural and open development areas for purposes of conservation, water supply, sanitary and drainage facilities, industrial use and development, and also a zoning plan for the control of the height and area, location, and use of buildings and premises; such master plan shall be made with the general purpose of guiding a coordinated, adjusted and harmonious development of the region and of public improvements and utilities and which will best promote the health, safety, morals, convenience, prosperity and general welfare of the region.

Section 4. The commission, after adopting the regional plan, shall certify a copy thereof to each municipality and to the governing body of each County comprising the region, and such plans shall be ratified and approved by the County governing body of the several counties comprising said region. Amendments to said plan shall be ratified and approved in like manner.

Section 5. Any five members of the commission shall constitute a quorum for the transaction of business, and the chairman of the commission shall be elected by the members of the commission and shall serve

a term of four years unless his term as a member of the commission shall sooner expire in which case his term as chairman shall expire simultaneously with his membership on the commission, and the commission shall likewise elect a vice-chairman and a secretary-treasurer who shall serve like terms as the chairman and on the same terms and conditions.

Section 6. There is hereby appropriated the sum of \$3,000.00 per year to said commission for its expenses in carrying out the provisions of this act, and said commission may hire such personnel, legal or otherwise, as it may deem necessary or expedient in carrying out the provisions of this act, and said amount so appropriated shall be paid equally by the governing bodies of the several counties comprising said region on or before the 1st day of October of each year after the effective date of this act.

Section 7. Said commission shall have all the powers and authority heretofore conferred on private corporations by the laws of Alabama, may sue and be sued, may take part as a party litigant in any suit at law or action in equity in any court of competent jurisdiction in this state, may adopt such rules and regulations as are not inconsistent herewith for its management and control, may spend public funds for the purposes outlined herein, and shall take such actions and have such powers as may be necessary to enforce the authority and duties imposed upon it by this act.

Section 8. The members of said commission shall be appointed by the governing bodies of the three counties comprising this region for the terms hereinabove provided, and vacancies shall be filled in like manner for the unexpired term of the office becoming vacant.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA,  
LAWRENCE COUNTY.

Before me a Notary Public, in and for said State and County, personally appeared Arthur F. Slaton, publisher of The Moulton Advertiser, a newspaper published in said State and County, who being sworn according to law, deposes and says that, the legal notice, copy of which is herewith attached, was duly published in The Moulton Advertiser for 4 consecutive weekly issues beginning with the issue of Sept. 3, 1959 and ending with the issue of Sept. 24, 1959.

ARTHUR F. SLATON.

Subscribed and sworn to before me, this the 5 day of October, 1959 at Moulton, Alabama.

BETTY S. DYAR,  
Notary Public.

My commission expires 5-29-63.

STATE OF ALABAMA  
COUNTY OF LIMESTONE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the creation of the Tri-County Regional Planning Commission with jurisdiction in Morgan, Lawrence and Limestone Counties, to provide for its composition, organization, rules, procedure, appropriations, membership, terms of office, powers and duties, for the adoption of a regional plan by such commission.

**Be It Enacted by the Legislature of Alabama:**

Section 1. There is hereby created the Tri-County Regional Planning Commission which shall have jurisdiction for planning purposes in the counties of Lawrence, Limestone and Morgan Counties and shall be comprised of nine members, three from each County, who shall hold office for a term of six years, except that the respective terms of three of the members first selected as hereinafter provided shall be for two years, and the terms of three of such members first selected shall be four years, and said members shall serve without compensation, and any vacancies in said commission shall be filled by the authority appointing the member filling such vacant position.

Section 2. Except as otherwise provided in this act the provisions of Article 3, Title 37, 1940 Code of Alabama, relative to the organization, rules, staff, finances, procedure and miscellaneous powers and duties of municipal planning commissions shall apply to this commission.

Section 3. Said commission is hereby authorized and empowered to make, adopt, amend, extend, and add to a master regional plan for the physical development of the three Counties comprising the region of this commission, and such plan shall be based on comprehensive studies of the present and anticipated development of the region with regard to its relation to neighboring regions and to the state as a whole. Such plans, including such maps, charts, diagrams and descriptive matter as may be adopted, shall show the commission's recommendations for the physical development of the region and may include among other things the general location, extent and character of streets, parks and other public ways, grounds and open spaces, public buildings, and public properties and public utilities which affect the development of the region as a whole, and also the general location of forests, agricultural and open development areas for purposes of conservation, water supply, sanitary and drainage facilities, industrial use and development, and also a zoning plan for the control of the height and area, location, and use of buildings and premises; such master plan shall be made with the general purpose of guiding a coordinated, adjusted and harmonious development of the region and of public improvements and utilities and which will best promote the health, safety, morals, convenience, prosperity and general welfare of the region.

Section 4. The commission, after adopting the regional plan, shall certify a copy thereof to each municipality and to the governing body of each County comprising the region, and such plans shall be ratified and approved by the County governing body of the several counties comprising said region. Amendments to said plan shall be ratified and approved in like manner.

Section 5. Any five members of the commission shall constitute a quorum for the transaction of business, and the chairman of the commission shall be elected by the members of the commission and shall serve a term of four years unless his term as a member of the commission shall sooner expire in which case his term as chairman shall expire simultaneously with his membership on the commission, and the commission shall likewise elect a vice-chairman and a secretary-treasurer who shall serve like terms as the chairman and on the same terms and conditions.

Section 6. There is hereby appropriated the sum of \$3,000.00 per year to said commission for its expenses in carrying out the provisions of this act, and said commission may hire such personnel, legal or otherwise, as it may deem necessary or expedient in carrying out the provisions of this act, and said amount so appropriated shall be paid equally by the governing bodies of the several counties comprising said region on or before the 1st day of October of each year after the effective date of this act.

Section 7. Said commission shall have all the powers and authority heretofore conferred on private corporations by the laws of Alabama, may sue and be sued, may take part as a party litigant in any suit at law or action in equity in any court of competent jurisdiction in this state, may adopt such rules and regulations as are not inconsistent herewith for its management and control, may spend public funds for the purposes outlined herein, and shall take such actions and have such powers as may be necessary to enforce the authority and duties imposed upon it by this act.

Section 8. The members of said commission shall be appointed by the governing bodies of the three counties comprising this region for the terms hereinabove provided, and vacancies shall be filled in like manner for the unexpired term of the office becoming vacant.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Limestone Democrat, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 8, Sept. 15, Sept. 22, and Sept. 29, all in the year 1959.

STEELE MCGREW.

Sworn to and subscribed before me Oct. 1, 1959.

LOLA L. ORR,  
Notary Public.

By Messrs. Gilchrist and Brewer:

H. 924. To provide for payment by the county of expenses incurred in the operations of the office of county superintendent of education, county commissioner of education, commissioner of public instruction, commissioner of public schools, or other like officer of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census.

Local Legislation No. 1.

By Mr. Cabiness:

H. 925. To amend further Section 5 of Title 8, Code of Alabama 1940, in relation to the election, qualifications, and compensation of the director of conservation.

. Ways and Means.



By Mr. Cabiness:

H. 926. To amend Act. No. 341, H. 17, approved September 5, 1955, an act creating a State Department of Pensions and Security (Acts of Alabama, Regular Session 1955, Vol. II, pp. 763-765), in relation to the election, qualifications, and compensation of the commissioner of the state department of pensions and security.

Ways and Means.

By Mr. Cabiness:

H. 927. To amend further Section 64 of Title 55, Code of Alabama 1940, in relation to the compensation and election of the director of finance.

Ways and Means.

By Mr. Cabiness:

H. 928. To provide for the election of the highway director, fix his term of office, and provide for his compensation.

Ways and Means.

By Mr. Cabiness:

H. 929. To amend Act No. 585, H. 798, approved September 11, 1953, an act creating a department of public safety (Acts of Alabama, Regular Session 1953, Vol. II, pp. 828-831), in relation to the election, qualifications, and compensation of the director of public safety.

Judiciary.

By Mr. Cabiness:

H. 930. To amend Act No. 234, S. 25, approved July 16, 1951, an act creating a department of insurance (Acts of Alabama, 1951 Regular Session, Vol. I, p. 504), in relation to the election, qualifications, and compensation of the superintendent of insurance.

Ways and Means.

By Messrs. Harvey, Johnston (Leonard) and Nettles:

H. 931. Relating to schools; to provide for a Committee on Courses of Study; to prescribe the qualification and compensation of its members; to define its duties; and to repeal Sections 404, 405, 406, 407 of Title 52, Code of Alabama 1940 as amended.

Education.

By Mr. Ray (with notice and proof):

H. 932. To establish the Winston County Court of Law and Equity in lieu of the court established by Act No. 242, H. 101, approved August 16, 1955 (Acts of Alabama, Regular Session 1955, vol. I, pp. 553-559); to define the jurisdiction and powers of said court, provide for its officers, their appointment, election, term of office, powers, duties, and compensation, and to provide that the court shall be open at all times for the transaction of business, and to authorize the judge to fix the time of holding sessions for the trial of cases; to empower the court to prescribe its own rules of pleading, practice, and procedure, and to give such rules the force and effect of law; to abolish the court established by said Act. No. 242 of August 16, 1955, and provide for the transfer of all cases pending therein to the court hereby established.

Local Legislation No. 1.

## Notice and Proof H. 932:

## LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF WINSTON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To establish the Winston County Court of Law and Equity in lieu of the Court established by Act. No. 242, H. 101, approved August 16, 1955 (Acts of Alabama, Regular Session 1955, vol. I, pp. 553-559); to define the jurisdiction and powers of said court, provide for its officers, their appointment, election, term of office, powers, duties, and compensation, and to provide that the court shall be open at all times for the transaction of business, and to authorize the judge to fix the time of holding sessions for the trial of cases; to empower the court to prescribe its own rules of pleading, practice, and procedure, and to give such rules the force and effect of law; to abolish the court established by said Act No. 242 of August 16, 1955, and provide for the transfer of all cases pending therein to the court hereby established.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established in and for Winston County a court to be known as the Winston County Court of Law and Equity. The court shall be in lieu of the court established pursuant to Act No. 242, H. 101, approved August 16, 1955 (Acts of Alabama, Regular Session 1955, vol. I, pp. 553-559), which is hereby abolished.

Section 2. (a) The Winston County Court of Law and Equity shall be a court of record and shall have and exercise the following jurisdiction, powers, and authority:

1. It shall have exclusive jurisdiction of all matters triable in the county court under general laws.

2. It shall have unlimited jurisdiction concurrent with the circuit court of Winston County of all civil and equity matters, including the power and authority to grant divorces, either limited or absolute, to award alimony and effect property settlements in connection with such divorces, and to determine the custody of children.

3. It shall have jurisdiction concurrent with the justices of the peace of Winston County of bastardy proceedings.

4. It shall have jurisdiction of all matters, causes, cases, or proceedings involving juveniles to the same extent as juvenile courts provided for by general laws.

5. It shall have power to issue all special and extraordinary writs that the circuit courts or the judges thereof are authorized to issue, and shall have all other powers and authority that are, or that may hereafter be conferred upon the circuit courts or the judges thereof, including the power to punish for contempt, unless otherwise provided in this Act.

(b) In all civil and equity cases in which both parties to the action are present in court, either in person or by attorney, if no specific objection to the jurisdiction of the court is raised by the defendant by plea, answer or demurrer, the jurisdiction of the court shall be deemed complete and cannot thereafter be questioned in any other court for any cause.

Section 3. A judge for the Winston County Court of Law and Equity shall be elected at the general election of state officers in November 1964, and every six years thereafter, to hold office for a term of six years from the first Monday after the second Tuesday in January next following his election. The judge shall be entitled to a compensation of seven thousand two hundred dollars a year, payable in equal monthly installments from the county treasury on warrants drawn in the manner prescribed by law. The judge of the court, before entering upon the duties of the office, shall take the oath prescribed by law to be taken by judges of the circuit courts. The judge shall be a qualified elector of Winston County not less than twenty-five years of age, shall be learned in the law and shall have been licensed to practice law in the State of Alabama for at least five years next preceeding his election or appointment. The judge shall not practice law in any of the courts of this State or the United States during his term of office. The judge may be removed from office in the manner and for the causes provided by law for the removal of circuit judges. Any vacancy occurring during the term shall be filled by the Governor for the unexpired term. The incumbent judge of the court abolished by this Act shall be the judge of the Winston County Court of Law and Equity until his successor is elected and assumes office as provided in this section.

Section 4. (a) The clerk of the circuit court of Winston County shall be ex officio clerk of the Winston County Court of Law and Equity and shall have the same powers and discharge the same duties as the clerks of the circuit courts. He shall be subject to the same pains and penalties with regard to the duties of the office, shall be entitled to the same fees, commissions, and emoluments as are now, or as may hereafter be allowed the circuit clerks of Alabama, which shall be collected as such fees and commissions are collected in the circuit courts, except that in civil matters where suit is brought for 100 dollars or less, only the fees and commissions allowed by law to justices of the peace shall be collected.

(b) The register of the circuit court of Winston County shall be ex officio register for the Winston County Court of Law and Equity and shall have the powers and discharge the duties which shall devolve upon the register of the court. He shall be subject to the same pains and penalties with regard to the duties of the office, shall be entitled to the same fees and commissions as are now, or as may be hereafter allowed to the registers of circuit courts in equity, which shall be collected as such fees and commissions are collected in circuit courts.

(c) A special filing fee of 10 dollars shall be collected in each divorce case brought in the Winston County Court of Law and Equity. The fee shall be in addition to all fees, trial taxes, and court costs otherwise assessable in the court, and when collected shall be paid into the general fund of the county.

Section 5. The county or deputy solicitor appointed or elected for Winston County shall represent the state in all criminal cases prosecuted in the Winston County Court of Law and Equity.

Section 6. The sheriff of Winston County shall in person, or by deputy or deputies appointed by him, such appointments to be ap-

proved by the judge of the court, attend upon the court, preserve order, execute all writs of process and perform such other duties in all respects as in the circuit courts of the state. For such services he shall receive such compensation as he receives under the laws of the state for performing similar services in the circuit court, except as herein otherwise provided.

Section 7. The judge of the court shall appoint a competent person capable of taking down and transcribing the proceedings of the court to be the official reporter for the court. The court reporter shall serve at the pleasure of the judge. His duties shall be the same as those required by general laws of official court reporters for the circuit courts, and he shall receive the same rate of compensation for transcribing the testimony or other proceedings as it now provided for the official court reporter in the circuit courts, and shall also receive the following compensation while he is engaged in taking testimony or other proceedings of the court; five dollars for one-half day or fractional part thereof; and ten dollars for each full day, plus five cents a mile to and from the place of holding the court.

Section 8. The Winston County Court of Law and Equity shall be held at the court houses in Double Springs and in Haleyville and shall be open at all times for the transaction of business. In case of sickness or disqualification of the judge of the court, a special judge shall be appointed in the same manner that special judges are appointed in the circuit courts. The judge of the court shall keep an office at such suitable place as may be provided by the court of county commissioners, board of revenue, or other like governing body of Winston County. It shall be the duty of the governing body of Winston County to provide such office and supply the same with telephone service and office supplies. Such office furniture, furnishings, fixtures, law library, and equipment as may be necessary to enable the judge of the court efficiently to conduct the affairs of his office shall be provided by the state department of finance.

Section 9. The judge of the court may determine and fix the time of holding sessions of the court for the trial of all cases, criminal, civil and equity; provided that all cases shall be called for trial at least once every thirty days. However, this section shall not be construed to prevent the continuance of any case in said court, by agreement of counsel or the parties on good cause shown the court, and when any cause is so continued to a specific time either for a cause shown to the court, or by agreement of the parties or counsel, it shall not be necessary to call said case until the expiration of the time to which it has been continued. And provided further, that the court shall have the right and power to call extraordinary session of said court whenever in the judgement of the court the same is necessary.

Section 10. All cases tried in the Winston County Court of Law and Equity shall be tried by the judge without a jury. The judge shall decide all questions of law and fact. Any party aggrieved by a decision in any civil case cognizable by justices of the peace may appeal at any time within five days after rendition of the judgments rendered by justices of the peace. In any other civil case, if the defendant is entitled to a trial by jury under the Constitution, he may demand a jury trial by endorsement on the initial pleading filed, and thereupon the clerk of the court shall transfer the cause to the circuit court. Upon such transfer, the jurisdiction of the circuit court shall attach in said cause, and the jurisdiction of the Winston County Court of Law and Equity shall cease and terminate.

The cause shall then stand regularly for trial in the circuit court. Unless a defendant demands a jury as herein provided, he shall be deemed to have waived a trial by jury; and the court shall make an entry thereof on the record and shall proceed to hear and determine the case.

Section 11. Appeals from judgements of the Winston County Court of Law and Equity in law and equity cases may be taken directly to the Supreme Court or the Court of Appeals in the same manner and within the same time that appeals are now taken from judgements in such cases in the circuit courts of the state.

Section 12. Upon conviction in a criminal case, the defendant shall have the right of appeal to the circuit court of the county, on entering into bond, with sufficient surety, to appear at the term of the court to which the appeal is taken, and from term to term until discharged, the bond to be in such penalty as the judge of the court may prescribe, and to be approved by the judge or clerk of the court. If the defendant does not make the bond required, he shall remain in custody and may, within ten days after taking said appeal, demand a trial by jury in the circuit court, otherwise, said case shall be tried by the court without a jury.

Section 13. All cases on the non-jury docket and all cases on the equity docket now or hereafter pending in the circuit court of Winston County may, by agreement of the parties thereto, be transferred from the circuit court to the Winston County Court of Law and Equity Likewise, all cases on the non-jury docket, and on the equity docket now or hereafter pending in the Winston County Court of Law and Equity may by agreement of the parties thereto, be transferred from the Winston County Court of Law and Equity to the circuit court of Winston County. In all cases, non-jury and equity, now or hereafter pending in the circuit court of Winston County, wherein a judgement pending in the circuit court of Winston County, wherein judgement by default, nil dicit, or decree pro confesso has been rendered, the same may be transferred from the circuit court to the Winston County Court of Law and Equity for final judgement or decree on motion of the plaintiff or complainant. In all cases, non-jury and equity, now or hereafter pending in the Winston County Court of Law and Equity, wherein a judgement by default, nil dicit or decree pro confesso has been rendered, the same may be transferred from the Winston County Court of Law and Equity to the Circuit court, for final judgement or decree on motion of the plaintiff or complainant.

Section 14. The judge of the Winston County Court of Law and Equity shall have plenary power to adopt and enforce rules governing pleading practice and procedure in the court, including the right to prescribe forms therefor. He may adapt to the needs of the court and incorporate into the rule of the court any or all rules relative to pleading, practice and procedures in the federal courts and the courts of other states, and such rules when adopted and promulgated shall have the force and effect of law, and shall supersede conflicting rules governing pleading, practice and procedure in other courts in the state. The rules of practice and procedure in the circuit courts of the state shall govern the pleadings, practice and procedure in the court hereby established, except as herein otherwise provided.

Section 15. The judge of the Winston County Court of Law and Equity shall adopt a seal for the equity side of the court, which shall be kept in the custody and under the control of the register of the court, and also a seal for the law side of the court, which shall be kept in the custody and under the control of the clerk of the court.

Section 16. It shall be the duty of the clerk of the court to keep a record upon which shall be recorded all affidavits made before the judge or clerk of said court or returnable by a justice of the peace or judge of an inferior court in the county to the court; and if any affidavit should be lost or destroyed, a certified copy of the record shall be used the same as the original affidavit. For recording each affidavit the clerk shall receive a fee of seventy-five cents to be taxed as costs in case of the defendant's conviction.

Section 17. The jurisdiction and authority of the Law and Equity Court of Winston County, as established by Act No. 242, H. 101, approved August 16, 1955, is hereby transferred to, and shall hereafter be exercised by the Winston County Court of Law and Equity created by this Act. All cases pending in the abolished court when this Act takes effect shall be transferred immediately to the Winston County Court of Law and Equity and proceedings thereon shall continue in all respects as though such cases had been originally brought in said court.

Section 18. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this Act are repealed.

Section 20. This Act shall take effect on the first day of the month next following the date of its enactment.

#### PUBLISHER'S AFFIDAVIT

#### STATE OF ALABAMA, WINSTON COUNTY

Personally appeared before me the undersigned authority in and for said county and state, Jay Thornton, who after being duly sworn deposes and says:

My name is Jay Thornton. I am editor and publisher of The Advertiser, a newspaper of general circulation, published weekly in Haleyville, Winston County, Alabama. The copy of publication hereto attached was published in said paper for four consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 8th day of September, 1959, and the last copy of said publication appearing in the said paper on the 29th day of September, 1959.

JAY THORNTON

Sworn and subscribed to before me this 29th day of September, 1959.

R. J. THORNTON,  
Notary Public.

By Mr. Ray (with notice and proof):

H. 933. To amend Sections 1 and 2 of Act No. 291, H. 621, approved August 16, 1957, the act requiring the state department of revenue to collect any sales and use taxes levied in the city of Haleyville, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of that city (Acts of Alabama, Regular Session 1957, vol. I, p. 369).

Local Legislation No. 1.

Notice and Proof H. 933:

STATE OF ALABAMA  
COUNTY OF WINSTON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 1 and 2 of Act No. 291, H. 621, approved August 16, 1957, the act requiring the state department of revenue to collect any sales and uses taxes levied in the city of Haleyville, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of that city (Acts of Alabama, Regular Session 1957, vol. I, 369)

Be It Enacted by the Legislature of Alabama:

Sections 1 and 2 of Act. No. 291, H 621, approved August 16, 1957, the act requiring the state department of revenue to collect any sales and use taxes which may be levied in the city of Haleyville, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said city (Acts of Alabama, Regular Session 1957, vol I, p. 369) are hereby amended to read as follows:

"Section 1. The Department of Revenue is hereby authorized, directed, and required to collect any sales and use taxes which may be levied in the City of Haleyville, in Winston County, Alabama, under the provisions of any municipal ordinance or resolution with a levy identical to the state levy except for rate of tax, subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, and deductions as are applicable to the state sales and use taxes levied under Act, No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, and all acts now or hereafter amendatory thereof or supplementary thereto, except where inapplicable or where herein otherwise provided, including the provisions for the enforcement and collection of taxes when said ordinance or resolution is duly promulgated and adopted by the governing body of the City of Haleyville and when a certified copy of said ordinance or resolution has been filed with the Department of Revenue not less than thirty days prior to the effective date of the tax levy. Such municipal sales and use taxes shall be collected by the department at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended, and all reports required to be made to the Commissioner of Revenue hereunder shall, on request to the Department of Revenue, be made available for inspection by the governing body of the City of Haleyville, or its designated agent, at reasonable times during business hours. The Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of such municipal sales and use taxes, and shall have all the authority and duties hereunder as it has in connection with the collection of the State's sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended. It shall be the duty of the

Commissioner of Revenue to pay into the state treasury all such taxes collected for the City of Haleyville under the Act; and on or before the first day of the following month, the Commissioner shall certify to the Comptroller the amount of special taxes levied and collected under the provisions of this Act for the use and benefit of the City of Haleyville during the calendar month immediately preceeding the making of such certificate. Whereupon it shall be the duty of the Comptroller to issue his warrant on the State Treasurer for the amount, less expenses, so certified by the Commissioner of Revenue as having been collected for the use of such city (less expenses) shall be paid to the Treasurer or other custodian of funds of the City of Haleyville. The Department of Revenue shall charge the City of Haleyville for collecting such municipal sales and use taxes the cost of making such collections provided, however, that such charge shall not exceed ten percent of the amount collected. The Comptroller shall each month draw his warrant on the funds collected hereunder payable to the Department of Revenue for the amount of such charges. The Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of such municipal sales and use taxes, and otherwise to enforce the provisions of the ordinance or resolution levying such taxes, including any litigation required, and the Department of Revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes payable to the City of Haleyville under the provisions of this Act.

"Section 2. Any municipal ordinance or resolution levying a tax required to be collected hereunder, any amendment, or addition, or other change in such ordinance or resolution shall be effective on the first day of the month next following the expiration of thirty days from the date of the adoption of such municipal ordinance or resolution provided, however, the Department of Revenue shall not be required to make any collection of taxes or otherwise perform the duties provided herein until and unless a certified copy of such ordinance or resolution, or amendment thereto, is filed with the department of Revenue not less than thirty days prior to the effective date of said ordinance, resolution, or amendment thereto."

#### PUBLISHER'S AFFIDAVIT

#### STATE OF ALABAMA, WINSTON COUNTY

Personally appeared before me the undersigned authority in and for said county and state, Jay Thornton, who after being duly sworn deposes and says:

My name is Jay Thornton. I am editor and publisher of The Advertiser, a newspaper of general circulation, published weekly in Haleyville, Winston County, Alabama. The copy of publication hereto attached was published in said paper for four consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 8th day of September, 1959, and the last copy of said publication appearing in the said paper on the 29th day of September, 1959.

JAY THORNTON

Sworn and subscribed to before me this 29th day of September, 1959.

R. J. THORNTON,  
Notary Public.



By Messrs. Bevill and Shumate (with notice and proof):

H. 934. To provide a law enforcement fund for expenditure by the circuit solicitor of the Fourteenth Judicial Circuit, to be composed of solicitor fees collected in the circuit court of Walker County.

Local Legislation No. 1.

Notice and Proof H. 934:

A BILL  
TO BE ENTITLED  
AN ACT

To provide a law enforcement fund for expenditure by the circuit solicitor of the Fourteenth Judicial Circuit, to be composed of solicitor fees collected in the circuit court of Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. After this act takes effect, all fees for the solicitor that are taxed as costs and collected in the circuit court of Walker County shall be paid into the county treasury and credited to a special fund to be designated and known as the Solicitor's Law Enforcement Fund. The moneys in such special fund may be expended on requisitions of the circuit solicitor, at his discretion, for the payment of expenses incurred by him or his aides and assistants in making investigations of crimes and offenses committed in the county, or incurred otherwise in the operation of his office and in the performance of his official duties.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Margaret Phillips, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was bookkeeper of the MOUNTAIN EAGLE, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 18, June 25, July 2, and July 9, all in the year 1959.

MARGARET PHILLIPS.

Sworn to and subscribed before me July 9, 1959.

MRS. ANNIE DAVIS,  
Notary Public.

By Mr. Guthrie:

H. 935. To provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a popula-

tion of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census.

Local Legislation No. 1.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 70. Relative to a joint session of the Legislature for the purpose of hearing an address by the Honorable Hugh Morrow of Birmingham, Alabama.

And the President and Presiding Officer of the Senate has appointed as committee on part of the Senate Messrs. Dumas and Berryman.

J. E. SPEIGHT,  
Secretary.

### JOINT SESSION

The hour of 11:30 o'clock A.M. having arrived, the Senate and House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives, in accordance with House Joint Resolution No. 70 heretofore adopted, for the purpose of hearing an address by the Honorable Hugh Morrow, a great American and distinguished citizen of Alabama.

The joint session was called to order by the Honorable Albert Boutwell, Lieutenant Governor and Presiding Officer of the Senate.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

### BILLS ON THIRD READING

### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Callahan to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 760, H. 762 and H. 765, was adopted.

And the bill:

H. 760 (with substitute). To further provide for and raise revenue for the State of Alabama; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of the taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into a special fund, to be designated the Alabama Special Mental Health Fund, and for use of said proceeds for mental health purposes.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To further provide for and raise revenue for the State of Alabama; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of the taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into the state treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The word, "Board," whenever used in this act, shall mean the Alabama Alcoholic Beverage Control Board provided for in Chapter 1 of Title 29 of the Code of Alabama of 1940. The term "selling price," wherever used in this act, shall mean the total marked-up price of spirituous or vinous liquors sold by the Board, exclusive of the taxes levied by Act No. 99 adopted at the 1943 Regular Session of the Legislature of Alabama and by Act No. 78 adopted at the 1955 Second Extraordinary Session of the Legislature of Alabama.

Section 2. Levy of Tax. In addition to all other taxes of every kind now imposed by law, and in addition to any marked-up price authorized or required by law, there is hereby levied and shall be collected a tax at the rate of ten percent (10%) upon the selling price of all spirituous or vinous liquors sold by the Board. The tax hereby imposed shall be collected by the Board from the purchaser at the time the purchase price is paid. One-half of the proceeds derived from the tax shall be deposited in the state treasury to the credit of the Public Welfare Trust Fund and shall be used for old age assistance only and is hereby appropriated therefor. The remainder of such proceeds from the tax herein levied shall be deposited in the state treasury to the credit of a special fund which shall be designated the Alabama Special Mental Health Fund, and shall be used only for mental health purposes, including the prevention of mental illness, the care and treatment of the mentally ill and the mentally deficient, and the acquisition, equipment, operation and maintenance of facilities for mental health purposes. Provided, that during the biennium beginning October 1, 1959 and ending September 30, 1961 such deposits shall be credited to these special funds in the state treasury at the end of each month, and then only in the event there shall have been deposited by the Board in the ABC Stores Fund and the Public Welfare Trust Fund during such month such amounts as may be equal to or greater than 105.5 percent of the amounts deposited in such funds during the corresponding month of the preceding fiscal year; if lesser amounts were so deposited, then as much of the proceeds of the tax levied in this Act as may be needed to make up the deficit shall be diverted for such purpose and the remainder of such proceeds shall be deposited as hereinabove provided.

Section 3. Tax not to be absorbed but passed on to purchaser. The mark-up as currently established by the Board on spirituous or vinous liquors shall not be reduced by the Board for the purpose of absorbing

the tax herein levied; it being the intention hereof that the said tax shall be passed on to the purchaser.

**Section 4. Effective Date.** This act shall become effective on the first day of the month following the date of its passage and approval by the Governor or the date of its otherwise becoming a law.

And the substitute was adopted.

Yeas 81; Nays 2.

**Yeas:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Cook      | Harvey                         | Powell                       |
| Adams <sup>(Houston)</sup> | Copeland  | Hawkins                        | Ramey                        |
| Albea                      | Cornett   | Hocklander                     | Rast                         |
| Ashworth                   | Daniel    | Ingram                         | Ray                          |
| Bailey                     | Dickson   | Jenkins                        | Rogers                       |
| Barnett                    | Edwards   | Johnson <sup>(J. T. Tom)</sup> | Rozelle                      |
| Bassett                    | Faulk     | Johnston <sup>(Leonard)</sup>  | Salter                       |
| Bevill                     | Ferguson  | Lee                            | Self                         |
| Bishop                     | Franklin  | Locke                          | Sessions                     |
| Boyd                       | Gilchrist | Long <sup>(Perry)</sup>        | Shumate                      |
| Brannan                    | Gilmer    | McClendon <sup>(Chamb)</sup>   | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Glass     | Martin                         | Solomon                      |
| Brewer                     | Gordon    | Merrill                        | Speaks                       |
| Britton                    | Grant     | Morrow                         | Steagall                     |
| Broadfoot                  | Gross     | Murphy                         | Sullivan                     |
| Brooks                     | Hain      | Nichols                        | Taylor                       |
| Cabiness                   | Hanby     | Oden                           | Thomas                       |
| Callahan                   | Hankins   | Perry                          | Torbert                      |
| Camp                       | Hardy     | Phillips                       | Trimmier                     |
| Cates                      | Harris    | Pierce                         | Turnham                      |
| Chambers                   |           |                                |                              |

—81

**Nays:** Messrs. Goldthwaite and Nettles.

—2

And said bill, H. 760, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 1.

**Yeas:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Callahan  | Grant                          | McClendon <sup>(Chamb)</sup> |
| Adams <sup>(Houston)</sup> | Camp      | Gross                          | McCorquodale                 |
| Albea                      | Cates     | Hain                           | Martin                       |
| Ashworth                   | Chambers  | Hanby                          | Merrill                      |
| Bailey                     | Cook      | Hankins                        | Morrow                       |
| Barnett                    | Copeland  | Hardy                          | Murphy                       |
| Bassett                    | Cornett   | Harris                         | Nettles                      |
| Bevill                     | Daniel    | Harvey                         | Nichols                      |
| Bishop                     | Dickson   | Hawkins                        | Oden                         |
| Boyd                       | Edwards   | Hocklander                     | Perry                        |
| Brannan                    | Faulk     | Ingram                         | Phillips                     |
| Branyon                    | Ferguson  | Jenkins                        | Pierce                       |
| Brewer                     | Franklin  | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Britton                    | Gilchrist | Johnston <sup>(Leonard)</sup>  | Ramey                        |
| Broadfoot                  | Gilmer    | Lee                            | Rast                         |
| Brooks                     | Glass     | Locke                          | Ray                          |
| Cabiness                   | Gordon    | Long <sup>(Perry)</sup>        | Rogers                       |

|          |                              |          |          |
|----------|------------------------------|----------|----------|
| Rozelle  | Shumate                      | Steagall | Thomas   |
| Salter   | Smith <sup>(St. Clair)</sup> | Sullivan | Trimmier |
| Self     | Solomon                      | Taylor   | Turnham  |
| Sessions | Speaks                       |          |          |

—82

**Nay:** Mr. Goldthwaite.

—1

And the bill:

H. 762. To authorize the sale and issuance of not exceeding \$3,-000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of constructing and equipping a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to appropriate and pledge, as additional security therefor, so much as may be necessary for those portions of the state taxes on the sale of spirituous or vinous liquors and of the state license taxes on those selling, storing or receiving for distribution malt or brewed beverages that are required by law to be paid into the Alabama Special Mental Health Fund; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

**Yeas:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Cook      | Hawkins                        | Pierce                       |
| Adams <sup>(Houston)</sup> | Copeland  | Hocklander                     | Powell                       |
| Albea                      | Cornett   | Ingram                         | Ramey                        |
| Ashworth                   | Daniel    | Jenkins                        | Rast                         |
| Bailey                     | Dickson   | Johnson <sup>(J. T. Tom)</sup> | Ray                          |
| Barnett                    | Edwards   | Johnston <sup>(Leonard)</sup>  | Rogers                       |
| Bassett                    | Faulk     | Lee                            | Rozelle                      |
| Bevill                     | Ferguson  | Locke                          | Salter                       |
| Bishop                     | Franklin  | Long <sup>(Perry)</sup>        | Self                         |
| Boyd                       | Gilchrist | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Brannan                    | Gilmer    | McCorquodale                   | Shumate                      |
| Branyon                    | Glass     | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Gordon    | Merrill                        | Solomon                      |
| Britton                    | Grant     | Morrow                         | Speaks                       |
| Broadfoot                  | Gross     | Murphy                         | Steagall                     |
| Brooks                     | Hain      | Nettles                        | Sullivan                     |
| Cabiness                   | Hanby     | Nichols                        | Taylor                       |
| Callahan                   | Hankins   | Oakley                         | Thomas                       |
| Camp                       | Hardy     | Oden                           | Trimmier                     |
| Cates                      | Harris    | Perry                          | Turnham                      |
| Chambers                   | Harvey    | Phillips                       |                              |

—83

And the bill:

H. 765. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of not exceeding \$3,000,000 principal amount of General Obligation Bonds of

the State of Alabama for construction and equipment of a hospital building for mental patients to constitute a part of the University of Alabama Medical Center.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 81; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Copeland    | Hawkins                        | Phillips                     |
| Adams <sup>(Houston)</sup> | Cornett     | Hocklander                     | Pierce                       |
| Albea                      | Daniel      | Ingram                         | Ramey                        |
| Ashworth                   | Dickson     | Jenkins                        | Rast                         |
| Bailey                     | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Ray                          |
| Barnett                    | Faulk       | Johnston <sup>(Leonard)</sup>  | Rogers                       |
| Bassett                    | Ferguson    | Lee                            | Rozelle                      |
| Bevill                     | Gilchrist   | Locke                          | Salter                       |
| Bishop                     | Gilmer      | Long <sup>(Perry)</sup>        | Self                         |
| Boyd                       | Glass       | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Brannan                    | Goldthwaite | McCorquodale                   | Shumate                      |
| Branyon                    | Gordon      | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Grant       | Merrill                        | Solomon                      |
| Britton                    | Gross       | Morrow                         | Speaks                       |
| Broadfoot                  | Hain        | Murphy                         | Steagall                     |
| Brooks                     | Hanby       | Nettles                        | Sullivan                     |
| Cabiness                   | Hankins     | Nichols                        | Taylor                       |
| Callahan                   | Hardy       | Oakley                         | Thomas                       |
| Camp                       | Harris      | Oden                           | Trimmier                     |
| Cates                      | Harvey      | Perry                          | Turnham                      |
| Chambers                   |             |                                |                              |

—81

**MOTION TO ADJOURN ADOPTED**

Mr. Broadfoot moved that the House recess until two o'clock this afternoon.

Mr. Ashworth offered as a substitute motion, a motion that at three o'clock this afternoon the House adjourn until Friday, October 9, 1959, at ten o'clock A.M., and said motion was adopted.

Yeas 54; Nays 16.

**Yeas:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Cornett   | Hocklander                     | Powell                       |
| Adams <sup>(Houston)</sup> | Daniel    | Ingram                         | Pruitt                       |
| Albea                      | Dickson   | Johnson <sup>(J. T. Tom)</sup> | Ray                          |
| Ashworth                   | Dodd      | Jones <sup>(Covington)</sup>   | Rogers                       |
| Avery                      | Faulk     | Lee                            | Rozelle                      |
| Bailey                     | Franklin  | Locke                          | Sessions                     |
| Bevill                     | Gilchrist | McClendon <sup>(Chamb)</sup>   | Smith <sup>(St. Clair)</sup> |
| Boyd                       | Gilmer    | McCorquodale                   | Solomon                      |
| Brannan                    | Gordon    | Merrill                        | Speaks                       |
| Brooks                     | Grant     | Nettles                        | Steagall                     |
| Cabiness                   | Grouby    | Oden                           | Trimmier                     |
| Cates                      | Hardy     | Perry                          | Turner                       |
| Chambers                   | Harris    | Pierce                         | Turnham                      |
| Copeland                   | Harvey    |                                |                              |

—54

**Nays:**

|          |             |                         |                                |
|----------|-------------|-------------------------|--------------------------------|
| Messrs.: | Broadfoot   | Long <sup>(Perry)</sup> | Reynolds <sup>(Chambers)</sup> |
| Barnett  | Cook        | Martin                  | Shumate                        |
| Bassett  | Ferguson    | Murphy                  | Sullivan                       |
| Branyon  | Goldthwaite | Ramey                   | Taylor                         |
| Brewer   |             |                         |                                |

—16

**POINT OF PERSONAL PRIVILEGE**

Mr. Grouby requested as a matter of personal privilege that the following be inserted in the Journal:

Mr. Speaker:

I was not present in the Chamber when votes were taken on the bills, H. B. 760, 762, and 765, and I request that the record be made to show that had I been present I would have voted for the passage of said bills.

E. A. Grouby.

**MESSAGE FROM THE GOVERNOR**

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor, relative to House Bill No. 559.

Respectfully submitted,

JOSEPH G. ROBERTSON,  
Executive Secretary.

OCTOBER 6, 1959

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which this bill originated, House Bill No. 559, without my approval.

This bill, if signed by me, would result in a substantial loss of funds from the General Fund of the State of Alabama. Furthermore, should this bill be approved, it is reasonable to assume that the other counties of the State would follow the trail blazed by St. Clair County, which, of course, would result in greatly increased sums being expended from the State's General Fund to pay these court costs.

Notwithstanding the large sums of money that would be expended for the payment of these costs, there is a serious constitutional question as to whether or not the fines collected by the county inferior courts as a result of convictions in cases made by the Highway Patrolmen and State Conservation officers could be legally diverted to the payment of court costs. I am of the opinion that it would be an unconstitutional use of the fines so collected by these local inferior courts.

This bill also would lead to the establishment of a precedent by which the State could be called on to pay court costs in all criminal trials in the inferior courts of the State. This would deplete the State's General Fund.

In view of the above reasons, I respectfully decline to approve House Bill No. 559.

Respectfully,

JOHN PATTERSON,  
Governor.

### GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 559. To amend Act No. 173, H. 490, approved June 30, 1953 (Acts of Alabama 1953, page 217) which creates and establishes the Inferior Court of St. Clair County, so as to provide that fees of officers and State's witnesses in criminal cases docketed in such court in which the State fails to convict, or the cause is otherwise abated, withdrawn or dismissed or an order of nolle prosequi is entered by the State, shall be paid from the Fine and Forfeiture Fund of St. Clair County and such fund reimbursed therefor by the State.

The question was upon the passage of the bill, H. 559, the Governor's veto to the contrary notwithstanding.

And the bill, H. 559, was again read at length, and the House refused to pass said bill over the veto of the Governor.

Yeas 0; Nays 63.

#### Nays:

|             |           |                    |                   |
|-------------|-----------|--------------------|-------------------|
| Mr. Speaker | Cornett   | Hanby              | Perry             |
| Albea       | Daniel    | Hankins            | Phillips          |
| Ashworth    | Dickson   | Harris             | Pierce            |
| Avery       | Dodd      | Hawkins            | Powell            |
| Bailey      | Edwards   | Hearn              | Pruitt            |
| Bassett     | Faulk     | Hocklander         | Rast              |
| Bevill      | Ferguson  | Ingram             | Ray               |
| Bishop      | Franklin  | Johnston (Leonard) | Rogers            |
| Boyd        | Gilchrist | Locke              | Salter            |
| Branyon     | Gilmer    | McCorquodale       | Self              |
| Brewer      | Glass     | Merrill            | Sessions          |
| Britton     | Gordon    | Morrow             | Smith (St. Clair) |
| Broadfoot   | Grant     | Nettles            | Solomon           |
| Brooks      | Gross     | Oakley             | Steagall          |
| Camp        | Guthrie   | Oden               | Turner            |
| Copeland    | Hain      | Owens              |                   |

—63

### BILLS ON THIRD READING RESUMED

H. 693. To amend further Section 5 of Act No. 222, H. 317, approved February 27, 1879 (Acts of Alabama, 1878, p. 248), entitled "An Act To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue," by providing further for the compensation of the chairman and members of the board of revenue.

Was taken up.



Mr. Grouby offered the following amendment to the bill, H. 693:

# AMENDMENT TO H. B. 693

In Section 1, strike out the quotation mark at the end thereof, and insert the following: In addition, each member shall also be paid ten cents per mile in going to and returning from meetings of the board, and ten cents per mile for each mile necessarily traveled while occupied in the discharge of his duties in letting out, inspecting and accepting, building or repairing, any of the county bridges or buildings, roads or works."

And the amendment was adopted.

Yeas 83; Nays 0.

## Yeas:

|                            |            |                                |                               |
|----------------------------|------------|--------------------------------|-------------------------------|
| Messrs.:                   | Copeland   | Ingram                         | Phillips                      |
| Adams <sup>(Houston)</sup> | Cornett    | Jenkins                        | Pierce                        |
| Albea                      | Daniel     | Johnson <sup>(Hardaway)</sup>  | Powell                        |
| Ashworth                   | Dickson    | Johnson <sup>(J. T. Tom)</sup> | Pruitt                        |
| Avery                      | Dodd       | Jones <sup>(Covington)</sup>   | Ramey                         |
| Bailey                     | Edwards    | Lee                            | Rast                          |
| Barnett                    | Ferguson   | Locke                          | Ray                           |
| Bassett                    | Franklin   | Long <sup>(Perry)</sup>        | Reynolds <sup>(Madison)</sup> |
| Bevill                     | Gilmer     | McClendon <sup>(Chamb)</sup>   | Rogers                        |
| Bishop                     | Glass      | McCorquodale                   | Rozelle                       |
| Boyd                       | Gordon     | Martin                         | Salter                        |
| Brannan                    | Grant      | Meade                          | Self                          |
| Branyon                    | Grouby     | Merrill                        | Shumate                       |
| Brewer                     | Hain       | Morrow                         | Smith <sup>(St. Clair)</sup>  |
| Britton                    | Hanby      | Murphy                         | Speaks                        |
| Broadfoot                  | Hankins    | Nettles                        | Steagall                      |
| Brooks                     | Hardy      | Nichols                        | Taylor                        |
| Camp                       | Harris     | Oakley                         | Thomas                        |
| Cates                      | Harvey     | Oden                           | Trimmier                      |
| Chambers                   | Hawkins    | Owens                          | Turner                        |
| Cook                       | Hocklander | Perry                          | Turnham                       |

—83

And said bill, H. 693, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

## Yeas:

|                            |           |          |                                |
|----------------------------|-----------|----------|--------------------------------|
| Messrs.:                   | Brewer    | Dodd     | Hardy                          |
| Adams <sup>(Houston)</sup> | Britton   | Edwards  | Harris                         |
| Albea                      | Broadfoot | Ferguson | Harvey                         |
| Ashworth                   | Brooks    | Franklin | Hawkins                        |
| Avery                      | Cabiness  | Gilmer   | Hocklander                     |
| Bailey                     | Camp      | Glass    | Ingram                         |
| Barnett                    | Cates     | Gordon   | Jenkins                        |
| Bassett                    | Chambers  | Grant    | Johnson <sup>(Hardaway)</sup>  |
| Bevill                     | Cook      | Grouby   | Johnson <sup>(J. T. Tom)</sup> |
| Bishop                     | Copeland  | Guthrie  | Johnston <sup>(Leonard)</sup>  |
| Boyd                       | Cornett   | Hain     | Jones <sup>(Covington)</sup>   |
| Brannan                    | Daniel    | Hanby    | Lee                            |
| Branyon                    | Dickson   | Hankins  | Locke                          |

|                   |          |                     |                   |
|-------------------|----------|---------------------|-------------------|
| Long (Perry)      | Oakley   | Rast                | Smith (St. Clair) |
| McClendon (Chamb) | Oden     | Ray                 | Solomon           |
| McCorquodale      | Owens    | Reynolds (Chambers) | Speaks            |
| Martin            | Perry    | Reynolds (Madison)  | Steagall          |
| Meade             | Phillips | Rogers              | Taylor            |
| Merrill           | Pierce   | Rozelle             | Thomas            |
| Morrow            | Powell   | Salter              | Trimmier          |
| Murphy            | Pruitt   | Self                | Turner            |
| Nettles           | Ramey    | Sessions            | Turnham           |
| Nichols           |          |                     |                   |

—88

And the bill:

H. 721. To amend further Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, Vol. II, p. 981).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

#### Yeas:

|                 |          |                    |                    |
|-----------------|----------|--------------------|--------------------|
| Messrs.:        | Cornett  | Hocklander         | Phillips           |
| Adams (Houston) | Daniel   | Ingram             | Pierce             |
| Albea           | Dickson  | Jenkins            | Powell             |
| Avery           | Dodd     | Johnson (Hardaway) | Pruitt             |
| Bailey          | Edwards  | Johnston (Leonard) | Ramey              |
| Barnett         | Faulk    | Lee                | Rast               |
| Bassett         | Ferguson | Locke              | Ray                |
| Bevill          | Franklin | Long (Perry)       | Reynolds (Madison) |
| Bishop          | Gilmer   | McClendon (Chamb)  | Rogers             |
| Boyd            | Glass    | McCorquodale       | Rozelle            |
| Brannan         | Gordon   | Martin             | Salter             |
| Branyon         | Grant    | Meade              | Self               |
| Brewer          | Gross    | Merrill            | Sessions           |
| Britton         | Guthrie  | Morrow             | Smith (St. Clair)  |
| Broadfoot       | Hain     | Murphy             | Solomon            |
| Brooks          | Hanby    | Nettles            | Speaks             |
| Cabiness        | Hankins  | Nichols            | Steagall           |
| Camp            | Hardy    | Oakley             | Taylor             |
| Cates           | Harris   | Oden               | Thomas             |
| Chambers        | Harvey   | Owens              | Trimmier           |
| Cook            | Hawkins  | Perry              | Turner             |
| Copeland        |          |                    |                    |

—84

#### H. 400 INDEFINITELY POSTPONED

On motion of Mr. Faulk, the bill, H. 400, was indefinitely postponed.

And the bill:

H. 828. To encourage and promote medical and scientific research and the establishment of medical research facilities, and the development of scientific research devices, by exempting certain activities, persons, organizations, and properties from building and zoning restrictions, permits, and fees, and public health and sanitary inspection fees, charges, and limitations, in all counties having a population of not less than 125,000 nor more than 225,000, according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Messrs.:                   | Copeland    | Hawkins                        | Perry                         |
| Adams <sup>(Houston)</sup> | Cornett     | Hocklander                     | Phillips                      |
| Albea                      | Daniel      | Ingram                         | Pierce                        |
| Ashworth                   | Dickson     | Jenkins                        | Powell                        |
| Avery                      | Dodd        | Johnson <sup>(Hardaway)</sup>  | Pruitt                        |
| Bailey                     | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Ramey                         |
| Barnett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Rast                          |
| Bassett                    | Franklin    | Lee                            | Ray                           |
| Bevill                     | Gilmer      | Locke                          | Reynolds <sup>(Madison)</sup> |
| Bishop                     | Glass       | Long <sup>(Perry)</sup>        | Rogers                        |
| Boyd                       | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Rozelle                       |
| Brannan                    | Gordon      | McCorquodale                   | Salter                        |
| Branyon                    | Grant       | Martin                         | Self                          |
| Brewer                     | Gross       | Meade                          | Sessions                      |
| Britton                    | Grouby      | Merrill                        | Smith <sup>(St. Clair)</sup>  |
| Broadfoot                  | Guthrie     | Morrow                         | Speaks                        |
| Brooks                     | Hain        | Murphy                         | Steagall                      |
| Cabiness                   | Hanby       | Nettles                        | Taylor                        |
| Camp                       | Hankins     | Nichols                        | Thomas                        |
| Cates                      | Hardy       | Oakley                         | Trimmier                      |
| Chambers                   | Harris      | Oden                           | Turner                        |
| Cook                       | Harvey      | Owens                          |                               |

—86

**And the bill:**

H. 837. To levy additional county privilege license and excise taxes for public school purposes in Hale County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 86, H. 388, approved June 21, 1957 (Acts 1957, vol. I, pp. 127-130).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

**Yeas:**

|                            |           |           |            |
|----------------------------|-----------|-----------|------------|
| Messrs.:                   | Branyon   | Dickson   | Grouby     |
| Adams <sup>(Houston)</sup> | Britton   | Dodd      | Guthrie    |
| Albea                      | Broadfoot | Edwards   | Hain       |
| Ashworth                   | Brooks    | Faulk     | Hanby      |
| Avery                      | Cabiness  | Ferguson  | Hankins    |
| Bailey                     | Camp      | Franklin  | Hardy      |
| Barnett                    | Cates     | Gilchrist | Harris     |
| Bassett                    | Chambers  | Gilmer    | Harvey     |
| Bevill                     | Cook      | Glass     | Hawkins    |
| Bishop                     | Copeland  | Gordon    | Hocklander |
| Boyd                       | Cornett   | Grant     | Ingram     |
| Brannan                    | Daniel    | Gross     | Jenkins    |

|                                |          |                               |                              |
|--------------------------------|----------|-------------------------------|------------------------------|
| Johnson <sup>(Hardaway)</sup>  | Merrill  | Powell                        | Sessions                     |
| Johnson <sup>(J. T. Tom)</sup> | Murphy   | Pruitt                        | Smith <sup>(St. Clair)</sup> |
| Johnston <sup>(Leonard)</sup>  | Nettles  | Ramey                         | Speaks                       |
| Lee                            | Nichols  | Rast                          | Steagall                     |
| Locke                          | Oakley   | Ray                           | Taylor                       |
| Long <sup>(Perry)</sup>        | Oden     | Reynolds <sup>(Madison)</sup> | Thomas                       |
| McClendon <sup>(Chamb)</sup>   | Owens    | Rogers                        | Trimmier                     |
| McCorquodale                   | Perry    | Rozelle                       | Turner                       |
| Martin                         | Phillips | Self                          | Turnham                      |
| Meade                          | Pierce   |                               |                              |

—85

And the bill:

H. 735. Relating to counties having a population of not less than 50,000 nor more than 60,000 inhabitants, according to the last or any subsequent federal decennial census who elect to come under the provisions of this Act as hereinafter provided; providing a more convenient and efficient method for the registration, assessment of taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, and the transfer of ownership of motor vehicles; creating a motor vehicle license department in each county to which this Act is made to apply as herein provided and providing for the appointment, qualification, terms, compensation, powers, duties, and authority of the director and deputy director thereof; transferring to the motor vehicle license department, and the director thereof, all the powers, duties, responsibilities, liabilities and authority of the tax assessor, tax collector, and judge of probate relative to the registration, assessment for taxes, collection of ad valorem taxes, sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, the transfer of ownership of motor vehicles, and the distribution of the fees, charges and commissions collected and received therefrom; providing an additional and alternative method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles; providing for clerical assistance, office space, equipment, supplies, and other conveniences necessary of the efficient operation and conduct of the motor vehicle license department; providing for the method by which a county to which this Act applies can elect to come within the provisions of said Act and the effective date thereof; providing the method by which a county may withdraw from the provisions of this Act and the effective date of withdrawal; and the abolishing of all laws and parts of laws in conflict with said Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

**Yeas:**

|                            |           |           |            |
|----------------------------|-----------|-----------|------------|
| Messrs.:                   | Branyon   | Daniel    | Gross      |
| Adams <sup>(Houston)</sup> | Brewer    | Dickson   | Guthrie    |
| Albea                      | Britton   | Dodd      | Hain       |
| Ashworth                   | Broadfoot | Edwards   | Hanby      |
| Avery                      | Cabiness  | Faulk     | Hankins    |
| Barnett                    | Camp      | Ferguson  | Hardy      |
| Bassett                    | Chambers  | Franklin  | Harris     |
| Bevill                     | Cook      | Gilchrist | Harvey     |
| Bishop                     | Copeland  | Gordon    | Hawkins    |
| Brannan                    | Cornett   | Grant     | Hocklander |

|                                |              |                               |                              |
|--------------------------------|--------------|-------------------------------|------------------------------|
| Ingram                         | McCorquodale | Phillips                      | Sessions                     |
| Jenkins                        | Meade        | Powell                        | Smith <sup>(St. Clair)</sup> |
| Johnson <sup>(Hardaway)</sup>  | Merrill      | Pruitt                        | Speaks                       |
| Johnson <sup>(J. T. Tom)</sup> | Murphy       | Rast                          | Steagall                     |
| Johnston <sup>(Leonard)</sup>  | Nettles      | Ray                           | Thomas                       |
| Lee                            | Oakley       | Reynolds <sup>(Madison)</sup> | Trimmier                     |
| Locke                          | Oden         | Rogers                        | Turner                       |
| Long <sup>(Perry)</sup>        | Owens        | Rozelle                       | Turnham                      |
| McClendon <sup>(Chamb)</sup>   | Perry        | Self                          |                              |

—74

And the bill:

H. 838. To amend Section 2 of an act approved June 3, 1953, establishing a board of revenue for Hale County (Act No. 61, H. 209, Acts of Alabama 1953, Vol. I, p. 89) so as to provide for the election of members of the board of revenue by districts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Messrs.:                   | Cornett     | Harvey                         | Phillips                      |
| Adams <sup>(Houston)</sup> | Daniel      | Hawkins                        | Pierce                        |
| Albea                      | Dickson     | Hocklander                     | Powell                        |
| Ashworth                   | Dodd        | Ingram                         | Pruitt                        |
| Avery                      | Edwards     | Jenkins                        | Ramey                         |
| Bailey                     | Faulk       | Johnson <sup>(Hardaway)</sup>  | Rast                          |
| Barnett                    | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Ray                           |
| Bassett                    | Franklin    | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Madison)</sup> |
| Bevill                     | Gilchrist   | Lee                            | Rogers                        |
| Bishop                     | Gilmer      | Long <sup>(Perry)</sup>        | Rozelle                       |
| Boyd                       | Glass       | McClendon <sup>(Chamb)</sup>   | Salter                        |
| Brannan                    | Goldthwaite | McCorquodale                   | Self                          |
| Branyon                    | Gordon      | Martin                         | Sessions                      |
| Brewer                     | Grant       | Meade                          | Smith <sup>(St. Clair)</sup>  |
| Britton                    | Gross       | Merrill                        | Speaks                        |
| Broadfoot                  | Guthrie     | Murphy                         | Steagall                      |
| Cabiness                   | Hain        | Nettles                        | Taylor                        |
| Camp                       | Hanby       | Oakley                         | Thomas                        |
| Cates                      | Hankins     | Oden                           | Trimmier                      |
| Chambers                   | Hardy       | Owens                          | Turner                        |
| Cook                       | Harris      | Perry                          | Turnham                       |
| Copeland                   |             |                                |                               |

—84

And the bill:

H. 851. To provide for the relief of W. E. Sikes, of Roanoke, by Randolph County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

**Yeas:**

|                            |         |         |           |
|----------------------------|---------|---------|-----------|
| Messrs.:                   | Avery   | Bevill  | Brewer    |
| Adams <sup>(Houston)</sup> | Bailey  | Bishop  | Britton   |
| Albea                      | Barnett | Brannan | Broadfoot |
| Ashworth                   | Bassett | Branyon | Brooks    |

|             |                                |                              |                                |
|-------------|--------------------------------|------------------------------|--------------------------------|
| Cabiness    | Gordon                         | Lee                          | Ramey                          |
| Camp        | Grant                          | Long <sup>(Perry)</sup>      | Past                           |
| Cates       | Gross                          | McClendon <sup>(Chamb)</sup> | Ray                            |
| Chambers    | Guthrie                        | McCorquodale                 | Reynolds <sup>(Chambers)</sup> |
| Cook        | Hain                           | Martin                       | Reynolds <sup>(Mason)</sup>    |
| Copeland    | Hanby                          | Meade                        | Rogers                         |
| Cornett     | Hankins                        | Merrill                      | Rozelle                        |
| Daniel      | Hardy                          | Murphy                       | Self                           |
| Dickson     | Harris                         | Nettles                      | Sessions                       |
| Dodd        | Harvey                         | Oakley                       | Smith <sup>(St. Clair)</sup>   |
| Edwards     | Hawkins                        | Oden                         | Speaks                         |
| Faulk       | Hocklander                     | Owens                        | Steagall                       |
| Ferguson    | Ingram                         | Perry                        | Taylor                         |
| Franklin    | Jenkins                        | Phillips                     | Thomas                         |
| Gilchrist   | Johnson <sup>(Hardaway)</sup>  | Pierce                       | Trimmier                       |
| Gilmer      | Johnson <sup>(J. T. Tom)</sup> | Powell                       | Turner                         |
| Glass       | Johnston <sup>(Leonard)</sup>  | Pruitt                       | Turnham                        |
| Goldthwaite |                                |                              |                                |

### And the bill:

H. 854. To create in the City of Tuscaloosa, Alabama, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departments, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such fund of a proportion of the monthly salary of such members of the fire department and police department of such city as are eligible to participate in the benefits of such fund; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies, including mutual and industrial fire insurance companies, doing business within such city, and for making a sworn report by such insurance companies of such premiums to the Board of Trustees of such fund, and to prescribe the penalty for failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerk by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such city, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such fund certain witness fees and certain rewards and gratuities received by firemen and policemen; to provide for the payment into such fund of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing body of such city to make appropriations to such fund out of the city treasury; to create in such city a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the transfer of all monies, securities, property, assets, and things of value in any Firemen's and Policemen's Fund in the City heretofore created to the jurisdiction and control of the Board of Trustees created under this Act; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees

of such fund; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department and police department and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Messrs.:                   | Copeland    | Harris                         | Perry                        |
| Adams <sup>(Houston)</sup> | Cornett     | Harvey                         | Phillips                     |
| Albea                      | Daniel      | Hawkins                        | Pierce                       |
| Ashworth                   | Dickson     | Hocklander                     | Powell                       |
| Avery                      | Dodd        | Ingram                         | Pruitt                       |
| Bailey                     | Edwards     | Jenkins                        | Ramey                        |
| Barnett                    | Faulk       | Johnson <sup>(Hardaway)</sup>  | Rast                         |
| Bassett                    | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Ray                          |
| Bevill                     | Franklin    | Johnston <sup>(Leonard)</sup>  | Rogers                       |
| Bishop                     | Gilchrist   | Lee                            | Rozelle                      |
| Branyon                    | Gilmer      | Long <sup>(Perry)</sup>        | Self                         |
| Brewer                     | Glass       | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Britton                    | Goldthwaite | McCorquodale                   | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Gordon      | Martin                         | Speaks                       |
| Brooks                     | Grant       | Meade                          | Steagall                     |
| Cabiness                   | Gross       | Merrill                        | Taylor                       |
| Callahan                   | Guthrie     | Murphy                         | Thomas                       |
| Camp                       | Hain        | Nettles                        | Trimmier                     |
| Cates                      | Hanby       | Oakley                         | Turner                       |
| Chambers                   | Hankins     | Oden                           | Turnham                      |
| Cook                       | Hardy       | Owens                          |                              |

—82

And the bill:

H. 856. To abolish the office of comptroller of Walker County, and establish in lieu thereof a county depository; and to provide for the performance of certain duties relative to county funds by the county depository and other duties relative thereto by the Board of Finance and Control of Walker County and the President thereof, or any other like governing body of such county and its presiding officer.

Was taken up.

Mr. Bevill offered the following amendment to the bill, H. 856.

**AMENDMENT TO H. B. 856**

Strike out Section 8 of the bill entirely and substitute therefor the following as Section 8:

The provisions of this Act shall become operative only if approved by a majority of the electors of Walker County who vote in a referendum election held for that purpose, which shall be held on the date of the first countywide election held after adjournment of the 1959 Regular Session of the Legislature for the purpose of voting on amendments to the Constitution of Alabama. The governing body of Walker County shall order and provide for holding the referendum on such date, and for canvassing the results thereof. On the ballots to be used at the election the question shall be stated substantially as follows: "Do you favor abolishing the office of comptroller of Walker County as provided in H. B. 856 enacted at the 1959 Regular Session of the Legislature of Alabama?" If a majority of the votes cast at the election are "Yes," the provisions of this Act shall become operative on the first day of the month next succeeding the month during which the referendum is held. However, if a majority of votes cast at the election are "No," this Act shall have no further effect. The result of the election shall be certified to the secretary of state, State of Alabama, and to the chief examiner of public accounts, Montgomery, Alabama, by the probate judge of Walker County, within ten days after the results of the election have been ascertained.

And the amendment was adopted.

Yeas 81; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Messrs.:                   | Cornett     | Harvey                         | Pierce                         |
| Adams <sup>(Houston)</sup> | Daniel      | Hawkins                        | Powell                         |
| Albea                      | Dickson     | Hocklander                     | Pruitt                         |
| Ashworth                   | Dodd        | Ingram                         | Ramey                          |
| Bailey                     | Edwards     | Jenkins                        | Rast                           |
| Barnett                    | Faulk       | Johnson <sup>(Hardaway)</sup>  | Ray                            |
| Bassett                    | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Franklin    | Lee                            | Reynolds <sup>(Madison)</sup>  |
| Bishop                     | Gilchrist   | Long <sup>(Perry)</sup>        | Rogers                         |
| Boyd                       | Gilmer      | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Brannan                    | Glass       | McCorquodale                   | Self                           |
| Branyon                    | Goldthwaite | Meade                          | Sessions                       |
| Britton                    | Gordon      | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grant       | Murphy                         | Solomon                        |
| Brooks                     | Gross       | Nettles                        | Speaks                         |
| Cabiness                   | Guthrie     | Oakley                         | Steagall                       |
| Camp                       | Hain        | Oden                           | Thomas                         |
| Cates                      | Hanby       | Owens                          | Trimmier                       |
| Chambers                   | Hankins     | Perry                          | Turner                         |
| Cook                       | Hardy       | Phillips                       | Turnham                        |
| Copeland                   | Harris      |                                |                                |

—81

And said bill, H. 856, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

**Yeas:**

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Messrs.:                   | Barnett | Brannan   | Brooks   |
| Adams <sup>(Houston)</sup> | Bassett | Branyon   | Cabiness |
| Albea                      | Bevill  | Brewer    | Camp     |
| Ashworth                   | Bishop  | Britton   | Cates    |
| Avery                      | Boyd    | Broadfoot | Chambers |



|           |                                |          |                                |
|-----------|--------------------------------|----------|--------------------------------|
| Cook      | Hankins                        | Martin   | Ray                            |
| Copeland  | Hardy                          | Meade    | Reynolds <sup>(Chambers)</sup> |
| Cornett   | Harris                         | Merrill  | Reynolds <sup>(Madison)</sup>  |
| Daniel    | Harvey                         | Morrow   | Rogers                         |
| Dodd      | Hawkins                        | Murphy   | Rozelle                        |
| Edwards   | Hocklander                     | Nettles  | Self                           |
| Faulk     | Ingram                         | Oakley   | Sessions                       |
| Ferguson  | Jenkins                        | Oden     | Shumate                        |
| Franklin  | Johnson <sup>(Hardaway)</sup>  | Owens    | Smith <sup>(St. Clair)</sup>   |
| Gilchrist | Johnson <sup>(J. T. Tom)</sup> | Perry    | Solomon                        |
| Gilmer    | Johnston <sup>(Leonard)</sup>  | Phillips | Speaks                         |
| Gordon    | Lee                            | Pierce   | Steagall                       |
| Grant     | Locke                          | Powell   | Thomas                         |
| Gross     | Long <sup>(Perry)</sup>        | Pruitt   | Trimmier                       |
| Guthrie   | McClendon <sup>(Chamb)</sup>   | Ramey    | Turner                         |
| Hain      | McCorquodale                   | Rast     | Turnham                        |
| Hanby     |                                |          |                                |

—84

And the bill:

H. 859. To alter, re-arrange and extend the boundaries and corporate limits of the municipality of Greensboro in Hale County; annexing certain territory to said municipality.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment. .

Yeas 77; Nays 0.

#### Yeas:

|                            |           |                                |                                |
|----------------------------|-----------|--------------------------------|--------------------------------|
| Messrs.:                   | Cornett   | Ingram                         | Phillips                       |
| Adams <sup>(Houston)</sup> | Daniel    | Jenkins                        | Powell                         |
| Albea                      | Dodd      | Johnson <sup>(Hardaway)</sup>  | Pruitt                         |
| Ashworth                   | Edwards   | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Avery                      | Faulk     | Johnston <sup>(Leonard)</sup>  | Rast                           |
| Barnett                    | Ferguson  | Lee                            | Ray                            |
| Bevill                     | Franklin  | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Bishop                     | Gilchrist | Long <sup>(Perry)</sup>        | Reynolds <sup>(Madison)</sup>  |
| Boyd                       | Gilmer    | McClendon <sup>(Chamb)</sup>   | Rogers                         |
| Brannan                    | Gordon    | McCorquodale                   | Rozelle                        |
| Branyon                    | Grant     | Martin                         | Self                           |
| Brewer                     | Gross     | Meade                          | Sessions                       |
| Britton                    | Guthrie   | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hain      | Murphy                         | Solomon                        |
| Cabiness                   | Hanby     | Nettles                        | Steagall                       |
| Camp                       | Hankins   | Oakley                         | Sullivan                       |
| Cates                      | Hardy     | Oden                           | Thomas                         |
| Chambers                   | Harris    | Owens                          | Turner                         |
| Cook                       | Harvey    | Perry                          | Turnham                        |
| Copeland                   | Hawkins   |                                |                                |

—77

And the bill:

S. 348. Relating to the holding of elections in Marengo County; requiring the court of county commissioners, board of revenue, or other like governing body of Marengo County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

Was read a third time at length and passed.

Yeas 82; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Messrs.:                   | Cornett     | Hawkins                        | Pierce                         |
| Adams <sup>(Houston)</sup> | Daniel      | Ingram                         | Powell                         |
| Albea                      | Dodd        | Jenkins                        | Pruitt                         |
| Avery                      | Edwards     | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Bailey                     | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Barnett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Bassett                    | Franklin    | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Gilchrist   | Locke                          | Reynolds <sup>(Madison)</sup>  |
| Bishop                     | Gilmer      | Long <sup>(Perry)</sup>        | Rogers                         |
| Boyd                       | Glass       | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Brannan                    | Goldthwaite | McCorquodale                   | Self                           |
| Branyon                    | Gordon      | Martin                         | Sessions                       |
| Brewer                     | Grant       | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Gross       | Merrill                        | Solomon                        |
| Broadfoot                  | Guthrie     | Murphy                         | Steagall                       |
| Cabiness                   | Hain        | Nettles                        | Sullivan                       |
| Camp                       | Hanby       | Oakley                         | Taylor                         |
| Cates                      | Hankins     | Oden                           | Thomas                         |
| Chambers                   | Hardy       | Owens                          | Turner                         |
| Cook                       | Harris      | Perry                          | Turnham                        |
| Copeland                   | Harvey      | Phillips                       |                                |

—82

And the bill:

S. 352. Relating to Elmore County: To provide for a Clerk in the office of the Clerk of the Circuit Court of Elmore County, Alabama; to fix the method and basis of such Clerk's employment and compensation, and to designate the fund from which payable; to repeal all laws in conflict herewith; to provide that the partial invalidity of this Act shall not affect the remainder thereof; and to fix the time when this Act shall become effective.

Was read a third time at length and passed.

Yeas 81; Nays 0.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Messrs.:                   | Dodd        | Jenkins                        | Pierce                        |
| Adams <sup>(Houston)</sup> | Edwards     | Johnson <sup>(Hardaway)</sup>  | Powell                        |
| Albea                      | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Pruitt                        |
| Avery                      | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ramey                         |
| Bailey                     | Franklin    | Jones <sup>(Covington)</sup>   | Rast                          |
| Barnett                    | Gilchrist   | Lee                            | Ray                           |
| Bassett                    | Gilmer      | Locke                          | Reynolds <sup>(Madison)</sup> |
| Bevill                     | Glass       | McClendon <sup>(Chamb)</sup>   | Rogers                        |
| Boyd                       | Goldthwaite | McCorquodale                   | Rozelle                       |
| Brannan                    | Gordon      | Martin                         | Self                          |
| Branyon                    | Grant       | Meade                          | Sessions                      |
| Brewer                     | Gross       | Merrill                        | Smith <sup>(St. Clair)</sup>  |
| Britton                    | Guthrie     | Morrow                         | Solomon                       |
| Broadfoot                  | Hain        | Murphy                         | Speaks                        |
| Cabiness                   | Hanby       | Nettles                        | Steagall                      |
| Camp                       | Hankins     | Oakley                         | Sullivan                      |
| Cates                      | Hardy       | Oden                           | Taylor                        |
| Chambers                   | Harris      | Owens                          | Thomas                        |
| Cook                       | Harvey      | Perry                          | Turner                        |
| Cornett                    | Hawkins     | Phillips                       | Turnham                       |
| Daniel                     | Ingram      |                                |                               |

—81

And the bill:

H. 861. To alter and re-arrange the boundary lines of the City of Homewood, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Messrs.:                   | Edwards     | Jenkins                        | Phillips                      |
| Adams <sup>(Houston)</sup> | Faulk       | Johnson <sup>(Hardaway)</sup>  | Pierce                        |
| Albea                      | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Powell                        |
| Bailey                     | Franklin    | Johnston <sup>(Leonard)</sup>  | Pruitt                        |
| Barnett                    | Gilchrist   | Jones <sup>(Covington)</sup>   | Ramey                         |
| Bassett                    | Gilmer      | Lee                            | Rast                          |
| Bevill                     | Glass       | Locke                          | Ray                           |
| Bishop                     | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Reynolds <sup>(Madison)</sup> |
| Boyd                       | Gordon      | McCorquodale                   | Rogers                        |
| Brannan                    | Grant       | Martin                         | Rozelle                       |
| Branyon                    | Gross       | Meade                          | Self                          |
| Brewer                     | Guthrie     | Merrill                        | Sessions                      |
| Britton                    | Hain        | Morrow                         | Smith <sup>(St. Clair)</sup>  |
| Broadfoot                  | Hanby       | Murphy                         | Solomon                       |
| Camp                       | Hankins     | Nettles                        | Steagall                      |
| Cates                      | Hardy       | Oakley                         | Taylor                        |
| Chambers                   | Harris      | Oden                           | Thomas                        |
| Cook                       | Harvey      | Owens                          | Turner                        |
| Daniel                     | Hawkins     | Perry                          | Turnham                       |
| Dodd                       | Ingram      |                                |                               |

—77

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Brooks to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 473, was adopted.

And the bill:

H. 473. Providing for the utilization of convicts by the Commissioner of Corrections or the Director of the State Highway Department to work upon, clean, and restore certain cemeteries or graveyards.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

**Yeas:**

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Mr. Speaker                | Bassett | Britton   | Chambers |
| Adams <sup>(Houston)</sup> | Bevill  | Broadfoot | Cook     |
| Albea                      | Bishop  | Brooks    | Copeland |
| Ashworth                   | Boyd    | Cabiness  | Cornett  |
| Avery                      | Brannan | Callahan  | Daniel   |
| Bailey                     | Branyon | Camp      | Dickson  |
| Barnett                    | Brewer  | Cates     | Faulk    |

|             |                                |                                |                               |
|-------------|--------------------------------|--------------------------------|-------------------------------|
| Ferguson    | Harvey                         | Murphy                         | Reynolds <sup>(Madison)</sup> |
| Franklin    | Hawkins                        | Nettles                        | Rogers                        |
| Gilchrist   | Hocklander                     | Oakley                         | Rozelle                       |
| Gilmer      | Ingram                         | Oden                           | Self                          |
| Glass       | Jenkins                        | Owens                          | Sessions                      |
| Goldthwaite | Johnson <sup>(Hardaway)</sup>  | Perry                          | Smith <sup>(St. Clair)</sup>  |
| Gordon      | Johnson <sup>(J. T. Tom)</sup> | Phillips                       | Solomon                       |
| Grant       | Johnston <sup>(Leonard)</sup>  | Pierce                         | Steagall                      |
| Gross       | Jones <sup>(Covington)</sup>   | Powell                         | Sullivan                      |
| Grouby      | Lee                            | Pruitt                         | Taylor                        |
| Guthrie     | McClendon <sup>(Chamb)</sup>   | Ramey                          | Thomas                        |
| Hanby       | McCorquodale                   | Rast                           | Turner                        |
| Hankins     | Meade                          | Ray                            | Turnham                       |
| Hardy       | Merrill                        | Reynolds <sup>(Chambers)</sup> |                               |

—83

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Faulk to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 446, was adopted.

And the bill:

H. 446. Relating to primary elections; amending Section 357 of Title 17, Code of Alabama 1940; providing that watchers at polling places must be sworn at the same time as election officers, and that watchers must be qualified to vote at the polling places for which they are appointed.

Was taken up.

On motion of Mr. Faulk, further consideration of the bill, H. 446, was temporarily postponed.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Copeland to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 395, H. 36 and H. 38, was adopted.

And the bill:

H. 395. To amend Section 5 of Title 27, Code of Alabama 1940, relating to the adoption of children; providing that a final order of adoption made by a court of competent jurisdiction shall be incontestable for any irregularity, infirmity, or defect in the adoption proceedings after the lapse of five years from the date thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 2.

## Yeas:

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Messrs.:                   | Bishop  | Broadfoot | Cook     |
| Adams <sup>(Houston)</sup> | Boyd    | Brooks    | Copeland |
| Albea                      | Brannan | Callahan  | Cornett  |
| Avery                      | Branyon | Camp      | Daniel   |
| Barnett                    | Brewer  | Cates     | Dickson  |
| Bevill                     | Britton | Chambers  | Dodd     |

|             |                                |                              |                              |
|-------------|--------------------------------|------------------------------|------------------------------|
| Faulk       | Hanby                          | Long <sup>(Perry)</sup>      | Ramey                        |
| Ferguson    | Hankins                        | McClendon <sup>(Chamb)</sup> | Rogers                       |
| Franklin    | Hardy                          | McCorquodale                 | Rozelle                      |
| Gilchrist   | Harris                         | Meade                        | Self                         |
| Gilmer      | Ingram                         | Merrill                      | Sessions                     |
| Glass       | Jenkins                        | Murphy                       | Smith <sup>(St. Clair)</sup> |
| Goldthwaite | Johnson <sup>(Hardaway)</sup>  | Nettles                      | Speaks                       |
| Gordon      | Johnson <sup>(J. T. Tom)</sup> | Oakley                       | Steagall                     |
| Grant       | Johnston <sup>(Leonard)</sup>  | Owens                        | Sullivan                     |
| Gross       | Jones <sup>(Covington)</sup>   | Perry                        | Thomas                       |
| Grouby      | Lee                            | Phillips                     | Turner                       |
| Guthrie     | Locke                          | Powell                       | Turnham                      |
| Hain        |                                |                              | —72                          |

**Nays:** Messrs. Cabiness and Oden.

—2

And the bill:

H. 36 (with substitute). Relating to frauds concerning checks, drafts, or orders for the payment of money; prohibiting the giving of worthless checks or drafts; prescribing penalties; repealing conflicting laws (Act No. 116, H. 63, approved June 20, 1951).

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to frauds concerning checks, drafts, or orders for the payment of money; prohibiting the giving of worthless checks or drafts; prescribing penalties; repealing conflicting laws (Act No. 116, H. 63, approved June 20, 1951).

Be it Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to procure any article or thing of value, or to secure possession of any personal property to which a lien has attached, or to make payment of any pre-existing debt or other obligation of whatsoever form or nature, or for any other purpose, including payment of wages or salaries for personal services, to make or draw or utter or deliver, with intent to defraud, any check, draft or order, for the payment of money, upon any bank, person, firm, or corporation, knowing at the time of such making, drawing, uttering, or delivering, that the maker, or drawer, has not sufficient funds in, or on deposit with, such bank, person, firm, or corporation, for the payment of such check, draft, or order, in full, and all other checks, drafts, or orders upon such funds then outstanding.

Section 2. As against the maker, or drawer thereof, the making, drawing, uttering, or delivering of a check, draft, or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or on deposit with, such bank, person, firm, or corporation. Provided, proof of payment of the amount due the holder of the check, draft, or order by the

drawer, within ten days after notice that such check, draft, or order was not paid by the drawee, shall be sufficient to overcome any imputation of fraud.

Section 3. The word "notice" as used herein shall be construed to include either notice given to the person entitled thereto in person or notice given to such person in writing. Such notice in writing shall be conclusively presumed to have been given when deposited, as registered or certified mail, in the United States mail, addressed to such person at his address as it appears on such check, draft, or order, or at his last known address.

Section 4. Whoever violates this Act is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one thousand dollars or imprisonment for not more than one year, or both. And in addition thereto, the court, justice, or jury trying the issue, unless the property has been returned or the value thereof paid to the owner, must assess the value of each article, and such assessed value shall be made an item of cost in the case, and shall be paid in like manner as other costs taxed against the defendant; and the clerk of the court shall issue a certificate to the owner of the property for the value of such property as assessed by the court or jury; provided, that the amount of such assessed value must not be included in any bill of costs paid by the State, or for which the defendant is sentenced to hard labor. On the second or any subsequent conviction of an offense described herein, when the conviction arises out of the issuance of a check, draft, or order dated subsequent to the date of the conviction of the first offense, the defendant must be sentenced to hard labor for the county for not less than thirty (30) days.

Section 5. Any person who has theretofore filed a complaint with any circuit or county solicitor of this State alleging a violation of this Act, or who has furnished information to any such circuit or county solicitor which has resulted in the acceptance of such circuit or county solicitor of such a complaint, or who has testified concerning such a violation before a grand jury of this State which has thereafter returned an indictment on such violation, who shall suggest to or request the circuit or county solicitor in charge of such prosecution that such case be dismissed shall be taxed with all costs accruing in the proceeding.

Section 6. This Act supersedes Act No. 116, H. 63, approved June 20, 1951, and said Act No. 116 is hereby expressly repealed.

Section 7. If any section, subsection, clause, phrase, or sentence of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, clause, phrase or sentence thereof, irrespective of the fact that one or more of the sections, subsections, clauses, phrases or sentences be declared unconstitutional.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, provided, that no case pending in court on the date of its enactment shall be affected thereby.

And the substitute was adopted.

Yeas 73; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Messrs.:                   | Daniel      | Hearn                          | Owens                        |
| Adams <sup>(Houston)</sup> | Dickson     | Hocklander                     | Perry                        |
| Ashworth                   | Dodd        | Ingram                         | Phillips                     |
| Avery                      | Faulk       | Jenkins                        | Powell                       |
| Barnett                    | Ferguson    | Johnson <sup>(Hardaway)</sup>  | Ramey                        |
| Bevill                     | Franklin    | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Bishop                     | Gilchrist   | Johnston <sup>(Leonard)</sup>  | Ray                          |
| Boyd                       | Gilmer      | Jones <sup>(Covington)</sup>   | Rogers                       |
| Branyon                    | Glass       | Lee                            | Rozelle                      |
| Brewer                     | Goldthwaite | Locke                          | Self                         |
| Britton                    | Gordon      | Long <sup>(Perry)</sup>        | Sessions                     |
| Broadfoot                  | Grant       | McClendon <sup>(Chamb)</sup>   | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Gross       | McCorquodale                   | Steagall                     |
| Camp                       | Grouby      | Martin                         | Taylor                       |
| Cates                      | Guthrie     | Meade                          | Thomas                       |
| Chambers                   | Hanby       | Merrill                        | Trimmier                     |
| Cook                       | Hankins     | Murphy                         | Turner                       |
| Copeland                   | Hardy       | Oden                           | Turnham                      |
| Cornett                    | Harris      |                                |                              |

—73

Mr. Copeland offered the following amendment to the bill, H. 36, as amended:

Amend the Committee Substitute for House Bill 36 as follows:

In the last line of Section 2, strike out the words "any imputation of fraud" and insert therefor the following words: "the presumption of prima facie evidence provided herein."

And the amendment was adopted.

Yeas 69; Nays 0.

**Yeas:**

|                            |           |                                |                               |
|----------------------------|-----------|--------------------------------|-------------------------------|
| Messrs.:                   | Copeland  | Hocklander                     | Perry                         |
| Adams <sup>(Houston)</sup> | Daniel    | Ingram                         | Phillips                      |
| Albea                      | Dodd      | Jenkins                        | Powell                        |
| Avery                      | Faulk     | Johnson <sup>(Hardaway)</sup>  | Ramey                         |
| Barnett                    | Ferguson  | Johnson <sup>(J. T. Tom)</sup> | Ray                           |
| Bevill                     | Gilchrist | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Madison)</sup> |
| Bishop                     | Gilmer    | Jones <sup>(Covington)</sup>   | Rogers                        |
| Brannan                    | Glass     | Lee                            | Rozelle                       |
| Branyon                    | Gordon    | Locke                          | Sessions                      |
| Brewer                     | Grant     | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup>  |
| Britton                    | Gross     | McClendon <sup>(Chamb)</sup>   | Solomon                       |
| Broadfoot                  | Grouby    | Martin                         | Steagall                      |
| Brooks                     | Guthrie   | Meade                          | Taylor                        |
| Cabiness                   | Hanby     | Merrill                        | Thomas                        |
| Camp                       | Hankins   | Murphy                         | Trimmier                      |
| Cates                      | Hardy     | Oden                           | Turner                        |
| Chambers                   | Harris    | Owens                          | Turnham                       |
| Cook                       | Hearn     |                                |                               |

—69

And said bill, H. 36, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Hawkins                        | Owens                        |
| Adams <sup>(Houston)</sup> | Dickson     | Hearn                          | Perry                        |
| Albea                      | Dodd        | Hocklander                     | Phillips                     |
| Ashworth                   | Edwards     | Ingram                         | Pierce                       |
| Avery                      | Faulk       | Jenkins                        | Powell                       |
| Bailey                     | Ferguson    | Johnson <sup>(Hardaway)</sup>  | Pruitt                       |
| Barnett                    | Franklin    | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Bevill                     | Gilchrist   | Johnston <sup>(Leonard)</sup>  | Ray                          |
| Bishop                     | Gilmer      | Jones <sup>(Covington)</sup>   | Rogers                       |
| Boyd                       | Glass       | Locke                          | Rozelle                      |
| Branyon                    | Goldthwaite | Long <sup>(Perry)</sup>        | Salter                       |
| Brewer                     | Gordon      | McClendon <sup>(Chamb)</sup>   | Self                         |
| Britton                    | Grant       | McCorquodale                   | Sessions                     |
| Broadfoot                  | Guthrie     | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Hain        | Meade                          | Solomon                      |
| Cabiness                   | Hanby       | Merrill                        | Speaks                       |
| Camp                       | Hankins     | Murphy                         | Steagall                     |
| Cates                      | Hardy       | Nettles                        | Taylor                       |
| Chambers                   | Harris      | Oakley                         | Trimmier                     |
| Cook                       | Harvey      | Oden                           | Turner                       |
| Cornett                    |             |                                |                              |

—81

**And the bill:**

H. 38. Relating to civil remedies and procedures; providing for actions on worthless checks, drafts, or orders for the payment of money.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Daniel      | Hocklander                    | Phillips                       |
| Adams <sup>(Houston)</sup> | Dickson     | Ingram                        | Pierce                         |
| Ashworth                   | Dodd        | Jenkins                       | Powell                         |
| Avery                      | Edwards     | Johnson <sup>(Hardaway)</sup> | Pruitt                         |
| Bailey                     | Ferguson    | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Barnett                    | Franklin    | Jones <sup>(Covington)</sup>  | Rast                           |
| Bevill                     | Gilchrist   | Lee                           | Ray                            |
| Bishop                     | Gilmer      | Locke                         | Reynolds <sup>(Chambers)</sup> |
| Boyd                       | Glass       | Long <sup>(Perry)</sup>       | Rogers                         |
| Branyon                    | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Rozelle                        |
| Brewer                     | Grant       | McCorquodale                  | Salter                         |
| Britton                    | Gross       | Martin                        | Self                           |
| Broadfoot                  | Guthrie     | Meade                         | Sessions                       |
| Brooks                     | Hain        | Merrill                       | Smith <sup>(St. Clair)</sup>   |
| Cabiness                   | Hanby       | Murphy                        | Solomon                        |
| Camp                       | Hardy       | Nettles                       | Speaks                         |
| Cates                      | Harris      | Oakley                        | Steagall                       |
| Chambers                   | Harvey      | Oden                          | Taylor                         |
| Cook                       | Hawkins     | Owens                         | Trimmier                       |
| Copeland                   | Hearn       | Perry                         | Turner                         |

—80

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Ashworth to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 520,



H. 521 and H. 420, was adopted.

And the bill:

H. 520. To amend Section 27 of Title 42, Code of Alabama (1940), which relates to compacts for out-of-state parolee supervision, to include territories of the United States and the District of Columbia within the purview thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|             |             |                                |                                |
|-------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker | Cornett     | Hearn                          | Powell                         |
| Albea       | Daniel      | Hocklander                     | Pruitt                         |
| Ashworth    | Dickson     | Ingram                         | Ramey                          |
| Avery       | Dodd        | Jenkins                        | Rast                           |
| Bailey      | Faulk       | Johnson <sup>(Hardaway)</sup>  | Ray                            |
| Barnett     | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bassett     | Franklin    | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Macdon)</sup>   |
| Bevill      | Gilchrist   | Jones <sup>(Covington)</sup>   | Rogers                         |
| Bishop      | Gilmer      | Lee                            | Rozelle                        |
| Boyd        | Glass       | Locke                          | Salter                         |
| Branyon     | Goldthwaite | Long <sup>(Perry)</sup>        | Self                           |
| Brewer      | Grant       | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Britton     | Gross       | McCorquodale                   | Smith <sup>(St. Clair)</sup>   |
| Broadfoot   | Grouby      | Meade                          | Solomon                        |
| Brooks      | Guthrie     | Merrill                        | Speaks                         |
| Cabiness    | Hain        | Murphy                         | Steagall                       |
| Callahan    | Hanby       | Nettles                        | Sullivan                       |
| Camp        | Hankins     | Oakley                         | Taylor                         |
| Cates       | Hardy       | Oden                           | Thomas                         |
| Chambers    | Harris      | Owens                          | Trimmier                       |
| Cook        | Harvey      | Perry                          | Turner                         |
| Copeland    | Hawkins     | Phillips                       |                                |

—87

And the bill:

H. 521. To designate certain space on the second floor of the Capitol for the use of the Legislature and the Committees, members, officers and employees thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment:

Yeas 88; Nays 0.

**Yeas:**

|                            |           |          |             |
|----------------------------|-----------|----------|-------------|
| Mr. Speaker                | Branyon   | Chambers | Franklin    |
| Adams <sup>(Houston)</sup> | Brewer    | Cook     | Gilchrist   |
| Albea                      | Britton   | Copeland | Gilmer      |
| Ashworth                   | Broadfoot | Cornett  | Glass       |
| Avery                      | Brooks    | Daniel   | Goldthwaite |
| Bailey                     | Cabiness  | Dickson  | Grant       |
| Barnett                    | Callahan  | Dodd     | Gross       |
| Bevill                     | Camp      | Faulk    | Grouby      |
| Bishop                     | Cates     | Ferguson | Guthrie     |

|                     |                      |                     |                   |
|---------------------|----------------------|---------------------|-------------------|
| Hain                | Johnston (Leonard)   | Oden                | Salter            |
| Hanby               | Jones (Covington)    | Owens               | Self              |
| Hankins             | Lee                  | Perry               | Sessions          |
| Hardy               | Locke                | Phillips            | Shumate           |
| Harris              | Long (Perry)         | Powell              | Smith (St. Clair) |
| Harvey              | McClendon (Chambers) | Pruitt              | Solomon           |
| Hawkins             | McCorquodale         | Ramey               | Speaks            |
| Hearn               | Martin               | Rast                | Steagall          |
| Hocklander          | Meade                | Ray                 | Sullivan          |
| Ingram              | Merrill              | Reynolds (Chambers) | Taylor            |
| Jenkins             | Murphy               | Reynolds (Madison)  | Thomas            |
| Johnson (Hardaway)  | Nettles              | Rogers              | Trimmier          |
| Johnson (J. T. Tom) | Oakley               | Rozelle             | Turner            |

—88

And the bill:

H. 420. To empower the Commissioner of the State Department of Pensions and Security to authorize the destruction of obsolete records pertaining to the handling and distribution of surplus commodities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

**Yeas:**

|                 |             |                      |                     |
|-----------------|-------------|----------------------|---------------------|
| Mr. Speaker     | Faulk       | Ingram               | Pruitt              |
| Adams (Houston) | Ferguson    | Johnson (Hardaway)   | Ramey               |
| Albee           | Franklin    | Johnson (J. T. Tom)  | Rast                |
| Ashworth        | Gilchrist   | Johnston (Leonard)   | Ray                 |
| Avery           | Gilmer      | Jones (Covington)    | Reynolds (Chambers) |
| Bailey          | Glass       | Lee                  | Reynolds (Madison)  |
| Barnett         | Goldthwaite | Long (Perry)         | Rogers              |
| Bevill          | Grant       | McClendon (Chambers) | Rozelle             |
| Bishop          | Gross       | McCorquodale         | Salter              |
| Brewer          | Grouby      | Martin               | Self                |
| Brooks          | Guthrie     | Meade                | Sessions            |
| Cabiness        | Hain        | Merrill              | Shumate             |
| Callahan        | Hanby       | Murphy               | Solomon             |
| Camp            | Hankins     | Nettles              | Speaks              |
| Cates           | Hardy       | Oakley               | Steagall            |
| Chambers        | Harris      | Oden                 | Sullivan            |
| Cook            | Harvey      | Owens                | Taylor              |
| Copeland        | Hawkins     | Perry                | Thomas              |
| Daniel          | Hearn       | Phillips             | Trimmier            |
| Dickson         | Hocklander  | Powell               | Turner              |
| Dodd            |             |                      |                     |

—81

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Ashworth to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 421, was adopted.

Yeas 57; Nays 14.

**Yeas:**

|                 |        |          |          |
|-----------------|--------|----------|----------|
| Mr. Speaker     | Avery  | Boyd     | Chambers |
| Adams (Houston) | Bailey | Callahan | Cook     |
| Ashworth        | Bevill | Camp     | Copeland |

|             |                               |              |          |
|-------------|-------------------------------|--------------|----------|
| Daniel      | Hanby                         | McCorquodale | Rast     |
| Dodd        | Hardy                         | Meade        | Ray      |
| Ferguson    | Harris                        | Merrill      | Rogers   |
| Franklin    | Hawkins                       | Murphy       | Rozelle  |
| Gilchrist   | Hearn                         | Nettles      | Salter   |
| Gilmer      | Hocklander                    | Oakley       | Self     |
| Goldthwaite | Ingram                        | Perry        | Sessions |
| Grant       | Jenkins                       | Phillips     | Solomon  |
| Gross       | Johnson <sup>(Hardaway)</sup> | Powell       | Sullivan |
| Grouby      | Johnston <sup>(Leonard)</sup> | Pruitt       | Trimmier |
| Guthrie     | Jones <sup>(Covington)</sup>  | Ramey        | Turner   |
| Hain        |                               |              |          |

—57

**Nays:**

|          |           |                                |                               |
|----------|-----------|--------------------------------|-------------------------------|
| Messrs.: | Broadfoot | Dickson                        | Reynolds <sup>(Madison)</sup> |
| Barnett  | Brooks    | Harvey                         | Shumate                       |
| Branyon  | Cabiness  | Johnson <sup>(J. T. Tom)</sup> | Speaks                        |
| Brewer   | Cates     | Oden                           |                               |

—14

And the bill:

H. 421. To Provide for the inspection of State Income Tax Returns by officials and duly authorized agents of the State Department of Pensions and Security for the purpose of the administration and enforcement of the state welfare laws, subject to reasonable rules and regulations prescribed by the State Commissioner of Revenue.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 15.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Gilmer      | Ingram                        | Powell                       |
| Adams <sup>(Houston)</sup> | Goldthwaite | Jenkins                       | Pruitt                       |
| Albea                      | Grant       | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Ashworth                   | Gross       | McClendon <sup>(Chamb)</sup>  | Ray                          |
| Avery                      | Grouby      | McCorquodale                  | Rogers                       |
| Bevill                     | Guthrie     | Meade                         | Rozelle                      |
| Brannan                    | Hain        | Merrill                       | Self                         |
| Britton                    | Hanby       | Murphy                        | Sessions                     |
| Chambers                   | Hardy       | Nettles                       | Smith <sup>(St. Clair)</sup> |
| Daniel                     | Harvey      | Oakley                        | Steagall                     |
| Ferguson                   | Hawkins     | Perry                         | Sullivan                     |
| Franklin                   | Hearn       | Phillips                      | Trimmier                     |
| Gilchrist                  | Hocklander  | Pierce                        | Turner                       |

—52

**Nays:**

|          |           |                                |                               |
|----------|-----------|--------------------------------|-------------------------------|
| Messrs.: | Broadfoot | Dickson                        | Oden                          |
| Barnett  | Brooks    | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Madison)</sup> |
| Bishop   | Cabiness  | Jones <sup>(Covington)</sup>   | Shumate                       |
| Brewer   | Camp      | Long <sup>(Perry)</sup>        | Speaks                        |

—15

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Franklin to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 190, was adopted.

And the bill:

H. 190. To propose an amendment to the Constitution forbidding enactment of a law placing responsibility for construction and maintenance of county roads in the State Highway Department or other state agency unless authorized by a vote of the qualified electors of the county.

Was taken up.

On motion of Mr. Franklin, further consideration of the bill, H. 190, was temporarily postponed.

And the bill:

H. 446. Relating to primary elections; amending Section 357 of Title 17, Code of Alabama 1940; providing that watchers at polling places must be sworn at the same time as election officers, and that watchers must be qualified to vote at the polling places for which they are appointed.

Was again taken up.

Mr. Hanby offered the following amendment to the bill, H. 446:

#### AMENDMENT TO H. B. 446

In the caption, strike out "at the polling places for which they are appointed" and insert "in the county";

Also, in Section 1, strike out "The watcher shall be sworn to faithfully observe the rule of law prescribed for the conduct of elections. He must be sworn at the same time as the election officers are sworn; and no person shall be sworn in as a watcher, or be permitted or allowed to serve as a watcher, unless he is qualified to vote at the polling place for which he is appointed." and insert "No person shall be permitted or allowed to serve as a watcher unless he is qualified to vote in the county."

And the amendment was adopted.

Yeas 81; Nays 1.

#### Yeas:

|                 |             |                    |                   |
|-----------------|-------------|--------------------|-------------------|
| Mr. Speaker     | Brooks      | Grant              | Jones (Covington) |
| Adams (Houston) | Cabiness    | Gross              | Lee               |
| Albee           | Cates       | Grouby             | Locke             |
| Ashworth        | Chambers    | Guthrie            | Long (Perry)      |
| Avery           | Cook        | Hain               | McClendon (Chamb) |
| Bailey          | Copeland    | Hanby              | McCorquodale      |
| Barnett         | Daniel      | Hankins            | Meade             |
| Bassett         | Dickson     | Hardy              | Merrill           |
| Bevill          | Dodd        | Harris             | Morrow            |
| Bishop          | Edwards     | Hawkins            | Murphy            |
| Boyd            | Ferguson    | Hearn              | Nettles           |
| Brannan         | Franklin    | Hocklander         | Oakley            |
| Branyon         | Gilmer      | Ingram             | Owens             |
| Brewer          | Glass       | Jenkins            | Perry             |
| Britton         | Goldthwaite | Johnson (Hardaway) | Phillips          |
| Broadfoot       | Gordon      | Johnston (Leonard) | Powell            |

|                               |                              |          |          |
|-------------------------------|------------------------------|----------|----------|
| Ramey                         | Salter                       | Solomon  | Thomas   |
| Rast                          | Self                         | Speaks   | Trimmier |
| Reynolds <sup>(Madison)</sup> | Shumate                      | Steagall | Turner   |
| Rogers                        | Smith <sup>(St. Clair)</sup> | Sullivan | Turnham  |
| Rozelle                       |                              |          | —81      |

**Nay:** Mr. Johnson (J. T. Tom). —1

And said bill, H. 446, as thus amended, was read a third time at length and passed.

Yeas 82; Nays 1.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker                | Copeland    | Ingram                         | Phillips                      |
| Adams <sup>(Houston)</sup> | Daniel      | Jenkins                        | Powell                        |
| Albea                      | Dickson     | Johnson <sup>(Hardaway)</sup>  | Pruitt                        |
| Ashworth                   | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Ramey                         |
| Avery                      | Edwards     | Johnston <sup>(Leonard)</sup>  | Rast                          |
| Bailey                     | Faulk       | Jones <sup>(Covington)</sup>   | Reynolds <sup>(Madison)</sup> |
| Barnett                    | Ferguson    | Lee                            | Rogers                        |
| Bassett                    | Gilmer      | Locke                          | Rozelle                       |
| Bevill                     | Glass       | Long <sup>(Perry)</sup>        | Self                          |
| Bishop                     | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Sessions                      |
| Boyd                       | Gordon      | McCorquodale                   | Shumate                       |
| Brannan                    | Grant       | Martin                         | Smith <sup>(St. Clair)</sup>  |
| Branyon                    | Gross       | Meade                          | Solomon                       |
| Brewer                     | Grouby      | Merrill                        | Speaks                        |
| Britton                    | Guthrie     | Morrow                         | Steagall                      |
| Broadfoot                  | Hanby       | Murphy                         | Sullivan                      |
| Brooks                     | Hankins     | Nettles                        | Thomas                        |
| Cabiness                   | Hardy       | Oakley                         | Trimmier                      |
| Cates                      | Hawkins     | Owens                          | Turner                        |
| Chambers                   | Hearn       | Perry                          | Turnham                       |
| Cook                       | Hocklander  |                                | —82                           |

**Nay:** Mr. Cornett. —1

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Sullivan to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 365, was adopted.

And the bill:

H. 365. Relating to crimes and offenses: To make it a misdemeanor to obtain or attempt to obtain telephone or telegraph service by use of false, fictitious, counterfeit, revoked or nonexistent credit card, credit number or other credit device or telephone number, or credit card, credit number or credit device or telephone number of another without authority, or through any fraudulent scheme, device, means or method; to provide for punishment of such acts; to repeal all conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel      | Hocklander                     | Powell                         |
| Adams <sup>(Houston)</sup> | Dickson     | Ingram                         | Pruitt                         |
| Albea                      | Dodd        | Jenkins                        | Ramey                          |
| Ashworth                   | Edwards     | Johnson <sup>(Hardaway)</sup>  | Rast                           |
| Bailey                     | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Barnett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Franklin    | Lee                            | Reynolds <sup>(Madison)</sup>  |
| Bevill                     | Gilchrist   | Locke                          | Rogers                         |
| Bishop                     | Gilmer      | Long <sup>(Perry)</sup>        | Rozelle                        |
| Boyd                       | Glass       | McClendon <sup>(Chamb)</sup>   | Self                           |
| Brannan                    | Goldthwaite | McCorquodale                   | Sessions                       |
| Branyon                    | Gordon      | Martin                         | Shumate                        |
| Brewer                     | Gross       | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Grouby      | Merrill                        | Solomon                        |
| Broadfoot                  | Guthrie     | Morrow                         | Speaks                         |
| Brooks                     | Hain        | Murphy                         | Steagall                       |
| Cabiness                   | Hanby       | Nettles                        | Sullivan                       |
| Cates                      | Hankins     | Oakley                         | Taylor                         |
| Chambers                   | Harris      | Oden                           | Thomas                         |
| Cook                       | Hawkins     | Perry                          | Trimmier                       |
| Copeland                   | Hearn       | Phillips                       | Turner                         |

—84

**BILLS RE-REFERRED**

Mr. Ashworth requested unanimous consent for the bill, H. 716, to be re-referred from the Standing Committee on State Administration to the Standing Committee on Ways and Means, and for the bill, H. 920, to be re-referred from the Standing Committee on Judiciary to the Standing Committee on Conservation, and it was so granted.

And the Speaker re-referred the bill, H. 716, from the Standing Committee on State Administration to the Standing Committee on Ways and Means, and re-referred the bill, H. 920, from the Standing Committee on Judiciary to the Standing Committee on Conservation.

**BILLS ON THIRD READING RESUMED****MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Turnham to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 264, was adopted.

And the bill:

S. 264. To make an appropriation to the board of trustees of Alabama Polytechnic Institute for capital outlays at certain branch experiment stations.

Was read a third time at length and passed.

Yeas 90; Nays 0.

**Yeas:**

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Mr. Speaker                | Bailey  | Boyd      | Brooks   |
| Adams <sup>(Houston)</sup> | Barnett | Brannan   | Cabiness |
| Albea                      | Bassett | Branyon   | Callahan |
| Ashworth                   | Bevill  | Britton   | Camp     |
| Avery                      | Bishop  | Broadfoot | Cates    |

|             |                                |                              |                                |
|-------------|--------------------------------|------------------------------|--------------------------------|
| Chambers    | Grouby                         | Long <sup>(Perry)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Cook        | Guthrie                        | McClendon <sup>(Chamb)</sup> | Reynolds <sup>(Madison)</sup>  |
| Copeland    | Hain                           | McCorquodale                 | Rogers                         |
| Cornett     | Hanby                          | Martin                       | Rozelle                        |
| Daniel      | Hankins                        | Meade                        | Self                           |
| Dickson     | Hardy                          | Merrill                      | Sessions                       |
| Dodd        | Harris                         | Nettles                      | Shumate                        |
| Edwards     | Harvey                         | Oakley                       | Smith <sup>(St. Clair)</sup>   |
| Faulk       | Hawkins                        | Oden                         | Solomon                        |
| Ferguson    | Hearn                          | Cwens                        | Speaks                         |
| Franklin    | Hocklander                     | Perry                        | Steagall                       |
| Gilchrist   | Ingram                         | Phillips                     | Sullivan                       |
| Gilmer      | Jenkins                        | Powell                       | Taylor                         |
| Glass       | Johnson <sup>(Hardaway)</sup>  | Pruitt                       | Thomas                         |
| Goldthwaite | Johnson <sup>(J. T. Tom)</sup> | Ramey                        | Trimmier                       |
| Gordon      | Johnston <sup>(Leonard)</sup>  | Rast                         | Turner                         |
| Grant       | Lee                            | Ray                          | Turnham                        |
| Gross       | Locke                          |                              |                                |

—90

## H. 636 INDEFINITELY POSTPONED

On motion of Mr. Turnham, the bill, H. 636, was indefinitely postponed.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Harris to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 700, H. 701 and H. 656, was adopted.

And the bill:

H. 656. To provide for naming certain bridges by the State Highway Department.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

## Yeas:

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cook        | Harris                        | Powell                         |
| Adams <sup>(Houston)</sup> | Daniel      | Harvey                        | Pruitt                         |
| Albea                      | Dickson     | Hawkins                       | Ramey                          |
| Ashworth                   | Dodd        | Hearn                         | Rast                           |
| Avery                      | Edwards     | Ingram                        | Ray                            |
| Bailey                     | Faulk       | Jenkins                       | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Ferguson    | Johnson <sup>(Hardaway)</sup> | Reynolds <sup>(Madison)</sup>  |
| Bassett                    | Gilchrist   | Johnston <sup>(Leonard)</sup> | Rogers                         |
| Bevill                     | Gilmer      | Lee                           | Rozelle                        |
| Bishop                     | Glass       | Locke                         | Salter                         |
| Boyd                       | Goldthwaite | Long <sup>(Perry)</sup>       | Self                           |
| Brannan                    | Gordon      | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Branyon                    | Grant       | Meade                         | Shumate                        |
| Brewer                     | Gross       | Merrill                       | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grouby      | Nettles                       | Speaks                         |
| Brooks                     | Guthrie     | Oakley                        | Steagall                       |
| Cabiness                   | Hain        | Oden                          | Taylor                         |
| Callahan                   | Hanby       | Owens                         | Thomas                         |
| Camp                       | Hankins     | Perry                         | Trimmier                       |
| Cates                      | Hardy       | Phillips                      | Turner                         |

—80

And the bill:

H. 700. To provide for the designation by the state highway department of the bridge on Alabama Highway No. 35 across Little River at the DeKalb County-Cherokee County line as the "G. E. Hill Bridge."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

**Yeas:**

|             |             |                               |                                |
|-------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker | Dickson     | Hocklander                    | Powell                         |
| Albea       | Dodd        | Ingram                        | Pruitt                         |
| Bailey      | Edwards     | Jenkins                       | Ramey                          |
| Barnett     | Ferguson    | Johnson <sup>(Hardaway)</sup> | Rast                           |
| Bassett     | Gilchrist   | Johnston <sup>(Leonard)</sup> | Ray                            |
| Bevill      | Gilmer      | Lee                           | Reynolds <sup>(Chambers)</sup> |
| Bishop      | Glass       | Locke                         | Reynolds <sup>(Madison)</sup>  |
| Boyd        | Goldthwaite | Long <sup>(Perry)</sup>       | Rogers                         |
| Brannan     | Gordon      | McClendon <sup>(Chamb)</sup>  | Rozelle                        |
| Branyon     | Grant       | McCorquodale                  | Salter                         |
| Brewer      | Gross       | Martin                        | Self                           |
| Broadfoot   | Grouby      | Meade                         | Sessions                       |
| Brooks      | Guthrie     | Merrill                       | Shumate                        |
| Cabiness    | Hain        | Nettles                       | Smith <sup>(St. Clair)</sup>   |
| Callahan    | Hanby       | Oakley                        | Speaks                         |
| Camp        | Hankins     | Oden                          | Steagall                       |
| Cates       | Hardy       | Owens                         | Taylor                         |
| Chambers    | Harris      | Perry                         | Thomas                         |
| Cook        | Harvey      | Phillips                      | Trimmier                       |
| Cornett     | Hawkins     | Pierce                        | Turner                         |
| Daniel      | Hearn       |                               |                                |

—82

And the bill:

H. 701. To provide for the designation by the state highway department of certain highways in DeKalb County as "Desota Parkway."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

**Yeas:**

|                            |           |             |                               |
|----------------------------|-----------|-------------|-------------------------------|
| Mr. Speaker                | Callahan  | Goldthwaite | Hocklander                    |
| Adams <sup>(Houston)</sup> | Camp      | Gordon      | Ingram                        |
| Albea                      | Cates     | Grant       | Jenkins                       |
| Bailey                     | Chambers  | Gross       | Johnson <sup>(Hardaway)</sup> |
| Barnett                    | Cook      | Grouby      | Johnston <sup>(Leonard)</sup> |
| Bassett                    | Daniel    | Guthrie     | Lee                           |
| Bevill                     | Dickson   | Hain        | Locke                         |
| Boyd                       | Dodd      | Hanby       | Long <sup>(Perry)</sup>       |
| Brannan                    | Edwards   | Hankins     | McClendon <sup>(Chamb)</sup>  |
| Branyon                    | Faulk     | Hardy       | McCorquodale                  |
| Brewer                     | Ferguson  | Harris      | Meade                         |
| Broadfoot                  | Gilchrist | Harvey      | Merrill                       |
| Brooks                     | Gilmer    | Hawkins     | Nettles                       |
| Cabiness                   | Glass     | Hearn       | Oakley                        |



|          |                     |                   |          |
|----------|---------------------|-------------------|----------|
| Oden     | Ramey               | Rozelle           | Speaks   |
| Owens    | Rast                | Salter            | Steagall |
| Perry    | Ray                 | Self              | Taylor   |
| Phillips | Reynolds (Chambers) | Shumate           | Thomas   |
| Pierce   | Reynolds (Madison)  | Smith (St. Clair) | Trimmier |
| Powell   | Rogers              | Solomon           | Turner   |
| Pruitt   |                     |                   |          |

—81

## MOTION TO SUSPEND RULES LOST

The motion of Mr. Harris to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 481 and H. 503, was lost.

Yeas 46; Nays 16.

## Yeas:

|           |             |                     |                     |
|-----------|-------------|---------------------|---------------------|
| Messrs.:  | Cates       | Hanby               | Meade               |
| Albea     | Daniel      | Hankins             | Owens               |
| Avery     | Dodd        | Harris              | Phillips            |
| Barnett   | Ferguson    | Hearn               | Ray                 |
| Bevill    | Gilchrist   | Ingram              | Reynolds (Chambers) |
| Bishop    | Gilmer      | Jenkins             | Rogers              |
| Brannan   | Goldthwaite | Johnson (Hardaway)  | Rozelle             |
| Branyon   | Gordon      | Johnson (J. T. Tom) | Self                |
| Brewer    | Gross       | Johnston (Leonard)  | Sessions            |
| Broadfoot | Grouby      | Jones (Covington)   | Smith (St. Clair)   |
| Brooks    | Guthrie     | Long (Perry)        | Turner              |
| Callahan  | Hain        | McClendon (Chamb)   |                     |

—46

## Nays:

|             |          |              |        |
|-------------|----------|--------------|--------|
| Mr. Speaker | Cabiness | Faulk        | Oakley |
| Ashworth    | Camp     | Lee          | Powell |
| Bassett     | Cook     | McCorquodale | Pruitt |
| Boyd        | Dickson  | Martin       | Thomas |

—16

And the bill:

H. 190. To propose an amendment to the Constitution forbidding enactment of a law placing responsibility for construction and maintenance of county roads in the State Highway Department or other state agency unless authorized by a vote of the qualified electors of the county.

Was again taken up.

And said bill, H. 190, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 2.

## Yeas:

|                 |         |           |          |
|-----------------|---------|-----------|----------|
| Mr. Speaker     | Bassett | Broadfoot | Cornett  |
| Adams (Houston) | Bevill  | Brooks    | Daniel   |
| Albea           | Bishop  | Callahan  | Dickson  |
| Ashworth        | Boyd    | Camp      | Dodd     |
| Avery           | Brannan | Cates     | Edwards  |
| Bailey          | Branyon | Chambers  | Ferguson |
| Barnett         | Brewer  | Cook      | Franklin |

|             |                    |                     |                   |
|-------------|--------------------|---------------------|-------------------|
| Gilchrist   | Harvey             | Martin              | Rogers            |
| Gilmer      | Hawkins            | Merrill             | Rozelle           |
| Glass       | Hearn              | Nettles             | Self              |
| Goldthwaite | Hocklander         | Oakley              | Sessions          |
| Gordon      | Ingram             | Perry               | Smith (St. Clair) |
| Grant       | Jenkins            | Phillips            | Solomon           |
| Grouby      | Johnson (Hardaway) | Pierce              | Speaks            |
| Guthrie     | Johnston (Leonard) | Powell              | Steagall          |
| Hain        | Lee                | Pruitt              | Sullivan          |
| Hanby       | Locke              | Rast                | Thomas            |
| Hankins     | Long (Perry)       | Reynolds (Chambers) | Turner            |
| Hardy       | McClendon (Chamb)  | Reynolds (Madison)  | Turnham           |
| Harris      | McCorquodale       |                     |                   |

—78

**Nays:** Messrs. Oden and Ray.

—2

### MOTION TO SUSPEND RULES LOST

The motion of Mr. Hocklander to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 547, was lost.

Yeas 41; Nays 19.

#### Yeas:

|                 |           |                    |                    |
|-----------------|-----------|--------------------|--------------------|
| Messrs.:        | Copeland  | Guthrie            | Pierce             |
| Adams (Houston) | Cornett   | Hain               | Powell             |
| Albea           | Dickson   | Hanby              | Ray                |
| Bailey          | Ferguson  | Hocklander         | Reynolds (Madison) |
| Boyd            | Franklin  | Johnson (Hardaway) | Rogers             |
| Brannan         | Gilchrist | Locke              | Rozelle            |
| Brewer          | Glass     | Merrill            | Speaks             |
| Broadfoot       | Gordon    | Murphy             | Steagall           |
| Brooks          | Grant     | Perry              | Thomas             |
| Callahan        | Gross     | Phillips           | Turner             |
| Camp            | Grouby    |                    |                    |

—41

#### Nays:

|          |          |                    |          |
|----------|----------|--------------------|----------|
| Messrs.: | Cabiness | Hankins            | Martin   |
| Avery    | Cates    | Harvey             | Meade    |
| Barnett  | Daniel   | Hearn              | Ramey    |
| Bishop   | Dodd     | Jenkins            | Self     |
| Branyon  | Gilmer   | Johnston (Leonard) | Sessions |

—19

### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Pierce to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 364 and H. 475, was adopted.

And the bill:

H. 364. To limit the casting and the counting of "write-in" votes in general elections to votes for persons who have published announcements of candidacy; to provide for the filing of proof of the publication of such announcements with the judges of probate; to require the judges of probate to furnish election officials with lists of persons who have filed proof of such announcements; and to prescribe penalties for violations of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

**Yeas:**

|                            |             |                               |                               |
|----------------------------|-------------|-------------------------------|-------------------------------|
| Mr. Speaker                | Cornett     | Hawkins                       | Pierce                        |
| Adams <sup>(Houston)</sup> | Daniel      | Hearn                         | Powell                        |
| Avery                      | Dickson     | Hocklander                    | Pruitt                        |
| Bailey                     | Dodd        | Jenkins                       | Ramey                         |
| Barnett                    | Faulk       | Johnson <sup>(Hardaway)</sup> | Rast                          |
| Bassett                    | Ferguson    | Johnston <sup>(Leonard)</sup> | Ray                           |
| Bevill                     | Franklin    | Jones <sup>(Covington)</sup>  | Reynolds <sup>(Madison)</sup> |
| Bishop                     | Gilchrist   | Lee                           | Rogers                        |
| Boyd                       | Gilmer      | Locke                         | Rozelle                       |
| Brannan                    | Glass       | Long <sup>(Perry)</sup>       | Self                          |
| Branyon                    | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Solomon                       |
| Brewer                     | Gordon      | McCorquodale                  | Speaks                        |
| Broadfoot                  | Grant       | Martin                        | Steagall                      |
| Brooks                     | Gross       | Merrill                       | Taylor                        |
| Cabiness                   | Hain        | Nettles                       | Thomas                        |
| Callahan                   | Hanby       | Oakley                        | Trimmier                      |
| Camp                       | Hankins     | Owens                         | Turner                        |
| Cates                      | Hardy       | Perry                         | Turnham                       |
| Cook                       | Harvey      | Phillips                      |                               |

—75

And the bill:

H. 475. To amend Section 1 of Act 515 approved July 9, 1945, as amended, which relates to the Employees' Retirement System of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

**Yeas:**

|                            |             |                               |                               |
|----------------------------|-------------|-------------------------------|-------------------------------|
| Mr. Speaker                | Chambers    | Harvey                        | Pierce                        |
| Adams <sup>(Houston)</sup> | Cook        | Hearn                         | Powell                        |
| Albea                      | Copeland    | Hocklander                    | Pruitt                        |
| Ashworth                   | Cornett     | Jenkins                       | Ramey                         |
| Avery                      | Daniel      | Johnson <sup>(Hardaway)</sup> | Rast                          |
| Bailey                     | Dickson     | Johnston <sup>(Leonard)</sup> | Ray                           |
| Barnett                    | Dodd        | Lee                           | Reynolds <sup>(Madison)</sup> |
| Bassett                    | Faulk       | Locke                         | Rogers                        |
| Bevill                     | Ferguson    | Long <sup>(Perry)</sup>       | Rozelle                       |
| Bishop                     | Franklin    | McClendon <sup>(Chamb)</sup>  | Self                          |
| Boyd                       | Gilchrist   | McCorquodale                  | Sessions                      |
| Brannan                    | Gilmer      | Martin                        | Smith <sup>(St. Clair)</sup>  |
| Branyon                    | Glass       | Meade                         | Solomon                       |
| Brewer                     | Goldthwaite | Merrill                       | Speaks                        |
| Broadfoot                  | Gordon      | Murphy                        | Steagall                      |
| Brooks                     | Grant       | Nettles                       | Sullivan                      |
| Cabiness                   | Gross       | Oakley                        | Taylor                        |
| Callahan                   | Hain        | Oden                          | Thomas                        |
| Camp                       | Hankins     | Perry                         | Trimmier                      |
| Cates                      | Hardy       | Phillips                      | Turner                        |

—80

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Ramey to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 537, was adopted.

And the bill:

H. 537 (with substitute). To provide a retirement benefit to any state employee who had attained age 60 on or before October 1, 1945, who declined membership in the Alabama Employees' Retirement System in the manner prescribed in Section 3 of Act 515 approved July 9, 1945, and who retires with a minimum of fifteen years of service as a state employee; and to provide a supplement to the retirement benefits of certain state employees who are now or will be retired by the Board of Control of the Employees' Retirement System under the provisions of Act 515, approved July 9, 1945; to set forth the requirements under which said retirement and supplemental benefits shall be granted; and to provide for the management of the fund from which said assistance payments shall be made; and to repeal Act 571 approved September 18, 1957 relating to certain benefits to retired state employees, and to provide the appropriation necessary to carry out the provisions of this Act.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide a retirement benefit to any state employee who had attained age 60 on or before October 1, 1945, who declined membership in the Employees' Retirement System of Alabama in the manner prescribed in Section 3 of Act 515 approved July 9, 1945, and who retires with a minimum of fifteen years of service as a state employee; and to provide a supplement to the retirement benefits of certain state employees who are now or will be retired by the Board of Control of the Employees' Retirement System under the provisions of Act 515, approved July 9, 1945; to set forth the requirements under which said retirement and supplemental benefits shall be granted; and to provide for the management of the fund from which said assistance payments shall be made; and to repeal Act 571 approved September 18, 1957 relating to certain benefits to retired state employees, and to provide the appropriation necessary to carry out the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided (1) an annual benefit in equal monthly installments to any state employee who had attained age sixty on or before October 1, 1945, who declined membership in the Employees' Retirement System of Alabama in the manner prescribed by law and who retires as a state employee after completing a minimum of fifteen years of such service; and (2) to further provide a supplement to the retirement benefits of certain state employees who are now or will be retired by the Board of Control of the Employees' Retirement System under the provisions of Act 515, approved July 9, 1945. (3) To further provide an annual benefit in equal monthly install-

ments to any state employee, other than an elected official, who has been ineligible for membership in the Employees' Retirement System, who on or before February 1, 1958, attains age 60 and who retires from state service with 20 or more years of state service.

Section 2. BENEFITS. (1) Any person approved by the Board of Control of the Employees' Retirement System for a retirement benefit who was retired on or before January 1, 1956 as provided in Subsection (1) of Section 1 of this act shall be eligible to receive a monthly retirement benefit allowance in an amount equal to three dollars and thirty cents times the number of years of creditable service as a state employee up to a maximum of thirty years of service. (2) Any person approved by the Board of Control of the Employees' Retirement System for a retirement benefit who retires subsequent to January 1, 1956 as provided in Subsection (1) of Section 1 of this act shall be eligible to receive a monthly retirement benefit allowance in an amount equal to two dollars and seventy-five cents times the number of years of creditable service as a state employee up to a maximum of twenty-five years of such service. (3) Any person approved by the Board of Control of the Employees' Retirement System for a benefit payable under Subsection (2) of Section 1 of this act, who was retired on or before January 1, 1956, shall be eligible to receive a supplement to his retirement allowance in an amount required to provide him with a minimum monthly retirement allowance equal to three dollars and thirty cents times the number of years of his creditable service as a state employee up to a maximum of thirty years of such service. (4) Any person approved by the Board of Control of the Employees' Retirement System for a benefit payable under Subsection (2) of Section 1 of this act who retires subsequent to January 1, 1956 shall be eligible to receive a supplement to his retirement allowance in an amount required to provide him with a minimum monthly retirement allowance equal to two dollars and seventy-five cents times the number of years of his creditable service as a state employee up to a maximum of twenty-five years of such service. (5) Any person approved by the Board of Control of the Employees' Retirement System for a retirement benefit who retires from service subsequent to February 1, 1958, as provided in Subsection (3) of Section 1 of this act shall be eligible to receive a monthly benefit allowance in an amount equal to two dollars and seventy-five cents times the number of years of creditable service as a state employee up to a maximum of twenty-five years of such service. (6) Any state policeman approved by the Board of Control of the Employees' Retirement System for a retirement benefit payable under Subsection 1 of Section 1 of this Act shall be eligible to receive a monthly benefit in an amount equal to five dollars and fifty cents times the number of years of creditable service as a state policeman up to a maximum of twenty-five years of such service. (7) Any state policeman approved by the Board of Control of the Employees' Retirement System for a benefit payable under Subsection 2 of Section 1 of this Act shall be eligible to receive a supplement to his retirement allowance in an amount required to provide him with a minimum monthly retirement allowance equal to five dollars and fifty cents times the number of years of his creditable service as a State policeman up to twenty-five years of such service.

Section 3. (1) Any person approved by the Board of Control of the Employees' Retirement System for a disability benefit payable under Subsection (2) of Section 1 of this act who was retired on or before January 1, 1956 shall be eligible to receive a supplement to his disability retirement allowance in an amount required to provide him with a minimum monthly retirement allowance of seventy-five percent of

three dollars and thirty cents times the number of years of his creditable service as a state employee up to a maximum of thirty years of such service. (2) Any person approved by the Board of Control of the Employees' Retirement System for a disability benefit payable under Subsection (2) of Section 1 of this act who retires subsequent to January 1, 1956 shall be eligible to receive a supplement to his disability retirement allowance in an amount required to provide him with a minimum monthly retirement allowance of seventy-five per cent of two dollars and seventy-five cents times the number of years of his creditable service as a state employee up to a maximum of twenty-five years of such service. (3) Any state policeman approved by the Board of Control of the Employees' Retirement System for a disability benefit payable under Subsection 2 of Section 1 of this act shall be eligible to receive a supplement to his disability retirement allowance in an amount required to provide him with a minimum monthly retirement allowance of seventy-five per cent of five dollars and fifty cents times the number of years of his creditable service as a State policeman up to a maximum of twenty-five years of such service.

Section 4. The Board of Control of the Employees' Retirement System of Alabama shall administer all the benefits provided by the act under such rules and regulations as said Board of Control may adopt, not inconsistent herewith. Should it appear to the Board of Control of the Employees' Retirement System that during any fiscal year the total amount of the benefits provided by this act exceeds the amount appropriated for this purpose, the Board of Control is hereby directed and empowered to transfer from the Pension Accumulation Fund of the Employees' Retirement System the necessary funds to carry out the provisions of this act.

Section 5. The Board of Control of the Employees' Retirement System shall determine annually the amount required to pay the costs of the benefits provided in this act, and shall certify such amount, not to exceed the amount appropriated for this purpose, to the State Comptroller. The State Comptroller shall set this amount up annually as payable to the Board of Control of the Employee's Retirement System for the purpose herein defined.

Section 6. The payments of all benefits provided in this act shall be made by the State Treasurer on warrants drawn by the State Comptroller upon the requisitions issued by the Board of Control of the Employees' Retirement System of Alabama.

Section 7. No provisions of this act shall have the effect of reducing the retirement allowance of any person receiving a retirement allowance prior to the effective date of this act.

Section 8. Act No. 571 approved September 18, 1957 relating to certain benefits is hereby expressly repealed.

Section 9. This act shall become effective October 1, 1959.

And the substitute was adopted.

Yeas 77; Nays 0.

Yeas:

|                            |          |         |         |
|----------------------------|----------|---------|---------|
| Mr. Speaker                | Ashworth | Bassett | Boyd    |
| Adams <sup>(Houston)</sup> | Avery    | Bevill  | Brannan |
| Albea                      | Barnett  | Bishop  | Branyon |

|           |             |                                |                              |
|-----------|-------------|--------------------------------|------------------------------|
| Brewer    | Gilchrist   | Jenkins                        | Phillips                     |
| Broadfoot | Gilmer      | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Brooks    | Glass       | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Cabiness  | Goldthwaite | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Callahan  | Gordon      | Jones <sup>(Covington)</sup>   | Rogers                       |
| Camp      | Grant       | Lee                            | Rozelle                      |
| Cates     | Gross       | Long <sup>(Perry)</sup>        | Salter                       |
| Chambers  | Guthrie     | McClendon <sup>(Chamb)</sup>   | Self                         |
| Cook      | Hain        | McCorquodale                   | Sessions                     |
| Copeland  | Hanby       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Cornett   | Hankins     | Merrill                        | Solomon                      |
| Daniel    | Hardy       | Murphy                         | Steagall                     |
| Dickson   | Harvey      | Nettles                        | Sullivan                     |
| Dodd      | Hearn       | Oakley                         | Thomas                       |
| Faulk     | Hocklander  | Owens                          | Trimmier                     |
| Ferguson  | Ingram      | Perry                          | Turner                       |
| Franklin  |             |                                |                              |

—77

And said bill, H. 537, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

#### Yeas:

|                            |           |                                |                               |
|----------------------------|-----------|--------------------------------|-------------------------------|
| Mr. Speaker                | Cook      | Hardy                          | Murphy                        |
| Adams <sup>(Houston)</sup> | Copeland  | Harris                         | Nettles                       |
| Albea                      | Cornett   | Harvey                         | Oakley                        |
| Ashworth                   | Daniel    | Hearn                          | Perry                         |
| Avery                      | Dickson   | Hocklander                     | Phillips                      |
| Barnett                    | Faulk     | Ingram                         | Pierce                        |
| Bassett                    | Ferguson  | Jenkins                        | Ramey                         |
| Bevill                     | Franklin  | Johnson <sup>(Hardaway)</sup>  | Reynolds <sup>(Madison)</sup> |
| Bishop                     | Gilchrist | Johnson <sup>(J. T. Tom)</sup> | Rogers                        |
| Boyd                       | Gilmer    | Johnston <sup>(Leonard)</sup>  | Rozelle                       |
| Brannan                    | Glass     | Jones <sup>(Covington)</sup>   | Self                          |
| Branyon                    | Gordon    | Lee                            | Sessions                      |
| Broadfoot                  | Grant     | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup>  |
| Brooks                     | Gross     | McClendon <sup>(Chamb)</sup>   | Solomon                       |
| Cabiness                   | Grouby    | McCorquodale                   | Steagall                      |
| Callahan                   | Guthrie   | Martin                         | Sullivan                      |
| Camp                       | Hain      | Meade                          | Thomas                        |
| Cates                      | Hanby     | Merrill                        | Trimmier                      |
| Chambers                   | Hankins   |                                |                               |

—74

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Brannan to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 242 and H. 245, was adopted.

And the bill:

H. 245. Relating to accounts of deceased persons in a Savings and Loan Association. To whom and how paid.

Was taken up.

Mr. Hocklander offered the following amendment to the bill, H. 245:

## AMENDMENT OF H. B. 245

In line one of Section 1, after the comma following the word "die," insert "or shall have died,"

And the amendment was adopted.

Yeas 86; Nays 0.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker                | Copeland    | Harvey                         | Phillips                      |
| Adams <sup>(Houston)</sup> | Cornett     | Hawkins                        | Pierce                        |
| Albea                      | Daniel      | Hearn                          | Powell                        |
| Ashworth                   | Dickson     | Hocklander                     | Pruitt                        |
| Avery                      | Dodd        | Ingram                         | Ramey                         |
| Bailey                     | Edwards     | Jenkins                        | Rast                          |
| Barnett                    | Faulk       | Johnson <sup>(Hardaway)</sup>  | Reynolds <sup>(Madison)</sup> |
| Bassett                    | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Rogers                        |
| Bevill                     | Franklin    | Johnston <sup>(Leonard)</sup>  | Rozelle                       |
| Bishop                     | Gilchrist   | Jones <sup>(Covington)</sup>   | Salter                        |
| Boyd                       | Gilmer      | Lee                            | Self                          |
| Brannan                    | Glass       | Locke                          | Sessions                      |
| Branyon                    | Goldthwaite | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup>  |
| Brewer                     | Gordon      | McClendon <sup>(Chamb)</sup>   | Solomon                       |
| Broadfoot                  | Grant       | Martin                         | Speaks                        |
| Brooks                     | Gross       | Meade                          | Steagall                      |
| Cabiness                   | Grouby      | Murphy                         | Sullivan                      |
| Callahan                   | Guthrie     | Nettles                        | Thomas                        |
| Camp                       | Hanby       | Oakley                         | Trimmier                      |
| Cates                      | Hankins     | Owens                          | Turner                        |
| Chambers                   | Hardy       | Perry                          | Turnham                       |
| Cook                       | Harris      |                                |                               |

—86

And said bill, H. 245, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker                | Cornett     | Hawkins                        | Pierce                        |
| Adams <sup>(Houston)</sup> | Dickson     | Hearn                          | Powell                        |
| Albea                      | Dodd        | Hocklander                     | Ramey                         |
| Ashworth                   | Edwards     | Ingram                         | Rast                          |
| Avery                      | Faulk       | Jenkins                        | Reynolds <sup>(Madison)</sup> |
| Bailey                     | Ferguson    | Johnson <sup>(Hardaway)</sup>  | Rogers                        |
| Barnett                    | Franklin    | Johnson <sup>(J. T. Tom)</sup> | Rozelle                       |
| Bassett                    | Gilchrist   | Johnston <sup>(Leonard)</sup>  | Salter                        |
| Bishop                     | Gilmer      | Lee                            | Self                          |
| Boyd                       | Glass       | Locke                          | Sessions                      |
| Brannan                    | Goldthwaite | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup>  |
| Branyon                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Solomon                       |
| Brewer                     | Grant       | Martin                         | Speaks                        |
| Broadfoot                  | Gross       | Meade                          | Steagall                      |
| Brooks                     | Grouby      | Murphy                         | Sullivan                      |
| Cabiness                   | Hanby       | Nettles                        | Taylor                        |
| Camp                       | Hankins     | Oakley                         | Thomas                        |
| Cates                      | Hardy       | Owens                          | Trimmier                      |
| Chambers                   | Harris      | Perry                          | Turner                        |
| Cook                       | Harvey      | Phillips                       | Turnham                       |
| Copeland                   |             |                                |                               |

—81



And the bill:

H. 242. Relating to definitions of savings and loan associations; amending Section 211, Title 5, Code of Alabama, 1940, and in clarification of Section 250, Title 5, Code of Alabama, 1940.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Copeland    | Hawkins                        | Pierce                         |
| Adams <sup>(Houston)</sup> | Cornett     | Hearn                          | Powell                         |
| Albea                      | Dickson     | Hocklander                     | Pruitt                         |
| Ashworth                   | Dodd        | Ingram                         | Ramey                          |
| Avery                      | Edwards     | Jenkins                        | Rast                           |
| Bailey                     | Faulk       | Johnson <sup>(Hardaway)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Madison)</sup>  |
| Bassett                    | Franklin    | Johnston <sup>(Leonard)</sup>  | Rogers                         |
| Bishop                     | Gilchrist   | Jones <sup>(Covington)</sup>   | Rozelle                        |
| Boyd                       | Gilmer      | Lee                            | Salter                         |
| Brannan                    | Glass       | Locke                          | Self                           |
| Branyon                    | Goldthwaite | Long <sup>(Perry)</sup>        | Sessions                       |
| Brewer                     | Gordon      | McClendon <sup>(Chamb)</sup>   | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grant       | Martin                         | Solomon                        |
| Brooks                     | Gross       | Murphy                         | Speaks                         |
| Cabiness                   | Grouby      | Nettles                        | Steagall                       |
| Callahan                   | Hanby       | Oakley                         | Sullivan                       |
| Camp                       | Hankins     | Owens                          | Thomas                         |
| Cates                      | Hardy       | Perry                          | Turner                         |
| Chambers                   | Harris      | Phillips                       | Turnham                        |
| Cook                       | Harvey      |                                |                                |

—82

**CERTIFICATE OF CLERK**

To The House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:20 A. M. On October 6, 1959

H. 236

H. 591

H. 592

H. 531

OAKLEY MELTON, JR.,  
Clerk.

**ADJOURNMENT**

The hour of three o'clock P. M. having arrived, and on motion of Mr. Ashworth, the House adjourned until Friday, October 9, 1959, at ten o'clock A. M.

## TWENTY-SIXTH DAY

House of Representatives  
Montgomery, Alabama  
Friday, October 9, 1959

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by Dr. Otis Kirby, Pastor, First Methodist Church, Sylacauga, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                            |                               |                     |                                |
|----------------------------|-------------------------------|---------------------|--------------------------------|
| Mr. Speaker                | Edwards                       | Johnson (J. T. Tom) | Powell                         |
| Adams <sup>(Houston)</sup> | Faulk                         | Johnston (Leonard)  | Pruitt                         |
| Albea                      | Ferguson                      | Jones (Covington)   | Ramey                          |
| Ashworth                   | Franklin                      | Jones (Monroe)      | Rast                           |
| Avery                      | Gilmer                        | Lee                 | Ray                            |
| Bailey                     | Glass                         | Locke               | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Goldthwaite                   | Long (Lauderdale)   | Reynolds <sup>(Madison)</sup>  |
| Bassett                    | Gordon                        | Long (Perry)        | Rogers                         |
| Bishop                     | Grant                         | McClendon (Chamb)   | Rozelle                        |
| Boyd                       | Gross                         | McCorquodale        | Salter                         |
| Branyon                    | Grouby                        | Martin              | Self                           |
| Brewer                     | Guthrie                       | Meade               | Sessions                       |
| Broadfoot                  | Hain                          | Merrill             | Shumate                        |
| Cabiness                   | Hanby                         | Morrow              | Smith <sup>(Russell)</sup>     |
| Callahan                   | Hankins                       | Murphy              | Smith <sup>(St. Clair)</sup>   |
| Camp                       | Hardy                         | Nettles             | Solomon                        |
| Cates                      | Harris                        | Nichols             | Speaks                         |
| Chambers                   | Hawkins                       | Oakley              | Steagall                       |
| Cook                       | Hearn                         | Oden                | Sullivan                       |
| Copeland                   | Hocklander                    | Owens               | Thomas                         |
| Cornett                    | Ingram                        | Perry               | Trimmier                       |
| Daniel                     | Jenkins                       | Phillips            | Turner                         |
| Dickson                    | Johnson <sup>(Hardaway)</sup> | Pierce              | Turnham                        |
| Dodd                       |                               |                     |                                |

—93

A quorum was present.

## LEAVES OF ABSENCE

On motion of Mr. Ashworth leaves of absence were granted to Messrs. Goodwyn, Casey, McLendon (Bullock), Roberts and Torbert.

On motion of Mr. Ashworth leave of absence was granted to Mr. Harvey because of personal illness.

On motion of Mr. Ashworth leave of absence was granted to Mr. Brooks because of a death in his family.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fifth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the twenty-fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-fifth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 446. Relating to primary elections; amending Section 357 of Title 17, Code of Alabama 1940; providing that watchers at polling places must be sworn at the same time as election officers, and that watchers must be qualified to vote in the county.

CHAS. C. ADAMS,  
Chairman.

The above and foregoing report of the Standing Committee on Rules was concurred in and adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 595. Relating to the municipality of the City of Graysville in Jefferson County: to alter, rearrange, and extend the boundaries and corporate limits of the City of Graysville.

Also:

H. 712. To amend Section 797, Title 37, of the 1940 Code of the State of Alabama, as amended by Act No. 421 of the 1949 Regular Session of the Legislature of Alabama (General Acts, 1949, p. 597).

Also:

H. 783. To amend Section 4 of Act No. 929 of the regular session of the Legislature of Alabama of 1951 approved September 12, 1951 (Acts 1951, page 1579) as amended by Act No. 194 of the 1955 session of the Legislature of Alabama (Acts 1955, page 478) entitled "AN ACT to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

Also:

H. 810. To fix and require the payment of fees and costs in each case filed in the Jefferson County Civil Court; to require that all such fees be paid into the County Treasury of Jefferson County; and to provide the effective date of this Act.

J. E. SPEIGHT,  
Secretary.

#### UNANIMOUS CONSENT GRANTED

Mr. Lee requested unanimous consent to have his Notice in Writing, which was filed on the last legislative day, with reference to the bill, H. 818, expunged from the Journal, and it was so granted.

#### POINT OF PERSONAL PRIVILEGE

Mr. Meade requested as a matter of personal privilege that the Journal show that he was temporarily out of the House when the bills, H. 760, 762 and 765, were up for passage on the twenty-fifth legislative day. He requested that the Journal show that had he been present he would have voted "yea".

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 674. Relating to the establishment, construction, reconstruction, repair, and maintenance of roads and bridges in all counties having a population of not less than 41,000 nor more than 47,000, according to the last or any subsequent federal decennial census; providing for a referendum election to determine whether the state or the county will have and exercise jurisdiction, supervision, and control over county roads and bridges.

Also:

H. 622. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Shelby County.

Also:

H. 637. To apply in all counties having a population of not less than 25,725 nor more than 25,875, according to the last or any subsequent federal decennial census; providing for the compensation of the chief clerk of the judge of probate in every such county.

Also:

H. 691. To regulate the compensation of the solicitor of Autauga County; amending Section 5 of Act No. 77, H. 325, approved July 7, 1947 (Local Acts 1947, p. 55).

Also:

H. 692. To provide for the repair, maintenance, and servicing of motor vehicles, automotive equipment, and machinery used in the construction and maintenance of public roads and bridges in Autauga County.

Also:

H. 704. TO alter and re-arrange the boundary lines of the City of Brewton, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

Also:

H. 710. To authorize the Health Officer of any county of this state having a population of 500,000 or more according to the last or any subsequent federal census to obtain, perform or require an autopsy on or internal examination of the body of any person whose death the said Health Officer has reason to believe was caused by communicable disease or other cause related to the protection of the public health; to authorize the said Health Officer to make all necessary and reasonable orders to secure and facilitate the making of such autopsy or internal examination; to provide that it shall be a misdemeanor for any person to impede, interfere with or obstruct the said Health Officer in his making or performing any such autopsy or examination, or to impede, interfere with or obstruct any other person in making or performing such autopsy or examination at the request of the said Health Officer; and to provide for the payment of expenses relating to said autopsy or internal examination.

Also:

H. 711. To provide for the relief of Lula Braxton, out of the general funds of the City of Birmingham, a municipality, Jefferson County, Alabama.

Also:

H. 736. To Amend further Act No. 415, H. 665, approved September 24, 1919, as amended and revised by Act No. 66, H. 261 (Local Acts of Alabama, 1947, page 46) and as thereafter further amended, which established the Morgan County Court in order to authorize the judge of such court to fix, within a prescribed maximum, the salary of the reporter for such court and to give the Act retroactive effect.

Also:

H. 737. To amend further Section 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), which placed the judge of probate of Morgan County on a salary, prescribed certain duties of the judge of probate, and provided for clerical assistance, office space, supplies, and equipment necessary for the operation of his office; providing further for the clerk-hire allowance of the judge of probate.

Also:

H. 654. Relating to Mobile County; authorizing and directing the board of revenue and road commissioners of the county to establish and maintain a special fund to be used and expended by the sheriff of the county in law enforcement and in the conduct of his office; and regulating the disbursement of the moneys in this fund.

Also:

H. 738. To amend further Act No. 437, H. 937, approved August 17, 1951 (Acts of Alabama, 1951, page 789) as amended, which fixes the

compensation of members of the Board of Revenue and Control of Morgan County.

Also:

H. 739. To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama.

Also:

H. 740. To amend further Act No. 415, H. 665, approved September 24, 1919, the act that established the county court for Morgan County (Local Acts 1919, p. 194), in relation to the compensation of the register of the circuit court of Morgan County for ex officio services performed in said court.

Also:

H. 743. To amend further Sections 1 and 3 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, P. 278), which fixed the compensation or salary to be paid the tax collector of Morgan County, provided clerical assistance, supplies and equipment for the conduct of his office, and prescribed certain duties of the tax collector.

Also:

H. 741. To amend further Sections 1 and 3 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor.

Also:

H. 742. To alter, rearrange, and redefine the boundaries of the four subdivisions of Morgan County heretofore designated as districts for certain purposes prescribed by law.

Also:

H. 772. Relating to the municipality of Prattville in Autauga County: To alter and rearrange the boundaries of the City.

Also:

H. 781. For the relief of V. Chambliss authorizing the County Commission of Jefferson County, Alabama, to make an appropriation from the County Treasury to compensate V. Chambliss for certain damages.

Also:

H. 784. For the relief of Mrs. E. H. Golden and L. L. Tryon, authorizing the County Commission of Jefferson County, Alabama, to make an appropriation from the County Treasury to compensate the said Golden and Tryon for certain damages.

Also:

H. 785. Relating to game and fish in Lawrence County; to prohibit the use of gill nets, hoop nets, and trammel nets in taking, captur-

ing, or killing fish in public waters anywhere in Lawrence County; prescribing penalties.

Also:

H. 796. To permit any bank now or hereafter having a combined or paid-in capital and paid-in or earned surplus of more than \$500,000 and having an authorized office or place of business in Decatur, Alabama, to establish, maintain and operate additional offices or places of business in such city or the police jurisdiction thereof, with the approval of the Superintendent of Banks.

Also:

H. 803. To amend Sections 1, 3, and 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County; altering, modifying, and changing the rates of tax provided for therein and extending the applicability of such taxes to certain sales and to the storage, use, or other consumption of certain property within Tuscaloosa County heretofore exempt, and redefining certain terms.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 234. To amend Section 37 of Title 36, Code of Alabama (1940), which prohibits the operation of certain motor vehicles on the highways unless equipped with a mirror so located as to reflect to the driver a view of the highway to the rear of the vehicle, by requiring every motor vehicle operated on the highways to be equipped with such a mirror.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 186. To amend the act approved August 1, 1951 making it a misdemeanor for any person, firm, or corporation to take, carry, transport, or remove a dead human body from within the confines of this State unless the same has been embalmed or cremated (Act No. 320, S. 287, Acts 1950-1951, Vol. I, p. 612).

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration.

By Messrs. Hines, Jones, Andrews and Samford:

S. J. R. 29. WHEREAS the two Houses of the Legislature of Alabama have heard with deep regret and profound sorrow of the death of Honorable William Ora Walton, well-beloved judge of the Fifth Judicial Circuit of Alabama, and a former Senator (1935-1939) and Representative (1923-1927) from Chambers County; and

WHEREAS the two Houses, as a mark of respect for this peerless gentleman, able and devoted public servant, prodigious wit, and matchless raconteur, do now

RESOLVE that the following minute be spread upon the records of each House, on a separate page of the journal:

Judge William Ora Walton died in LaFayette, Chambers County, October 1, 1959. He was born at Waverly, Tallapoosa County, December 6, 1892, attended Waverly public schools and Birmingham College Training School, and was graduated from Birmingham-Southern College and Cumberland University. He married Lynda Ruth Tatum, of Cincinnati, Ohio, the mother of his two fine sons, William Ora Walton Jr. and James Richard Walton.

Judge Walton was a brave and distinguished soldier during World War I. Admitted to the Alabama Bar in 1922, he was an outstanding lawyer, a statesman, scholar, and patriot. His years were filled with useful deeds of kindness, of courage, and fidelity to his State and to his fellowmen. His passing is deeply mourned.

RESOLVED FURTHER, That the Secretary of the Senate be directed to transmit a copy of these resolutions to the family of the deceased.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Reynolds (Chambers) the rules were suspended and the House concurred in and adopted the S. J. R. 29 set out in the above and foregoing Message from the Senate.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 595. Relating to the municipality of the City of Graysville in Jefferson County: To alter, rearrange, and extend the boundaries and corporate limits of the City of Graysville.

Also:

H. 712. TO AMEND SECTION 797, TITLE 37, OF THE 1940 CODE OF THE STATE OF ALABAMA, AS AMENDED BY ACT NO. 421 OF THE 1949 REGULAR SESSION OF THE LEGISLATURE OF ALABAMA (GENERAL ACTS, 1949, p. 597).

Also:



H. 783. To amend Section 4 of Act No. 929 of the regular session of the Legislature of Alabama of 1951 approved September 12, 1951 (Acts 1951, page 1579) as amended by Act No. 194 of the 1955 session of the Legislature of Alabama (Acts 1955, page 478) entitled "AN ACT to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

Also:

H. 810. TO FIX AND REQUIRE THE PAYMENT OF FEES AND COSTS IN EACH CASE FILED IN THE JEFFERSON COUNTY CIVIL COURT; TO REQUIRE THAT ALL SUCH FEES BE PAID INTO THE COUNTY TREASURY OF JEFFERSON COUNTY; AND TO PROVIDE THE EFFECTIVE DATE OF THIS ACT.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 637. To apply in all counties having a population of not less than 25,725 nor more than 25,875, according to the last or any subsequent federal decennial census; providing for the compensation of the chief clerk of the judge of probate in every such county.

Also:

H. 654. Relating to Mobile County; authorizing and directing the board of revenue and road commissioners of the county to establish and maintain a special fund to be used and expended by the sheriff of the county in law enforcement and in the conduct of his office; and regulating the disbursement of the moneys in this fund.

Also:

H. 674. Relating to the establishment, construction, reconstruction, repair, and maintenance of roads and bridges in all counties having a population of not less than 41,000 nor more than 47,000, according to

the last or any subsequent federal decennial census; providing for a referendum election to determine whether the state or the county will have and exercise jurisdiction, supervision, and control over county roads and bridges.

Also:

H. 691. To regulate the compensation of the solicitor of Autauga County; amending Section 5 of Act No. 77, H. 325, approved July 7, 1947 (Local Acts 1947, p. 55).

Also:

H. 692. To provide for the repair, maintenance, and servicing of motor vehicles, automotive equipment, and machinery used in the construction and maintenance of public roads and bridges in Autauga County.

Also:

H. 704. TO alter and re-arrange the boundary lines of the City of Brewton, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

Also:

H. 710. TO AUTHORIZE THE HEALTH OFFICER OF ANY COUNTY OF THIS STATE HAVING A POPULATION OF 500,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS TO OBTAIN, PERFORM OR REQUIRE AN AUTOPSY ON OR INTERNAL EXAMINATION OF THE BODY OF ANY PERSON WHOSE DEATH THE SAID HEALTH OFFICER HAS REASON TO BELIEVE WAS CAUSED BY COMMUNICABLE DISEASE OR OTHER CAUSE RELATED TO THE PROTECTION OF THE PUBLIC HEALTH; TO AUTHORIZE THE SAID HEALTH OFFICER TO MAKE ALL NECESSARY AND REASONABLE ORDERS TO SECURE AND FACILITATE THE MAKING OF SUCH AUTOPSY OR INTERNAL EXAMINATION; TO PROVIDE THAT IT SHALL BE A MISDEMEANOR FOR ANY PERSON TO IMPEDE, INTERFERE WITH OR OBSTRUCT THE SAID HEALTH OFFICER IN HIS MAKING OR PERFORMING ANY SUCH AUTOPSY OR EXAMINATION, OR TO IMPEDE, INTERFERE WITH OR OBSTRUCT ANY OTHER PERSON IN MAKING OR PERFORMING SUCH AUTOPSY OR EXAMINATION AT THE REQUEST OF THE SAID HEALTH OFFICER; AND TO PROVIDE FOR THE PAYMENT OF EXPENSES RELATING TO SAID AUTOPSY OR INTERNAL EXAMINATION.

Also:

H. 711. To provide for the relief of Lula Braxton, out of the general funds of the City of Birmingham, a municipality, Jefferson County, Alabama.

Also:

H. 736. To Amend further Act No. 415, H. 665, approved September 24, 1919, as amended and revised by Act No. 66, H. 261 (Local Acts of Alabama, 1947, page 46) and as thereafter further amended, which established the Morgan County Court in order to authorize the judge

of such court to fix, within a prescribed maximum, the salary of the reporter for such court and to give the Act retroactive effect.

Also:

H. 737. To amend further Section 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), which placed the judge of probate of Morgan County on a salary, prescribed certain duties of the judge of probate, and provided for clerical assistance, office space, supplies, and equipment necessary for the operation of his office; providing further for the clerk-hire allowance of the judge of probate.

Also:

H. 738. To amend further Act No. 437, H. 937, approved August 17, 1951 (Acts of Alabama, 1951, page 789) as amended, which fixes the compensation of members of the Board of Revenue and Control of Morgan County.

Also:

H. 739. To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama.

Also:

H. 740. To amend further Act No. 415, H. 665, approved September 24, 1919, the act that established the county court for Morgan County (Local Acts 1919, p. 194), in relation to the compensation of the register of the circuit court of Morgan County for ex officio services performed in said court.

Also:

H. 741. To amend further Sections 1 and 3 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor.

Also:

H. 742. To alter, rearrange, and redefine the boundaries of the four subdivisions of Morgan County heretofore designated as districts for certain purposes prescribed by law.

Also:

H. 743. To amend further Sections 1 and 3 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, P. 278), which fixed the compensation or salary to be paid the tax collector of Morgan County, provided clerical assistance, supplies and equipment for the conduct of his office, and prescribed certain duties of the tax collector.

Also:

H. 772. Relating to the municipality of Prattville in Autauga County: To alter and rearrange the boundaries of the City.

Also:

H. 781. FOR THE RELIEF OF V. CHAMBLISS AUTHORIZING THE COUNTY COMMISSION OF JEFFERSON COUNTY, ALABAMA, TO MAKE AN APPROPRIATION FROM THE COUNTY TREASURY TO COMPENSATE V. CHAMBLISS FOR CERTAIN DAMAGES.

Also:

H. 784. FOR THE RELIEF OF MRS. E. H. GOLDEN AND L. L. TRYON, AUTHORIZING THE COUNTY COMMISSION OF JEFFERSON COUNTY, ALABAMA, TO MAKE AN APPROPRIATION FROM THE COUNTY TREASURY TO COMPENSATE THE SAID GOLDEN AND TRYON FOR CERTAIN DAMAGES.

Also:

H. 785. Relating to game and fish in Lawrence County; to prohibit the use of gill nets, hoop nets, and trammel nets in taking, capturing, or killing fish in public waters anywhere in Lawrence County; prescribing penalties.

Also:

H. 796. To permit any bank now or hereafter having a combined or paid-in capital and paid-in or earned surplus of more than \$500,000 and having an authorized office or place of business in Decatur, Alabama, to establish, maintain and operate additional offices or places of business in such city or the police jurisdiction thereof, with the approval of the Superintendent of Banks.

Also:

H. 803. To amend Sections 1, 3, and 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County; altering, modifying, and changing the rates of tax provided for therein and extending the applicability of such taxes to certain sales and to the storage, use, or other consumption of certain property within Tuscaloosa County heretofore exempt, and redefining certain terms.

Also:

H. 622. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Shelby County.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 186. To amend the act approved August 1, 151 making it a misdemeanor for any person, firm, or corporation to take, carry, transport, or remove a dead human body from within the confines of this State unless the same has been embalmed or cremated (Act No. 320, S. 287, Acts 1950-1951, Vol. I, p. 612).

Also:

H. 234. To amend Section 37 of Title 36, Code of Alabama (1940), which prohibits the operation of certain motor vehicles on the highways unless equipped with a mirror so located as to reflect to the driver a view of the highway to the rear of the vehicle, by requiring every motor vehicle operated on the highways to be equipped with such a mirror.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 348. Relating to the holding of elections in Marengo County; requiring the court of county commissioners, board of revenue, or other like governing body of Marengo County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

Also:

S. 352. Relating to Elmore County: To provide for a Clerk in the office of the Clerk of the Circuit Court of Elmore County, Alabama; to fix the method and basis of such clerk's employment and compensation, and to designate the fund from which payable; to repeal all laws in conflict herewith; to provide that the partial invalidity of this Act shall not affect the remainder thereof; and to fix the time when this Act shall become effective.

Also:

S. 264. To make an appropriation to the board of trustees of Alabama Polytechnic Institute for capital outlays at certain branch experiment stations.

J. E. SPEIGHT,  
Secretary.

## SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Leonard:

S. 379. To authorize and empower the board of revenue, court of county commissioners, or other like governing body of Talladega County, in its discretion, to provide branch offices in the City of Sylacauga for the use of the judge of probate, tax assessor, tax collector, sheriff, or their clerks or deputies, or other officers of Talladega County, in the performance of their official duties; and to authorize and empower the governing body of Talladega County to furnish office space, clerical assistance, equipment, and supplies necessary for the proper and efficient operation of such branch offices and to adopt rules and regulations governing the operation of such branch offices.

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL

STATE OF ALABAMA  
COUNTY OF TALLADEGA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize and empower the board of revenue, court of county commissioners, or other like governing body of Talladega County, in its discretion, to provide branch offices in the City of Sylacauga for the use of the judge of probate, tax assessor, tax collector, sheriff, or their clerks or deputies, or other officers of Talladega County, in the performance of their official duties; and to authorize and empower the governing body of Talladega County to furnish office space, clerical assistance, equipment, and supplies necessary for the proper and efficient operation of such branch offices and to adopt rules and regulations governing the operation of such branch offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Talladega County, in its discretion, may provide a branch office in the City of Sylacauga for the use of the judge of probate, tax assessor, tax collector, sheriff, or their clerks or deputies, or other officers of Talladega County, in the performance

of official duties. The county governing body shall adopt rules and regulations governing the operation of such branch offices, including the period or periods of time each year during which any of such branch offices shall remain open and in operation, and shall furnish such office space, clerical assistance, equipment, and supplies as may be necessary for the proper and efficient operation of such branch offices. All expenses incurred under the provisions of this Act in the establishment and operation of such branch offices shall be paid out of the general fund of the county on warrants drawn in the manner prescribed by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**STATE OF ALABAMA  
TALLADEGA COUNTY**

Personally appeared before me, a Notary Public in and for said County William A. Moody, who being duly sworn according to law deposes and says that he is the Publisher of the Sylacauga Advance, a newspaper published in said County and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit in the issues hereof dated as follows: July 30, 1959, August 6, 1959, August 13, 1959, August 20, 1959.

**W. A. MOODY.**

Subscribed and sworn to before me this 1 day of Sept., 1959.

**JOE J. PHILLIPS,**  
Notary Public.

Also:

By Mr. Dumas:

S. 387. To alter and re-arrange the boundary lines of the City of Homewood, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

With notice and proof thereto attached and herewith exhibited as follows:

**NOTICE**

Notice is hereby given of intention to apply at the current regular session or any special session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be in substance, as distinguished from detail, as follows:

**A BILL  
TO BE ENTITLED  
AN ACT**

To alter and re-arrange the boundary lines of the City of Homewood, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1, That, from and after the passage and approval of this Act the boundary lines of the City of Homewood, Jefferson County, Alabama, be and the same are altered and re-arranged so as to include within the corporate limits of said City, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said City, more particularly described as follows:

All that part of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 17, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, which lies Southeast of Shades Creek and East of the right-of-way of the Montgomery Highway as described in deed to Jefferson County recorded in Vol. 3082, Page 147, in the Office of the Judge of Probate of said County; also all that part of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 17 Township 18 South, Range 2 West, which lies Southeast of Shades Creek and Southwest of the Smyer Road.

Also, all that part of the South Half of the SW $\frac{1}{4}$  of Section 17, Township 18 South, Range 2 West, which lies North of the northerly right-of-way line of Alabama Power Company transmission line. Also a triangular parcel of land in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 18, Township 18 South, Range 2 West, lying North of the Alabama Power Company's right-of-way, West of the East line of Section 18, Township 18 South, Range 2 West and Southeast of the New Montgomery Highway except that part of said parcel heretofore deeded to Jefferson County, 2.2 acres, more or less and being the same land conveyed on August 4, 1955 by John G. Burton, Hampton C. Hopkins, Ray Frank Robbins, et al to Cherokee Land Company, Inc., which deed is filed in Vol. 5431, Page 323, Record of Deeds in the Probate Office of Jefferson County, Alabama.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Mary B. Wheeler who, being by me first duly sworn, deposes and says that she is the Co-Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of August 15, 22, 29, Sept. 5, 1959, a legal notice, a copy of which is hereto attached.

MARY B. WHEELER,  
Co-Publisher.

Sworn and subscribed to on this the 22 day of September, 1959.

SARA WHEELER,  
Notary Public.

Also:

By Mr. Andrews:

S. 377. To extend, alter and rearrange the boundary and corporate limits of the City of Union Springs, in Bullock County, Alabama.



With notice and proof thereto attached and herewith exhibited as follows:

LEGAL

NOTICE IS HEREBY GIVEN THAT DURING THE REGULAR SESSION OF THE 1959 LEGISLATURE THERE WILL BE INTRODUCED THE FOLLOWING BILL:

A BILL  
TO BE ENTITLED  
AN ACT

To extend, alter and rearrange the boundary and corporate limits of the City of Union Springs, in Bullock County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the corporate limits of the City of Union Springs, in Bullock County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of said City all of the following adjacent territory:

Beginning at a point on the East line of the corporate limits of the City of Union Springs, Alabama, where the Half Section Line which runs East and West through Section 35, Township 14 North, Range 23 East, intersects the said corporate limits and run thence East along the said Half Section line to the North East corner of the SE $\frac{1}{4}$  of said Section 35, thence East along the Half Section line 1443 feet to a point, thence South to the South Section Line of Section 36, Township 14 North, Range 23 East, thence South 1320 feet, thence West to the East corporate limits of the said City of Union Springs, Alabama, thence in a Northerly direction along said corporate limits of said City to the point of beginning of the lands hereinabove described lying partly in Section 35 and 36 of Township 14, Range 23 and partly in Sections 1 and 2 of Township 13, Range 23, in Bullock County, Alabama.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

8-27-4tc

STATE OF ALABAMA,  
BULLOCK COUNTY

Before me, Rubye M. Garner, a Notary Public, in and for said State and County, personally appeared Wm. H. Garner, Publisher of the Union Springs Herald, a newspaper published at Union Springs, Bullock County, Alabama, who being duly sworn states on oath that he published a legal notice, a bill to be entitled an act, to extend, alter and rearrange the boundary & corporate limits of The City of Union Springs, Ala., a true copy of which is attached hereto, was published in said newspaper for 4 consecutive weeks, in its issues of Aug. 27, 1959, Sept. 3, 1959, Sept. 10, 1959, Sept. 17, 1959.

WM. H. GARNER,  
Publisher.

Sworn to and subscribed before me this 28 day of Sept., 1959.

RUBY M. GARNER,  
Notary Public.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 379. Local Legislation No. 1

S. 387. Local Legislation No. 2

S. 377. Local Legislation No. 1

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Mr. Eddins:

S. 177. To prohibit members of the Legislature from doing business with the State or any of its officers or agencies; prescribing penalties.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 177. Ways and Means

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 707. To levy county sales and use taxes for public school purposes in Greene County; to provide for the collection of such taxes by the state department of revenue, and for the distribution and use of the proceeds thereof; to provide for the enforcement of the Act; to provide penalties for violations of the Act; to supersede and repeal Act No. 24, H. 15, approved February 19, 1959.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Martin the House concurred in and adopted the Senate amendment to the bill, H. 707, said Senate amendment being as follows:

## AMENDMENT TO H. B. 707

In paragraph 5 of Section 1, on page 2, strike out "three per cent of the sales price" and insert "one-half of one percent of the sales price".

Yeas 77; Nays 0.

## Yeas:

|                 |                    |                    |                   |
|-----------------|--------------------|--------------------|-------------------|
| Mr. Speaker     | Edwards            | Johnston (Leonard) | Ramey             |
| Adams (Houston) | Faulk              | Lee                | Rast              |
| Albea           | Ferguson           | Locke              | Ray               |
| Ashworth        | Franklin           | Long (Perry)       | Rogers            |
| Avery           | Gilmer             | McClendon (Chamb)  | Rozelle           |
| Bailey          | Glass              | Martin             | Salter            |
| Barnett         | Goldthwaite        | Meade              | Self              |
| Bassett         | Gordon             | Merrill            | Sessions          |
| Bishop          | Grant              | Morrow             | Shumate           |
| Boyd            | Gross              | Murphy             | Smith (Russell)   |
| Branyon         | Grouby             | Nettles            | Smith (St. Clair) |
| Brewer          | Hain               | Nichols            | Solomon           |
| Broadfoot       | Hardy              | Oakley             | Speaks            |
| Cabiness        | Harris             | Oden               | Steagall          |
| Cates           | Hawkins            | Owens              | Sullivan          |
| Copeland        | Hocklander         | Phillips           | Thomas            |
| Cornett         | Ingram             | Pierce             | Trimmier          |
| Daniel          | Jenkins            | Powell             | Turner            |
| Dickson         | Johnson (Hardaway) | Pruitt             | Turnham           |
| Dodd            |                    |                    |                   |

—77

And said bill, H. 707, as amended by the Senate amendment, was again read at length and passed.

Yeas 70; Nays 0.

## Yeas:

|                 |                    |                    |                   |
|-----------------|--------------------|--------------------|-------------------|
| Mr. Speaker     | Daniel             | Johnston (Leonard) | Ramey             |
| Adams (Houston) | Dickson            | Lee                | Ray               |
| Albea           | Dodd               | Locke              | Rogers            |
| Ashworth        | Ferguson           | Long (Perry)       | Rozelle           |
| Avery           | Franklin           | McClendon (Chamb)  | Salter            |
| Bailey          | Glass              | Martin             | Self              |
| Barnett         | Goldthwaite        | Meade              | Sessions          |
| Bassett         | Gordon             | Merrill            | Shumate           |
| Bishop          | Grant              | Morrow             | Smith (Russell)   |
| Boyd            | Grouby             | Murphy             | Smith (St. Clair) |
| Branyon         | Hain               | Nettles            | Solomon           |
| Brewer          | Hanby              | Oakley             | Speaks            |
| Broadfoot       | Hardy              | Oden               | Sullivan          |
| Cabiness        | Harris             | Owens              | Thomas            |
| Cates           | Hocklander         | Phillips           | Trimmier          |
| Chambers        | Ingram             | Pierce             | Turner            |
| Copeland        | Jenkins            | Powell             | Turnham           |
| Cornett         | Johnson (Hardaway) |                    |                   |

—70

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 690. Relating to the purchase of supplies, materials, equipment, and contractual services, and the sale or exchange of property, by or for Autauga County; providing for competitive bidding on certain contracts, purchases, sales, and exchanges; prescribing penalties.

J. E. SPEIGHT,  
Secretary.

### SENATE MESSAGE

On motion of Mr. Grouby the House concurred in and adopted the Senate amendment to the bill, H. 690, said Senate amendment being as follows:

### AMENDMENT TO H. B. 690

In Section 1, line 14, after the word "include" insert the following:  
"purchase of insurance or"

Yeas 76; Nays 0.

#### Yeas:

|                            |             |                               |                               |
|----------------------------|-------------|-------------------------------|-------------------------------|
| Mr. Speaker                | Daniel      | Johnson <sup>(Hardaway)</sup> | Pierce                        |
| Adams <sup>(Houston)</sup> | Dickson     | Johnston <sup>(Leonard)</sup> | Powell                        |
| Albea                      | Dodd        | Jones <sup>(Covington)</sup>  | Ramey                         |
| Ashworth                   | Faulk       | Lee                           | Ray                           |
| Avery                      | Franklin    | Locke                         | Reynolds <sup>(Madison)</sup> |
| Bailey                     | Glass       | Long <sup>(Perry)</sup>       | Rogers                        |
| Barnett                    | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Rozelle                       |
| Bassett                    | Gordon      | Martin                        | Salter                        |
| Bishop                     | Grant       | Meade                         | Self                          |
| Boyd                       | Gross       | Merrill                       | Sessions                      |
| Branyon                    | Grouby      | Morrow                        | Shumate                       |
| Brewer                     | Hain        | Murphy                        | Smith <sup>(Russell)</sup>    |
| Broadfoot                  | Hanby       | Nettles                       | Smith <sup>(St. Clair)</sup>  |
| Cabiness                   | Hardy       | Nichols                       | Solomon                       |
| Camp                       | Harris      | Oakley                        | Sullivan                      |
| Cates                      | Hawkins     | Oden                          | Thomas                        |
| Chambers                   | Hocklander  | Owens                         | Trimmier                      |
| Copeland                   | Ingram      | Perry                         | Turner                        |
| Cornett                    | Jenkins     | Phillips                      | Turnham                       |

—76

And said bill, H. 690, as amended by the Senate amendment, was again read at length and passed.

Yeas 77; Nays 0.

#### Yeas:

|                            |           |          |             |
|----------------------------|-----------|----------|-------------|
| Mr. Speaker                | Bishop    | Cates    | Faulk       |
| Adams <sup>(Houston)</sup> | Boyd      | Chambers | Ferguson    |
| Albea                      | Branyon   | Copeland | Franklin    |
| Ashworth                   | Brewer    | Cornett  | Gilmer      |
| Bailey                     | Broadfoot | Daniel   | Glass       |
| Barnett                    | Cabiness  | Dickson  | Goldthwaite |
| Bassett                    | Camp      | Dodd     | Gordon      |

|                               |                              |                               |          |
|-------------------------------|------------------------------|-------------------------------|----------|
| Grant                         | Jones <sup>(Covington)</sup> | Oakley                        | Rozelle  |
| Gross                         | Lee                          | Oden                          | Salter   |
| Grouby                        | Locke                        | Owens                         | Self     |
| Hain                          | Long <sup>(Perry)</sup>      | Perry                         | Sessions |
| Hanby                         | McClendon <sup>(Chamb)</sup> | Phillips                      | Solomon  |
| Hardy                         | Martin                       | Pierce                        | Speaks   |
| Harris                        | Meade                        | Powell                        | Steagall |
| Hawkins                       | Merrill                      | Ramey                         | Sullivan |
| Hocklander                    | Morrow                       | Rast                          | Thomas   |
| Ingram                        | Murphy                       | Ray                           | Trimmier |
| Jenkins                       | Nettles                      | Reynolds <sup>(Madison)</sup> | Turner   |
| Johnson <sup>(Hardaway)</sup> | Nichols                      | Rogers                        | Turnham  |
| Johnston <sup>(Leonard)</sup> |                              |                               |          |

—77

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 657. To amend Act No. 496, H. 930, approved September 3, 1953 (Acts of Alabama, 1953, page 624) which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. McClendon (Chambers) the House concurred in and adopted the Senate amendment to the bill, H. 657, said Senate amendment being as follows:

## AMENDMENT TO H. B. 657

In Section 1, strike out the paragraph beginning, "(a) In the event that the act regulating purchases" and insert in lieu thereof the following paragraph:

"(a) The probate judge shall be allowed the sum of eleven thousand dollars (\$11,000) annually for the employment of clerical assistance, including the chief clerk. The salary of the chief clerk of the probate judge shall be four thousand eight hundred dollars (\$4,800) annually."

Also, strike out paragraph "(b)" and insert:

"(b) The Circuit Clerk shall be allowed the sum of two thousand four hundred dollars (\$2,400) annually for the employment of clerical assistants, in addition to the deputy provided for by Act No. 502, Regular Session 1955, as amended by Act No. 21, Regular Session 1959."

Yeas 76; Nays 0.

## Yeas:

|                            |          |         |           |
|----------------------------|----------|---------|-----------|
| Mr. Speaker                | Ashworth | Bishop  | Brewer    |
| Adams <sup>(Houston)</sup> | Avery    | Boyd    | Broadfoot |
| Albea                      | Bailey   | Branyon | Cabiness  |

|             |                              |              |                                |
|-------------|------------------------------|--------------|--------------------------------|
| Camp        | Grouby                       | McCorquodale | Ramey                          |
| Cates       | Guthrie                      | Martin       | Rast                           |
| Chambers    | Hain                         | Meade        | Ray                            |
| Cornett     | Hankins                      | Merrill      | Reynolds <sup>(Chambers)</sup> |
| Daniel      | Hardy                        | Morrow       | Reynolds <sup>(Madison)</sup>  |
| Dickson     | Harris                       | Murphy       | Rogers                         |
| Edwards     | Hawkins                      | Nettles      | Salter                         |
| Faulk       | Hearn                        | Nichols      | Self                           |
| Ferguson    | Hocklander                   | Oakley       | Shumate                        |
| Franklin    | Ingram                       | Oden         | Smith <sup>(St. Clair)</sup>   |
| Gilmer      | Jenkins                      | Owens        | Solomon                        |
| Glass       | Jones <sup>(Covington)</sup> | Perry        | Speaks                         |
| Goldthwaite | Lee                          | Phillips     | Sullivan                       |
| Gordon      | Locke                        | Pierce       | Thomas                         |
| Grant       | Long <sup>(Perry)</sup>      | Powell       | Trimmier                       |
| Gross       | McClendon <sup>(Chamb)</sup> | Pruitt       | Turner                         |

—76

And said bill, H. 657, as amended by the Senate amendment, was again read at length and passed.

Yeas 78; Nays 0.

#### Yeas:

|                            |             |                              |                                |
|----------------------------|-------------|------------------------------|--------------------------------|
| Mr. Speaker                | Dodd        | Ingram                       | Pierce                         |
| Adams <sup>(Houston)</sup> | Edwards     | Jenkins                      | Powell                         |
| Albea                      | Faulk       | Jones <sup>(Covington)</sup> | Pruitt                         |
| Ashworth                   | Ferguson    | Lee                          | Ramey                          |
| Avery                      | Franklin    | Locke                        | Rast                           |
| Bailey                     | Gilmer      | Long <sup>(Perry)</sup>      | Ray                            |
| Barnett                    | Glass       | McClendon <sup>(Chamb)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Goldthwaite | McCorquodale                 | Reynolds <sup>(Madison)</sup>  |
| Bishop                     | Gordon      | Martin                       | Rogers                         |
| Boyd                       | Grant       | Meade                        | Salter                         |
| Branyon                    | Gross       | Merrill                      | Self                           |
| Brewer                     | Grouby      | Morrow                       | Shumate                        |
| Broadfoot                  | Guthrie     | Murphy                       | Smith <sup>(St. Clair)</sup>   |
| Cabiness                   | Hain        | Nettles                      | Solomon                        |
| Camp                       | Hankins     | Nichols                      | Speaks                         |
| Cates                      | Hardy       | Oakley                       | Sullivan                       |
| Chambers                   | Harris      | Oden                         | Thomas                         |
| Cornett                    | Hawkins     | Owens                        | Trimmier                       |
| Daniel                     | Hearn       | Phillips                     | Turner                         |
| Dickson                    | Hocklander  |                              |                                |

—78

#### RESOLUTION

The motion of Mr. Bailey to suspend the rules in order to introduce a resolution was adopted.

And the following resolution was introduced:

By Mr. Bailey:

H. J. R. 71. RESOLVED BY THE LEGISLATURE OF ALABAMA, THE SENATE AND HOUSE CONCURRING, That when the two Houses adjourn on Friday, October 16, they will adjourn to meet again on Wednesday, October 21, so as to prevent a conflict between the needs of members and the needs of those persons attending the annual meeting of the Order of the Eastern Star for hotel accommodations; that when the two Houses adjourn on Friday, October 30, they will adjourn

to meet again on Wednesday, November 4, so as to prevent a conflict between the needs of members and the needs of those persons attending the annual meeting of the Alabama Farm Bureau for hotel accommodations.

On motion of Mr. Bailey the rules were suspended and H. J. R. 71 was adopted.

Yeas 59; Nays 8.

**Yeas:**

|                            |             |                              |                                |
|----------------------------|-------------|------------------------------|--------------------------------|
| Mr. Speaker                | Dodd        | Hocklander                   | Phillips                       |
| Adams <sup>(Houston)</sup> | Edwards     | Ingram                       | Pierce                         |
| Albea                      | Ferguson    | Jenkins                      | Powell                         |
| Ashworth                   | Franklin    | Lee                          | Ramey                          |
| Bailey                     | Gilmer      | Locke                        | Ray                            |
| Barnett                    | Goldthwaite | Long <sup>(Lauderdale)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bishop                     | Gordon      | Long <sup>(Perry)</sup>      | Rogers                         |
| Boyd                       | Grant       | McClendon <sup>(Chamb)</sup> | Salter                         |
| Branyon                    | Gross       | Martin                       | Self                           |
| Broadfoot                  | Grouby      | Meade                        | Smith <sup>(St. Clair)</sup>   |
| Callahan                   | Guthrie     | Merrill                      | Solomon                        |
| Camp                       | Hain        | Morrow                       | Thomas                         |
| Chambers                   | Hardy       | Murphy                       | Trimmier                       |
| Cornett                    | Hawkins     | Oakley                       | Turner                         |
| Dickson                    | Hearn       | Owens                        |                                |

—59

**Nays:**

|          |                              |         |         |
|----------|------------------------------|---------|---------|
| Messrs.: | Jones <sup>(Covington)</sup> | Nettles | Torbert |
| Brewer   | McCorquodale                 | Speaks  | Turnham |
| Cabiness |                              |         |         |

—8

**RESOLUTION**

The motion of Mr. Ashworth to suspend the rules in order to introduce a resolution was adopted.

And the following resolution was introduced:

By Messrs. Bailey, Ashworth, Goodwyn, Pierce and Goldthwaite:

H. J. R. 72. RESOLVED, That the two houses of the Legislature of Alabama mark with great regret and profound sorrow the death of Jacob M. (Jake) Kreis, highly respected state law enforcement officer of many years devotion to public service, and husband of Mrs. Leslie Kreis, able, conscientious, and beloved chief clerk of the House of Representatives. Mr. Kreis died on Wednesday, October 7, 1959, after an extended illness. His passing is deeply mourned, and the sympathy of the two houses is extended the widow and the surviving members of his family on their great loss.

On motion of Mr. Bailey the rules were suspended and H. J. R. 72 was adopted.

**REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 707. To levy county sales and use taxes for public school purposes in Greene County; to provide for the collection of such taxes by the state department of revenue, and for the distribution and use of the proceeds thereof; to provide for the enforcement of the Act; to provide penalties for violations of the Act; to supersede and repeal Act No. 24, H. 15, approved February 19, 1959.

Also:

H. 690. Relating to the purchase of supplies, materials, equipment, and contractual services, and the sale or exchange of property, by or for Autauga County; providing for competitive bidding on certain contracts, purchases, sales, and exchanges; prescribing penalties.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### RESOLUTIONS

The following resolutions were introduced:

By Mr. Martin:

H. R. 73. BE IT RESOLVED by the House that House Bill No. 46, which has been introduced and is now pending in the Legislature, be named the Albea, Boyd, Martin, Sessions, Sullivan, Hardy, Cates Bill.

On motion of Mr. Martin the rules were suspended and H. R. 73 was adopted.

Also:

By Messrs. Boyd and Bassett:

H. J. R. 74. WHEREAS, a beautiful, gracious and talented maid from Pike County, Miss Mildred Nelson, was crowned "Alabama Maid of Cotton for 1960"; and

WHEREAS, this is an honor Miss Nelson richly deserves, for she is not only a beauty but a good student, a singer, an acrobat, a television performer and a young lady of rare charm; now therefore, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING:

That the Legislature of Alabama takes pride in the fact that Alabama will be represented in the National Maid of Cotton Contest by a young lady of Miss Nelson's beauty, grace and poise; commends the judges for the 1960 Alabama Maid of Cotton Contest for their rare discrimination and good judgment in selecting Miss Nelson as Alabama's representative in the National Contest; congratulates Miss Nelson on having been chosen to represent Alabama; and extends to



her the best wishes of her fellow Alabamians for a happy and eventful reign as "Alabama Maid of Cotton for 1960."

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Miss Nelson and to the Press.

RESOLVED, also, that the two Houses extend to Miss Nelson a cordial invitation to visit the two Houses at such time as may be agreeable to her.

On motion of Mr. Boyd the rules were suspended and H. J. R. 74 was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Haltom, Andrews, Webb, deGraffenried, Graham, Turner, Jones, Crawford, Moses, Berryman, Gaither, Cooper, Kendall, Samford, Givhan, Caffey, Porter, Dumas, Hines, Roberts, Farmer, Rutledge, Word, Wyatt, Wilson, Clark, Leonard, Godfrey and Barnett:

S. 175. To amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An Act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts Alabama, Regular Session, 1953, p. 549), and to provide the time when the amendment shall become effective.

Also:

By Mr. Haltom:

S. 178. To amend Section 3 of Act No. 724, approved September 17, 1953, entitled "An act to provide law clerks to be appointed by the presiding judge and the associate judges of the Court of Appeals, to prescribe their duties and fix their compensation" (General Acts Alabama, Regular Session 1953, p. 979, and to provide the time when the amendment shall become effective.

Also:

By Mr. Godfrey:

S. 275. To provide for naming certain bridges by the State Highway Department.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 175. Ways and Means

S. 178. Ways and Means

S. 275. Transportation.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Cooper, Crawford, Clark and Golson:

S. 357. To authorize and encourage join action and cooperation between cattle raisers, cattle dealers and other handlers of cattle for the purpose of stabilizing, protecting, and promoting the cattle and beef industry in Alabama; recognizing the Alabama Cattlemen's Association as the representative and agent of the cattlemen of the state for the purpose of initiating and conducting certain programs designed to stabilize, protect and promote the cattle industry; authorizing providing for and regulating the levying and collection of assessments on sales of cattle to provide funds to finance such programs; placing certain duties relative to such assessments on the commissioner and the department of agriculture and industries; providing for a refund of any assessment collected under authority of this act to any cattleman who is dissatisfied with the levy thereof; and prescribing penalties.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 357. Agriculture

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 594. To amend Section 2 of the act entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," which becomes effective October 1, 1959.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Perry the House concurred in and adopted the Senate amendment to the bill, H. 594, said Senate amendment being as follows:

FINANCE AND TAXATION COMMITTEE  
AMENDMENT TO H. B. 594

Amend the bill, House Bill 594, by deleting the last sentence in Section 2, sub-paragraph (a) and inserting in lieu thereof the following:

"Provided that where all the sales of a company are single sales of peanut products, milk products, coffee, and confections sold in dispensing machines located in industrial plants or on private property for employees where such machines dispense exclusively articles not to exceed ten cents (10c) per sale, and the person operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10c) per sale and shall file with the State Department of Revenue a sworn statement to that effect and shall keep and maintain records satisfactory to the State Department of Revenue, the gross receipts tax herein provided for shall not be levied."

Yeas 67; Nays 0.

**Yeas:**

|                 |                   |                   |                     |
|-----------------|-------------------|-------------------|---------------------|
| Mr. Speaker     | Faulk             | Jones (Monroe)    | Ramey               |
| Adams (Houston) | Franklin          | Lee               | Rast                |
| Albea           | Gilmer            | Locke             | Ray                 |
| Ashworth        | Goldthwaite       | Long (Perry)      | Reynolds (Chambers) |
| Bailey          | Gordon            | McClendon (Chamb) | Rogers              |
| Barnett         | Grant             | McCorquodale      | Rozelle             |
| Bassett         | Gross             | Martin            | Self                |
| Bishop          | Grouby            | Merrill           | Sessions            |
| Boyd            | Hain              | Morrow            | Shumate             |
| Branyon         | Hanby             | Murphy            | Smith (Russell)     |
| Brewer          | Hankins           | Nettles           | Solomon             |
| Broadfoot       | Harris            | Nichols           | Steagall            |
| Chambers        | Hawkins           | Oakley            | Sullivan            |
| Daniel          | Hearn             | Owens             | Thomas              |
| Dickson         | Hocklander        | Perry             | Trimmier            |
| Dodd            | Jenkins           | Phillips          | Turner              |
| Edwards         | Jones (Covington) | Powell            |                     |

—67

And said bill, H. 594, as amended by the Senate amendment, was again read at length and passed.

Yeas 72; Nays 0.

**Yeas:**

|                 |             |                   |                     |
|-----------------|-------------|-------------------|---------------------|
| Mr. Speaker     | Dodd        | Hocklander        | Pierce              |
| Adams (Houston) | Edwards     | Jenkins           | Powell              |
| Albea           | Faulk       | Jones (Monroe)    | Ramey               |
| Ashworth        | Franklin    | Lee               | Rast                |
| Bailey          | Gilmer      | Locke             | Reynolds (Chambers) |
| Barnett         | Glass       | Long (Perry)      | Rogers              |
| Bassett         | Goldthwaite | McClendon (Chamb) | Rozelle             |
| Bishop          | Gordon      | McCorquodale      | Self                |
| Boyd            | Grant       | Martin            | Sessions            |
| Branyon         | Gross       | Merrill           | Shumate             |
| Brewer          | Grouby      | Morrow            | Smith (Russell)     |
| Broadfoot       | Hain        | Murphy            | Solomon             |
| Cates           | Hanby       | Nettles           | Steagall            |
| Chambers        | Hankins     | Nichols           | Sullivan            |
| Cook            | Hardy       | Oakley            | Thomas              |
| Copeland        | Harris      | Owens             | Trimmier            |
| Daniel          | Hawkins     | Perry             | Turner              |
| Dickson         | Hearn       | Phillips          | Turnham             |

—72

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 657. To amend Act No. 496, H. 930, approved September 3, 1953 (Acts of Alabama, 1953, page 624) which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

## BILLS ON SECOND READING

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitutes, and they were severally read a second time and placed on the Calendar, to wit:

H. 763. (with substitute) To make additional appropriations to The Board of Trustees of the University of Alabama, for mental health purposes, including payment of salaries of professional and related personnel in the Department of Psychiatry of the Medical College of Alabama, operation of the out-patient Mental Health Clinic of said college, payment of stipends and scholarships to trainees in the field of psychiatry, and hospitalization of medically indigent mental patients in University Hospital and Hillman Clinics.

H. 764. (with substitute) To make additional appropriations to the state institutions for the mentally ill and the mentally deficient for the two fiscal years ending September 30, 1960, and September 30, 1961, such appropriations to be paid from the Alabama Special Mental Health Fund.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 903. To make an additional appropriation to the Helen Keller Property Board of the City of Tusculumbia for the purpose of repairing, renovating, restoring, and equipping certain property in said city to perpetuate the memory of Helen Keller.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 213. (with amendment) To provide for the relief of Paul Co-burn.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 445. To re-enact and amend Section 112 of Title 13, Code of Alabama 1940, relating to a division of the State into judicial circuits.

H. 745. To amend Section 2, Item III, B (4) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

H. 916. To provide for the issuance of special motor vehicle license tags or plates to certain disabled veterans.

H. 839. To amend Sections 4 and 7 of Title 51, Code of Alabama 1940, which relate to applications for exemptions of factories, industries, and plants from ad valorem tax.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 17. (with amendment) To amend Title 51, Section 703, Code of Alabama, 1940, as amended, relating to ad valorem taxation of trailers.

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on th Calendar, to-wit:

H. 724. To amend Sections 92 and 117 of Title 17 of the Code of Alabama of 1940 so as to authorize any county or city or other political sub-division of the state to authorize and direct the use of voting machines for registering or recording and computing the vote at all elections held in such county or city or other political subdivision or portion of any thereof without the requirement of submitting the question of the authorization or installation of voting machines to a vote of the qualified electors of such county, city, or other political subdivision, and so as to make the pertinent and necessary laws pertaining to the use of voting machines in counties also apply to the use of voting machines in any municipality or other political subdivision in which voting machines may be adopted.

H. 725. To authorize each county in this state, in which voting machines may now or hereafter be authorized or required to be used

in the conduct of elections, to sell and issue from time to time interest bearing warrants or certificates of indebtedness of such county for the purpose of acquiring or providing voting machines for the conduct of elections in such county; authorizing each such county to pledge and use, for payment of the principal of and interest on such warrants and certificates, so much as may be necessary for such purpose of the  $\frac{1}{2}$  of 1% ad valorem tax which such county is now authorized to levy without reference to its purpose, and specifying the effect and priority of any such pledge; and authorizing the refunding of such warrants and certificates.

H. 727. To amend Act No. 817, S. 420, approved September 19, 1953 (Acts of Alabama, Regular Session, 1953, p. 1103), entitled "An Act To regulate further the granting of certain scholarships to the University of Alabama."

H. 729. To amend Sections 279 and 280 of Title 17, Code of Alabama 1940, relating to the filing of political campaign expense statements.

H. 730. To amend further Section 12 of Title 17, Code of Alabama 1940, which relates to qualifications to vote.

H. 733. To amend further Section 361 of Title 17, Code of Alabama 1940, in relation to single shot voting for the nomination or election of electors for president and vice president of the United States.

H. 862. To provide for the taking of depositions of witnesses and parties upon oral examination for discovery or for use as evidence; to prescribe the scope of such examination, the use of such depositions, and the effect of using such depositions; to provide a method of compelling the attendance of the person sought to be examined; to prescribe the penalties for failure of such person to appear for such examination; to regulate and conform practice and procedure with respect to such examinations and depositions; to make said examinations and depositions available to litigants in suits in equity; to validate certain depositions taken under pre-existing law; and to repeal conflicting statutes and rules of practice.

H. 901. To outlaw all matches except safety matches and prescribing a penalty.

S. 287. To provide for two judges of the Nineteenth Judicial Circuit of Alabama, prescribe their qualifications, and provide for their election or appointment and their compensation, jurisdiction, authority, powers, and duties.

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to wit:

H. 722. (with amendment) To amend the act approved August 19, 1949, relating to absentee voting (Act No. 424, H. 351, 1949 Acts 601).

Mr. Oden, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable

report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 43. To amend Section 12 of Title 29, Code of Alabama (1940), which prohibits certain advertising of alcoholic beverages, so as to prohibit such advertising in daily and weekly newspapers.

H. 888. To regulate the lending of money in sums not in excess of \$500, repayable in installments; to regulate the lending of money in excess of \$500, repayable in installments; to provide the rate of interest and other charges therefor; to regulate such transactions, and to prescribe penalties for violation thereof; to define the phrase "Installment Loan" for the purposes of this Act; to provide for a short title therefor so that the same may be cited as the "Installment Loan Act"; to provide for the repeal of inconsistent laws heretofore enacted; to provide when this Act shall take effect, and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Mr. Albea, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 46. (with amendment) To provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign and alien insurance companies, societies, and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes.

#### POINT OF PERSONAL PRIVILEGE

Mr. Self requested as a point of personal privilege that the following be inserted in the Journal:

On October 8, 1959 the House Insurance Sub-committee reported the proposed insurance code back to the entire Committee by a three to two favorable vote. The minority report was filed with the Insurance Committee by Messrs. Self and Branyon, with their conviction being that after duly trying to understand the voluminous, far-reaching, controlling and unagreeable proposed code that the said code, and the amendments thereto, should be studied and thoroughly understood by

all members of the Insurance Committee and the same should be a satisfactory code to the industry of this state and have the protection of policy holders.

After the code was returned to full committee, certain representatives of the insurance industry were present and in some instances expressed some doubt as to whether the code was in acceptable form for the purposes of safeguarding policy holders, investors and the insurance industry in this state.

The undersigned members of the Insurance Committee, individually and collectively, feel that an insurance code is needed in the State of Alabama, but feel that the proposed code should be fully understood by each member of the Insurance Committee with each member feeling that the policy holders of this state are protected thereunder and will in no way be injured with the policies they now hold that were issued by Alabama insurance companies, that the investors in Alabama and foreign insurance companies are protected, and that no insurance company or group of insurance companies, will be unjustly discriminated against, or unjustly burdened with unjustifiable restrictions under the proposed code.

The undersigned members of the Insurance Committee feel that an insurance interim committee should be appointed to study the proposed insurance code as representatives from the Insurance Committee during the interim from adjournment of this Legislature until the Legislature convenes in May 1961. This recommendation being made with the view in mind that the representatives of the insurance industry should assist during the interim in preparing a code that will be acceptable by the companies in the insurance field in Alabama.

The undersigned members would further like to point out that the Commissioner of Insurance, State of Alabama, has not recommended this bill and the undersigned feel that since he is the administrative authority governing the insurance industry in this State that a recommendation should be made from him.

In view of the above, the undersigned respectfully request that an interim committee be appointed to study the proposed insurance code, as amended, and make a report to the Legislature in May 1961.

Respectfully submitted,

John Self  
James A. Branyon, II  
Ashley L. Camp, Jr.  
Barnard Cabiness

#### MOTION TO RECOMMIT H. 46 LOST

Mr. Self moved that the bill, H. 46, and pending amendment, be recommitted to the Standing Committee on Insurance, and said motion was lost.

Yeas 19; Nays 58.

#### Yeas:

|           |          |                     |                   |
|-----------|----------|---------------------|-------------------|
| Messrs.:  | Cabiness | Hankins             | Rozelle           |
| Bishop    | Camp     | Long (Lauderdale)   | Self              |
| Branyon   | Dickson  | Nichols             | Shumate           |
| Brewer    | Dodd     | Oakley              | Smith (St. Clair) |
| Broadfoot | Guthrie  | Reynolds (Chambers) | Speaks            |



**Nays:**

|                            |             |                              |                            |
|----------------------------|-------------|------------------------------|----------------------------|
| Mr. Speaker                | Ferguson    | Jenkins                      | Pierce                     |
| Adams <sup>(Houston)</sup> | Franklin    | Jones <sup>(Covington)</sup> | Powell                     |
| Albea                      | Gilmer      | Locke                        | Pruitt                     |
| Ashworth                   | Glass       | Long <sup>(Perry)</sup>      | Ramey                      |
| Avery                      | Goldthwaite | McClendon <sup>(Chamb)</sup> | Rast                       |
| Bailey                     | Grant       | McCorquodale                 | Rogers                     |
| Barnett                    | Gross       | Martin                       | Salter                     |
| Bassett                    | Grouby      | Merrill                      | Sessions                   |
| Boyd                       | Hain        | Morrow                       | Smith <sup>(Russell)</sup> |
| Cates                      | Hanby       | Murphy                       | Solomon                    |
| Chambers                   | Hardy       | Nettles                      | Sullivan                   |
| Copeland                   | Hawkins     | Owens                        | Thomas                     |
| Daniel                     | Hearn       | Perry                        | Trimmier                   |
| Edwards                    | Hocklander  | Phillips                     | Turner                     |
| Faulk                      | Ingram      |                              |                            |

—58

**BILLS ON SECOND READING RESUMED**

Mr. Reynolds (Chambers), Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 841. To alter, rearrange and extend the boundaries of the Town of Kinston in Coffee County.

H. 870. To amend an act approved September 1, 1939, authorizing the governing body of Cherokee County to levy and collect a gasoline tax (Act No. 314, H. 700, Local Acts 1939, p. 200) so as to exclude diesel fuel as a taxable fuel under the act.

H. 886. To abolish the jury board of Covington County and to create in lieu thereof a commission composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to prescribe his duties and compensation; and to prescribe the functions, authority, duties and compensation of the jury commissioners appointed hereunder.

H. 889. To amend Section 2 of an act approved August 31, 1953, providing a special fund for the payment of certain expenses incurred by the solicitor or judge of the Twenty-second Judicial Circuit (Act No. 460, H. 856, Acts of Alabama 1953, Vol. 1, p. 564).

H. 904. Relating to Crenshaw County; providing for the reidentification of all registered voters; directing the board of registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

H. 905. To provide for the payment of certain expenses of the county or deputy solicitors of all counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

H. 909. Proposing an amendment to the Constitution of Alabama relating to the levying of special property taxes in Coosa County for school purposes.

The above bill was read a second time at length as required by the Constitution.

H. 910. Relating to the municipality of Ozark, in Dale County: To alter, rearrange, and extend the boundaries and corporate limits of the municipality of Ozark, exempting annexed farm land and appurtenances from municipal ad valorem taxation so long as the same is used for farm purposes.

H. 917. To amend Section 1 of the Act of the Legislature approved on the 9th day of August, 1949, General and Local Acts, 1949, Page 536, entitled: "To provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being served by the Mobile Public Library."

H. 919. Directing the Secretary of State to transmit to the Commissioner of Licenses of Mobile County copies of all acts of the Alabama Legislature when printed in slip or pamphlet form, the bound volumes of such acts when printed for distribution in bound form, and the cumulative pocket supplements to the Code of Alabama (1940).

H. 921. To amend the act approved August 13, 1957 (Act No. 216, H. 598, Acts of 1957, p. 273) providing for the appointment of bailiffs by the judges of the court of general sessions of Mobile County.

H. 932. To establish the Winston County Court of Law and Equity in lieu of the court established by Act No. 242, H. 101, approved August 16, 1955 (Acts of Alabama, Regular Session 1955, vol. I, pp. 553-559); to define the jurisdiction and powers of said court, provide for its officers, their appointment, election, term of office, powers, duties, and compensation, and to provide that the court shall be open at all times for the transaction of business, and to authorize the judge to fix the time of holding sessions for the trial of cases; to empower the court to prescribe its own rules of pleading, practice, and procedure, and to give such rules the force and effect of law; to abolish the court established by said Act No. 242 of August 16, 1955, and provide for the transfer of all cases pending therein to the court hereby established.

H. 933. To amend Sections 1 and 2 of Act No. 291, H. 621, approved August 16, 1957, the act requiring the state department of revenue to collect any sales and use taxes levied in the city of Haleyville, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of that city (Acts of Alabama, Regular Session 1957, vol. I, p. 369).

H. 935. To provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census.

Mr. Perry, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 913. To alter and extend the boundaries of the City of Birmingham, to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the

following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 871. To amend Act No. 194 which was duly passed at the Regular Session, 1957, Legislature of Alabama, Vol. I, Acts of Alabama, Regular Session 1957, pp. 245-254, and which said Act did create and establish in Dallas County a Court known as the Dallas County Court.

### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Lee and Thomas (with notice and proof):

H. 936. To authorize the court of county commissioners, board of revenue or other like governing body of Barbour County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Barbour County public highway and traffic fund.

Local Legislation No. 1.

Notice and Proof H. 936:

### NOTICE OF PUBLICATION

#### STATE OF ALABAMA BARBOUR COUNTY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To authorize the court of county commissioners, board of revenue or other like governing body of Barbour County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Barbour County public highway and traffic fund.

Be It Enacted by the Legislature of Alabama:

Section 1. It being the duty of the chief deputy sheriff and any other deputy sheriffs of Barbour County to enforce state traffic and motor vehicle laws, the court of county commissioners, board of revenue, or other like governing body of Barbour County is hereby authorized to designate the chief deputy and any other deputy sheriffs, whose compensation is paid by the county according to law, as a county traffic control officer. In its discretion, the county governing body may provide for the payment of the compensation of the deputy sheriffs so designated as traffic control officers, in whole or in part, from the Barbour County public highway and traffic control fund.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF BARBOUR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. W. L. Gammell, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the The Clayton Record, a newspaper of general circulation published in Barbour County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 18, 25, Oct. 2 and 9, all in the year 1959.

MRS. W. L. GAMMELL.

Sworn to and subscribed before me October 9, 1959.

J. JAMES TEAL,  
Circuit Clerk.

By Mr. Ashworth (with notice and proof):

H. 937. To amend Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama entitled "An Act relating to Bibb County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 17 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 17 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959; so as to adopt by reference certain provisions of the said Act No. 100 and the said Article 11, as so amended; so

as to make subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

#### Local Legislation No. 1.

Notice and Proof H. 937:

#### LEGAL NOTICE

Notice is hereby given of the intention to apply for the passage and enactment at the 1959 Regular Session of the Legislature of Alabama of a Bill substantially as follows:

#### A BILL TO BE ENTITLED AN ACT

To amend Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama entitled "An Act relating to Bibb County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sale price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 17 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 17 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959; so as to adopt by reference certain provisions of the said Act

No. 100 and the said Article 11, as so amended; so as to make subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage, or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

**Be It Enacted by the Legislature of Alabama:**

Section 1. The title of Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama and entitled "An Act relating to Bibb County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes" is hereby amended so that the said title shall read as follows: "An Act relating to Bibb County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid; providing for collection of said excise tax by

sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes."

Section 2. Section 1 of the said Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama shall be and hereby is amended so that the said Section 1 shall read as follows:

Section 1. Meaning of Terms Used in This Act. The following words, terms and phrases where used in this act shall have the following respective meanings, except where the context clearly indicates a different meaning: 'this State' means the State of Alabama; 'Bibb County' means Bibb County in this State; 'State Sales Tax statutes' means Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama; 'State Sales Tax' means the tax imposed by the State Sales Tax statutes; 'State Use Tax statutes' means Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940 as the said Article 11 had been last amended on September 1, 1959, and as it existed on said date; 'State Use Tax' means the tax imposed by the State Use Tax statutes; 'registered seller' means the person registered with the State Department of Revenue pursuant to Section 790 of Title 51 of said Code, as heretofore amended; 'month' means a calendar month; 'quarterly period' means the period of three months ending on the last day of each March, June, September, or December; 'fiscal year' means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year. In addition to the foregoing definitions, all words, terms and phrases that are defined in the State Sales Tax statutes or in the State Use Tax statutes shall, where used in this act, have the meanings respectively ascribed to them in the State Sales Tax Statutes or in the State Use Tax statutes, as the case may be, except where the context herein clearly indicates a different meaning."

Section 3. Section 2 of the said Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama is hereby amended so that the said Section 2 shall read as follows:

"Section 2. Levy of License Tax Measured by Gross Sales or Gross Receipts. There is hereby levied in Bibb County, in addition to all other taxes of every kind now imposed by law, and shall be collected as hereby provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipt, as the case may be, as follows:

"(a) Upon every person, firm or corporation (including The Board of Trustees of the University of Alabama, The Alabama Polytechnic Institute, and all other institutions of higher learning in the State, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of any such institution) engaged or continuing, within Bibb County, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debt or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business except where a different amount is

expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business:

“(b) Upon every person, firm or corporation engaged or continuing, within Bibb County, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Bibb County, an amount equal to one per cent (1%) of the gross receipts of any such business;

“(c) Upon every person, firm or corporation engaged or continuing within Bibb County in the business of selling at retail machines used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines and attachments and replacements thereof which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily used in the operation thereof, an amount equal to one-half of one per cent ( $\frac{1}{2}$  of 1%) of the gross proceeds of the sale of such machines, parts, attachments and replacements; and

“(d) Upon every person, firm, or corporation engaged or continuing, within Bibb County, in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one per cent ( $\frac{1}{2}$  of 1%) of the gross proceeds of the sale of said automotive vehicle, or truck trailer and semi-trailer; provided, that where any used automotive vehicle, used truck trailer, or used semi-trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

provided, that there are exempted from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax statutes from computation of the amount of the State Sales Tax.”

Section 4. Section 3 of the said Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama is hereby amended so that the said Section 3 shall read as follows:

“Section 3. Levy of Excise Tax on Use, Storage and Consumption of Tangible Personalty. An excise tax is hereby imposed on



“(a) The storage, use or other consumption in Bibb County of tangible personal property purchased at retail, on or after the first day of \_\_\_\_\_, 1959 (the date to be inserted here will be the first day of the month following the month during which this amendatory bill shall become law), for storage, use or other consumption in Bibb County, at the rate of one per cent (1%) of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Bibb County or in this State, except as provided in subsections (b) and (c) of this section;

“(b) The storage, use or other consumption in Bibb County of any machine used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of \_\_\_\_\_, 1959 (the date to be inserted here will be the first day of the month following the month during which this amendatory bill shall become law), for storage, use or other consumption in Bibb County, at the rate of one-half of one per cent ( $\frac{1}{2}$  of 1%) of the sales price of such machine, parts, attachments, or replacements; and

“(c) the storage, use or other consumption in Bibb County of any automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of \_\_\_\_\_, 1959 (the date to be inserted here will be the first day of the month following the month during which this amendatory bill shall become law), for storage, use or other consumption in Bibb County, at the rate of one-half of one per cent ( $\frac{1}{2}$  of 1%) of the sales price of such automotive vehicle, truck trailer, or semi-trailer; provided, that where any used automotive vehicle or used truck trailer or used semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

provided, however, that there are exempted from the provisions of this section and the tax imposed in this section the storage, use or other consumption of property the storage, use or other consumption of which are presently exempted under the State Use Tax statutes from the State Use Tax. Subject to the exemptions provided for in the preceding sentence, every person storing, using, or otherwise consuming in Bibb County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the said tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given, pursuant to Section 5 of this act, to the purchaser of any property to be used, stored or consumed in Bibb County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.”

Section 5. Severability Clause. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 6. Effective Date of Act. This act shall become effective on the first day of the month succeeding the month during which this act shall be approved by the Governor or shall otherwise become law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 17, Sept. 24, Oct. 1, and Oct. 8, all in the year 1959.

J. W. OAKLEY, SR.,  
Publisher.

Sworn to and subscribed before me 8th day of October, 1959.

MARVIN HUETT,  
Notary Public.

By Mr. Ashworth (with notice and proof):

H. 938. To alter, rearrange and extend the boundaries and corporate limits of the Town of West Blocton, Bibb County, Alabama, so as to annex certain territory to the Town.

Local Legislation No. 1.

**Notice and Proof H. 938:**

## LEGAL NOTICE

STATE OF ALABAMA,  
COUNTY OF BIBB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the Town of West Blocton, Bibb County, Alabama, so as to annex certain territory to the Town.

**Be It Enacted by the Legislature of Alabama:**

Section 1: The boundaries and corporate limits of the Town of West Blocton, Bibb County, Alabama, are hereby altered, re-arranged and extended so as to include within the corporate limits of the Town the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

A tract of land located in the Northwest quarter of Northwest quarter of Section 24, Township 22 South, Range 6 West of the Huntsville Principal Meridian, Bibb County, Alabama, having an area of 5.0 acres, more or less, and described as follows: Begin at the Northwest

corner of said Northwest quarter of Northwest quarter of Section 24; thence in an Easterly direction along the North boundary of said Northwest quarter of Northwest quarter 219.0 feet to the beginning of boundary of tract of land herein described; thence turning an angle of 89 degrees and 46 minutes to the right in a Southerly direction 473.48 feet; thence turning an angle of 89 degrees and 46 minutes to the left in an Easterly direction 460.0 feet; thence turning an angle of 90 degrees and 14 minutes to the left in a Northerly direction 473.48 feet to the intersection with the North boundary of said Northwest quarter of Northwest quarter; thence turning an angle of 89 degrees and 46 minutes to the left in a Westerly direction along said North boundary 460.0 feet to the point of beginning.

Section 2: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Centerville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 17, Sept. 24, Oct. 1, and Oct. 8, all in the year 1959.

J. W. OAKLEY, SR.,  
Publisher.

Sworn to and subscribed before me October 8, 1959.

MARVIN HUETT,  
Notary Public.

By Mr. Meade (with notice and proof):

H. 939. Relating to and providing for the reidentification of voters in Cherokee County; directing the board of registrars to purge the lists of registered voters; and providing a penalty for anyone willfully making a false statement in connection with such reidentification.

Local Legislation No. 1.

Notice and Proof H. 939:

#### A BILL TO BE ENTITLED AN ACT

Relating to and providing for the reidentification of voters in Cherokee County; directing the board of registrars to purge the list of registered voters; and providing a penalty for anyone willfully making a false statement in connection with such reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Cherokee County is hereby directed to purge all lists of the registered electors of Cherokee County to the end that the names of all who are deceased or non-residents of the county, or who have otherwise become disqualified from voting therein, shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars of Cherokee County shall omit and remove from the lists of qualified electors of the county the name of every person who fails to reidentify himself in one of the ways hereinafter provided before the first day of October, 1962; provided, however, that no one who has registered as a qualified elector of the county since January 1, 1959, shall be required to reidentify himself. No person removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector, nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote at elections held in the county after the first day of October, 1962.

Section 3. A qualified elector may reidentify himself in any one of the following ways:

(a) He may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate of Cherokee County, or before one of the duly authorized employees of the judge of probate, and answering such questions and submitting such proof as may be set forth hereinafter to establish the voter's identity and place of legal residence and that the voter has not become disqualified from voting in the county.

(b) He may also reidentify himself at any election at which the voter votes prior to October 1, 1962, by answering and signing the questionnaire hereinafter provided for, in the presence of a clerk, manager, inspector, or returning officer at such election, who also shall sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars.

(c) A qualified elector who is on active duty in the Armed Forces of the United States, or the husband or wife of a member of the Armed Forces on Active duty, may also reidentify himself or herself by filling in and mailing to the office of the judge of probate the completed answers to such questions as are set forth in the questionnaire hereinafter detailed, and the elector's signature to such questionnaire must be witnessed by a commissioned officer of the Armed Forces.

(d) The board of registrars shall furnish a sufficient number of blank questionnaires to the judge of probate, and also to the sheriff, party executive committee, or other officer, agency, or committee charged with the duty of sending out election supplies, who shall cause a sufficient number thereof to be sent to each voting place at each election to be held prior to October 1, 1962.

(e) The questionnaire shall be in substantially the following form:

Voters Reidentification questionnaire  
Cherokee County, Alabama

Date: \_\_\_\_\_, 19\_\_\_\_\_



cess of the maximum now provided by law for the purpose of purging such list, and shall be entitled to the same per diem allowances for meeting on such dates, in excess of the maximum as now provided by law.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF CHEROKEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joe Shaw, Jr., who, being by me first duly sworn, deposes and says that during the time herein mentioned he was Publisher of the Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 6-17-59, 6-24-59, 7-1-59, and 7-8-59, all in the year 1959.

JOE SHAW, JR.

Sworn to and subscribed before me 10-6-59.

FAYRENE D. CHAMBLESS.  
Notary Public.

By Mr. Speaks (with notice and proof):

H. 940. To extend, alter, and rearrange the boundary lines and corporate limits of the City of Clanton, in Chilton County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 940:

##### STATE OF ALABAMA, COUNTY OF CHILTON:

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To extend, alter, and rearrange the boundary lines and corporate limits of the City of Clanton, in Chilton County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Clanton in Chilton County, Alabama, be and the same are

hereby extended, altered, and rearranged so as to include within the corporate limits of said City all of the following additional, adjacent territory:

The East half of the Northwest Quarter of the Southwest Quarter (E½ of NW¼ of SW¼) Section Thirty (30), Township Twenty-Two (22), Range Fifteen (15).

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF CHILTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Carlos W. Wyatt, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Assistant Manager of the Union Banner, a newspaper of general circulation published in Chilton County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 17, September 24, October 1, and October 8, all in the year 1959.

CARLOS W. WYATT

Sworn to and subscribed before me October 8, 1959.

A. B. FOSHEE,  
Notary Public.

By Mr. McCorquodale (with notice and proof):

H. 941. Relating to Clarke County; creating the office of Second Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Second Special Deputy.

Local Legislation No. 1.

Notice and Proof H. 941:

### NOTICE OF LOCAL LAW

Notice is hereby given that enactment of a local law by the Legislature of Alabama will be sought, which local law will be substantially as follows:

### A BILL TO BE ENTITLED AN ACT

Relating to Clarke County; creating the office of Second Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Second Special Deputy.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of second special deputy sheriff for Clarke County, which deputy shall be in addition

to the deputies now provided by law. The second special deputy sheriff provided for herein shall be appointed by the Sheriff, shall serve at his pleasure, and shall perform the duties of Deputy Sheriff of Clarke County, and such other duties connected with the office of Sheriff as the Sheriff shall assign to him.

Section 2. The second Special Deputy Sheriff provided for by this act shall be paid a salary which shall be fixed by the governing body of Clarke County, at not less than two hundred fifty dollars (\$250.00), nor more than three hundred fifty dollars (\$350.00) per month, payable monthly. The governing body of Clarke County is hereby authorized and directed to draw warrants each month on the County Treasurer in favor of the second Special Deputy Sheriff for the preceding month's work, on the certification of the Sheriff that such work has been performed, in the amount fixed by said governing body as hereinabove prescribed, which warrants shall be paid out of the General Fund of the County.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF CLARKE

Before me, the undersigned authority in and for said County in said State, this day personally appeared G. A. Carleton, who, being by me first duly sworn, deposes and says that during the time herein mentioned he was Publisher of the Clarke County Democrat, a newspaper of general circulation published in Clarke County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 17, Sept. 24, Oct. 1, and Oct. 8, all in the year 1959.

G. A. CARLETON.

Sworn to and subscribed before me October 8, 1959.

HAZEL KEEN,  
Notary Public.

By Mr. McCorquodale (with notice and proof):

H. 942. To amend Section 2 of Act No. 64, S. 11, approved April 13, 1955, entitled "An act relating to Clarke County; creating the office of Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Special Deputy," (Acts of the 1955 second extraordinary session, Vol. 1, Page 175.)

Local Legislation No. 1.

Notice and Proof H. 942:

#### NOTICE OF LOCAL LAW

Notice is hereby given that enactment of a local law by the Legislature of Alabama will be sought which local law will be substantially as follows:



A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 2 of Act No. 64, S. 11, approved April 13, 1955, entitled "An act relating to Clarke County; creating the office of Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Special Deputy," (Acts of the 1955 second extraordinary session, Vol. 1, Page 175.)

Be It Enacted by the Legislature of Alabama:

Section. 1. Section 2 of Act No. 64, S. 11, approved April 13, 1955, entitled "An act relating to Clarke County; creating the office of Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of such Special Deputy," (Acts of the 1955 second extraordinary session, Vol. 1, Page 175) is amended to read as follows:

"The Special Deputy Sheriff provided for by this act shall be paid a salary which shall be fixed by the governing body of Clarke County, at not less than two hundred fifty dollars (\$250.00), nor more than three hundred fifty dollars (\$350.00) per month, payable monthly. The governing body of Clarke County is hereby authorized and directed to draw warrant each month on the County Treasurer in favor of the Special Deputy Sheriff for the preceding month's work, on the certification of the Sheriff that such work has been performed, in the amount fixed by said governing body as hereinabove prescribed, which warrants shall be paid out of the General Fund of the County."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF CLARKE

Before me, the undersigned authority in and for said County in said State, this day personally appeared G. A. Carleton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Clarke County Democrat, a newspaper of general circulation published in Clarke County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 17, Sept. 24, Oct. 1, and Oct. 8, all in the year 1959.

G. A. CARLETON.

Sworn to and subscribed before me October 8, 1959.

HAZEL KEEN,  
Notary Public.

By Messrs. Owens, Jones (Covington) and Salter:

H. 943. To prescribe certain standards of service and certain duties of telephone companies subject to regulation by the public service commission relative to the public service they have undertaken; directing the public service commission, when a prescribed number of the patrons

of or subscribers to the service of a particular exchange or in a particular service area complain in writing that the service is not up to this standard, to order such improvements in the service as are needed to make it conform to the standard; providing for the enforcement of such orders in the circuit court by means of an order directing the deposit of future monies due as charges for telephone service from the exchange complained of in an escrow account and the use thereafter of such monies to effectuate the changes needed to provide telephonic service adequate for the public needs and convenience; and providing for appeals in such cases.

Judiciary.

By Mr. Martin (with notice and proof):

H. 944. To alter and rearrange the boundaries of the City of Eutaw, Greene County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 944:

#### LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF GREENE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To alter and rearrange the boundaries of the City of Eutaw, Greene County, Alabama.

**Be It Enacted by the Legislature of Alabama:**

Section 1. The boundaries of the City of Eutaw in the County of Greene be and the same hereby are altered and rearranged so as to include within the corporate limits of the said City of Eutaw, Alabama all of the following described territory, to-wit:

NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 3, N $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 3, N $\frac{1}{2}$  of NE $\frac{1}{4}$  of Section 4, E $\frac{1}{2}$  of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 4, NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 5, N $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 5, all in Township 21 North, Range 2 East.

W $\frac{1}{2}$  of E $\frac{1}{2}$  of Section 34, W $\frac{1}{2}$  of Section 34, E $\frac{1}{2}$  of Section 33, E $\frac{1}{2}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 33, N $\frac{1}{2}$  of SW $\frac{1}{4}$  of Section 33, NW $\frac{1}{4}$  of Section 33, SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 32, SW $\frac{1}{4}$  of Section 32, S $\frac{1}{2}$  of N $\frac{1}{2}$  of Section 32, N $\frac{1}{2}$  of SE $\frac{1}{4}$  of Section 32, SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 28, S $\frac{1}{2}$  of SW $\frac{1}{4}$  of Section 28, NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 28, NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 29, SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 29, all in Township 22 North, Range 2 East.

Section 2. All laws and parts of laws, either general or special, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

9-17-4tc

## AFFIDAVIT

STATE OF ALABAMA  
GREENE COUNTY

Before me personally appeared Richard K. Martin, who being duly sworn, states on oath that he is the editor of the Greene County Democrat, a weekly newspaper published in said county, and the attached notice in re CITY BOUNDARIES was published in said paper for 4 consecutive weeks, viz: Sept. 17, Sept. 24, Oct. 1 and Oct. 8, 1959.

RICHARD K. MARTIN.

Sworn to before me this 8 day of Oct., 1959.

DAVID M. HALL,  
Notary Public.

By Mr. Cabiness:

H. 945. To regulate the expenditure of the Governor's Emergency Fund.

Ways and Means.

By Messrs. Perry, Locke, Morrow, Hawkins, Rast, Sessions and Edwards  
(with notice and proof):

H. 946. For the relief of C. D. Chiles; providing that the Board of Managers of the City of Birmingham Retirement and Relief System, established by Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama of 1951, page 1579, et seq.) shall have four months from the effective date of this Act in which to take action on C. D. Chiles' pending application for extraordinary disability allowance.

Local Legislation No. 2.

Notice and Proof H. 946:

## LEGAL NOTICE

Notice is hereby given that during the present session of the Legislature of Alabama application for adoption of the following act will be made:

A BILL  
TO BE ENTITLED  
AN ACT

For the Relief of C. D. Chiles; providing that the Board of Managers of the City of Birmingham Retirement and Relief System, established by Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama of 1951, Page 1579, et seq.), shall have four months from the effective Date of this act in which to take action on C. D. Chiles' pending application for extraordinary disability allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. The purpose of this Act is to provide additional time for the Board of Managers of the City of Birmingham Retirement and Relief System, established by Act. No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama of 1951, Page 1579), hereinafter referred to as "the Pension Act," in which to determine whether C. D. Chiles, a member of the said Pension System, was injured under such circumstances as to entitle him to the extraordinary disability allowance provided for by Section 14 of the Pension Act, the exigencies of the Chiles case being such as to lead the Legislature to conclude that such additional time should be accorded pursuant to Chiles' petition to the Legislature for additional time, which petition the Legislature has been advised that the said Board of Managers does not oppose.

Section 2. It is hereby provided that the Board of Managers of the City of Birmingham Retirement and Relief System shall have four months from the effective date of this act within which to take action on C. D. Chiles' pending application for the extraordinary disability allowance provided by the Pension Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

##### STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Eleanor Abercrombie who, being by me first duly sworn, deposes and says that she is the PUBLISHER of THE BIRMINGHAM MESSENGER, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of Sept. 12, 19, 26, Oct. 3, 1959, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE,  
Publisher.

Sworn and subscribed to on this the 5th day of October, 1959.

SARA WHEELER,  
Notary Public.

By Messrs. Morrow, Locke, Sessions, Edwards, Perry, Hawkins and Rast  
(with notice and proof):

H. 947. To alter, rearrange, and extend the corporate limits of the City of Birmingham, Jefferson County, so as to include within the corporate limits of said City of Birmingham certain additional territory.

Local Legislation No. 2.

Notice and Proof H. 947:

#### NOTICE

Notice is hereby given of intention to apply at the present session of the Legislature of Alabama for introduction and passage of a bill, the substance of which will, as distinguished from details, is and will be the following:

"A BILL  
TO BE ENTITLED  
AN ACT

To alter and extend the corporate limits of the City of Birmingham, Jefferson County, Alabama, so as to include within the corporate limits of said City of Birmingham certain additional territory.

Said bill will provide, in substance, for the alteration and extension of the corporate limits of the City of Birmingham, Jefferson County, Alabama, so as to include within the corporate limits of said City of Birmingham all territory now within such corporate limits and also certain additional territory located in the S.E. corner of the SW¼ of the NE¼ of Section 30, Township 16 South, Range 1 West, said additional territory being a parcel of land contiguous to, but outside of, the present corporate limits of said City of Birmingham and containing approximately twenty-three (23) acres."

Messenger—June 13, 20, 27; July 4, 1959.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Eleanor Abercrombie who, being by me first duly sworn, deposes and says that she is the PUBLISHER of THE BIRMINGHAM MESSENGER, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of June 13, 20, 27, July 4, 1959, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE,  
Publisher.

Sworn and subscribed to on this the 6th. day of July, 1959.

SARA WHEELER,  
Notary Public.

By Messrs. Locke, Hain, Hardy, Gilmer, Steagall, Albea, Brannan, Rozelle, Goldthwaite, Hocklander, Merrill, Perry and Smith (Rus-sell):

H. 948. To provide further for the organization, admission, consolidation, merger, and dissolution of certain corporations, and to pre-scribe the powers, authority, and duties of such corporations, and of the officers, directors, and stockholders thereof.

Judiciary.

By Messrs. Broadfoot and Long (Lauderdale):

H. 949. To regulate the qualifications and compensation of school bus drivers in all counties having a population of not less than 53,000 nor more than 56,000, according to the most recent federal decennial census.

Local Legislation No. 1.

By Messrs. Turnham, Locke, Phillips, Faulk, Rodgers, Dodd, Oakley, Britton and Nettles:

H. 950. To provide further for payment of compensation to county superintendents of education.

Education.

By Mr. Rogers:

H. 951. To amend Section 46 of Title 17, Code of Alabama 1940, in relation to the payment of costs of publishing notices of electors whose names are proposed to be stricken from registration lists.

Constitution and Elections.

By Mr. Hocklander:

H. 952. To provide for an additional judge of the Thirteenth Judicial Circuit of Alabama.

Ways and Means.

By Mr. Murphy:

H. 953. Relating to oil and gas, relating to the drilling for, producing, and conservation of oil and gas, relating to the prevention of waste in oil and gas, and relating to the legislation, control and supervision of development of, drilling for, and production of and use of oil and gas in the State of Alabama, to prescribe additional powers on and limit certain powers of the State Oil and Gas Board, to further encourage the exploration for, drilling for, and development of and taking or production of oil and gas in this State, for the conservation of the oil and gas resources of this State and to provide for the reimbursement of those exploring for, drilling for, or developing oil and gas resources of this State, and to define the meanings of terms as used in this Act.

Judiciary.

By Messrs. Bailey, Pierce and Goodwyn:

H. 954. Relating to the dumping of refuse, rubbish or debris on the public highways of the state and providing a penalty therefor.

Conservation.

By Mr. Pierce:

H. 955. To fix the compensation of the director of the state personnel department, and repealing conflicting laws.

Ways and Means.

By Messrs. Brewer and Gilchrist (with notice and proof):

H. 956. To extend the boundary lines of the Town of Trinity, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Local Legislation No. 1.

Notice and Proof H. 956:

#### LEGAL NOTICE

#### LEGAL NOTICE

As required by Article 4, Section 106, of the Constitution of Alabama of 1901, notice is hereby given that a bill in substantially the

following form will be introduced at the next special or regular session of the legislature of Alabama and application made for its enactment:

A BILL  
TO BE ENTITLED  
AN ACT

To extend the boundary lines of the Town of Trinity, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Trinity, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

Beginning at a point where the easterly line of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 29, Township 5, Range 5 West intersects the southerly corporation line of the town of Trinity, Alabama, thence running south to the southeast corner of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 20, Township 5, Range 5 West; thence running west one-half of a mile to the southwest corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 30, Township 5, Range 5 West; thence northerly along the westerly line of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  and the westerly line of the E $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 30, Township 5, Range 5 West to its intersection with the center line of the new Moulton-Decatur Highway; thence running in a southwesterly direction along the center line of said Moulton-Decatur Highway to its intersection with the westerly line of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 30, Township 5, Range 5 West; thence running northerly to the northwest corner of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 30, Township 5, Range 5 West; thence running westerly along the southerly line of the NW $\frac{1}{4}$  of Section 30, Township 5, Range 5 West to the Morgan-Lawrence County line; thence running northerly along said county line three-fourths of a mile to the northwest corner of the SW $\frac{1}{4}$  of Section 19, Township 5, Range 5 West; thence easterly along the northerly line of the SW $\frac{1}{4}$  to the northeast corner of the SW $\frac{1}{4}$  of Section 19, Township 5, Range 5 West; thence southerly to the southwest corner of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 19, Township 5, Range 5 West; thence easterly along the southerly line of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 19, Township 5, Range 5 West to the west corporation line of the Town of Trinity, Alabama, Alabama; thence following the said corporation line of the Town of Trinity, Alabama, in a southerly direction 1491 feet; thence in an easterly direction 2065 feet; thence in a southerly direction 2780 feet; thence in an easterly direction to the point of beginning.

Section 2. This Act shall be effective immediately upon its passage and approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that

the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 7, 14, 21, and 28, all in the year 1959.

B. C. SHELTON

Sworn to and subscribed before me September 28, 1959.

R. H. JERVIS,  
Notary Public.

By Mr. Smith (Russell):

H. 957. To amend Section 63, Title 13 of the Code of Alabama of 1940.

Ways and Means.

By Mr. Smith (Russell):

H. 958. To amend Section 2, Item III G (6) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

Ways and Means.

By Messrs. Smith (St. Clair), Jenkins, Long (Perry), Barnett, Cabiness and Jones (Covington):

H. 959. To require the state to reimburse the counties for certain claims paid in criminal cases where the fines in like cases are payable into the state treasury.

Ways and Means.

By Mr. Smith (St. Clair):

H. 960. To repeal the act approved July 12, 1955, entitled "An Act to regulate further the compensation of the judges of the circuit courts in all circuits composed of two counties when the judge is required by law to hold at least two terms of court at two different places in at least one of such counties during any one year; providing for a supplement to the salary of the judge payable by the counties composing the circuit" (Act No. 131, S. 9, Acts of Alabama 1955, Vol. I, p. 380).

Ways and Means.

By Mr. Smith (St. Clair):

H. 961. Relating to motor vehicles; to make it unlawful to operate on any highway in this State certain motor vehicles which are propelled with Diesel fuel, unless such motor vehicles are equipped with a device or contrivance which discharges the exhaust fumes or smoke from the engine at a point not less than eight (8) feet above the surface of the highway; and to prescribe a penalty.

Transportation.

By Mr. Johnson (J. T. Tom):

H. 962. Prescribing duties and powers of stenographic secretary of Circuit Solicitor of Fifth Judicial Circuit.

Judiciary.



By Mr. Ray (with notice and proof):

H. 963. To amend Section 4 of the act approved August 16, 1955 establishing the law and equity court of Winston County (Act No. 242, H. 101, Acts of Alabama 1955, Vol. I, pp. 553, 555) so as to provide for the collection of trial fees in such court.

Local Legislation No. 1.

Notice and Proof H. 963:

### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF WINSTON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 4 of the act approved August 16, 1955 establishing the law and equity court of Winston County (Act No. 242, H. 101, Acts of Alabama 1955, Vol. I, pp. 553, 555) so as to provide for the collection of trial fees in such court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of the act approved August 16, 1955 establishing the law and equity court of Winston County (Act No. 242, H. 101, Acts of Alabama 1955, Vol. I, pp. 553, 555) is hereby amended to read as follows:

"Section 4. The clerk of the circuit court of the county shall be, by virtue of his office clerk of the Law and Equity Court of Winston County hereby established, and shall have the same powers and discharge the same duties as clerks of the circuit courts. He shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees, commissions and emoluments as are now or as may hereafter be allowed to circuit clerks of Alabama, which shall be collected as such fees and commissions are collected in the circuit courts, except that in civil matters where suit is brought for one hundred dollars (\$100.00) or less, only the fees and commissions allowed by law to justices of the peace shall be collected. The register of the circuit court in equity shall by virtue of his office be the register of the Law and Equity Court of Winston County, and shall have the powers and discharge the duties which shall devolve upon the register of the Law and Equity Court of Winston County. He shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees and commissions as are now, or as may hereafter be allowed to the registers of circuit courts in equity, which shall be collected as such fees and commissions are collected in circuit courts. (There shall be taxed and collected as a part of the costs in each case docketed in the court a trial fee of three dollars. The trial fee shall be collected in the same way as other costs are collected and when collected shall be paid into the general fund of the county.")

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA,  
WINSTON COUNTY

Personally appeared before me the undersigned authority in and for said county and state, Jay Thornton, who after being duly sworn deposes and says:

My name is Jay Thornton. I am editor and publisher of The Advertiser, a newspaper of general circulation published weekly in Haleyville, Winston County, Alabama. The copy of publication hereto attached was published in said paper for four weeks, the first copy of said notice appearing in the issue of said paper published on the 4th day of August, 1959, and the last copy of said publication appearing in the said paper on the 6th day of October, 1959.

JAY THORNTON.

Sworn and subscribed to before me this 6th day of October, 1959.

R. J. THORNTON,  
Notary Public.

By Mr. Ray (with notice and proof):

H. 964. To amend Section 2 of the act approved July 23, 1931 providing for a board of education for Winston County (Act No. 539, S. 253, Local Acts of Alabama 1931, pp. 257, 258) so as to provide further for the compensation of the members of said board.

Local Legislation No. 1.

Notice and Proof H. 964:

STATE OF ALABAMA  
COUNTY OF WINSTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 2 of the act approved July 23, 1931 providing for a board of education for Winston County (Act No. 539, S. 253, Local Acts of Alabama, 1931, pp. 257, 258) so as to provide further for the compensation of the members of said board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of the act approved July 23, 1931 providing for a board of education for Winston County (Act No. 539, S. 253, Local Acts of Alabama 1931, pp. 257, 258) is hereby amended to read as follows:

"Section 2. The said Board of Education for Winston County, Alabama, shall have the same rights, power, duty, and authority as is now conferred by the general laws of Alabama on county boards of education and shall perform and exercise the same duties as is now required by such boards of education. The members of the board shall receive from the public school funds of the county twenty-five dollars a day and their actual traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board; provided, that such members shall not be allowed pay for more than twenty-four days in any one year. Their expenses shall be paid in like manner as provided for the payment of the compensation of teachers."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA,  
WINSTON COUNTY

Personally appeared before me the undersigned authority in and for said county and state, Jay Thornton, who after being duly sworn deposes and says:

My name is Jay Thornton. I am editor and publisher of The Advertiser, a newspaper of general circulation, published weekly in Haleyville, Winston County, Alabama. The copy of publication hereto attached was published in said paper for four weeks, the first copy of said notice appearing in the issue of said paper published on the 4th day of August, 1959, and the last copy of said publication appearing in the said paper on the 6th day of October, 1959.

JAY THORNTON.

Sworn and subscribed to before me this 6th day of October, 1959.

R. J. THORNTON,  
Notary Public.

#### BILLS ON THIRD READING

H. 627. Relating to the Fifth Judicial Circuit; Authorizing the circuit solicitor to appoint a stenographic secretary, and providing for the payment of such secretary's compensation by the counties composing the circuit.

was taken up.

Mr. Jenkins offered the following amendment to the bill, H. 627:

#### AMENDMENT TO H. B. 627

In Section 1, strike out "in the following proportions:", and also all the words and figures thereafter following, and insert "proportionately, on the basis of the value of the property therein as assessed for state taxation for the current tax year."

And the amendment was adopted.

Yeas 73; Nays 0.

**Yeas:**

|                            |             |                              |                                |
|----------------------------|-------------|------------------------------|--------------------------------|
| Mr. Speaker                | Edwards     | Jenkins                      | Powell                         |
| Adams <sup>(Houston)</sup> | Faulk       | Jones <sup>(Covington)</sup> | Ramey                          |
| Albea                      | Franklin    | Jones <sup>(Monroe)</sup>    | Rast                           |
| Ashworth                   | Gilmer      | Lee                          | Ray                            |
| Barnett                    | Glass       | Long <sup>(Lauderdale)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Goldthwaite | Long <sup>(Perry)</sup>      | Rogers                         |
| Bishop                     | Gordon      | McClendon <sup>(Chamb)</sup> | Salter                         |
| Boyd                       | Gross       | McCorquodale                 | Self                           |
| Branyon                    | Grouby      | Martin                       | Sessions                       |
| Brewer                     | Hain        | Meade                        | Shumate                        |
| Broadfoot                  | Hanby       | Merrill                      | Smith <sup>(St. Clair)</sup>   |
| Cabiness                   | Hankins     | Morrow                       | Solomon                        |
| Cates                      | Hardy       | Nettles                      | Steagall                       |
| Chambers                   | Harris      | Oakley                       | Sullivan                       |
| Cook                       | Hawkins     | Oden                         | Thomas                         |
| Copeland                   | Hearn       | Owens                        | Trimmier                       |
| Daniel                     | Hocklander  | Perry                        | Turner                         |
| Dickson                    | Ingram      | Phillips                     | Turnham                        |
| Dodd                       |             |                              |                                |

—73

On motion of Mr. Turnham, further consideration of the bill, H. 627, as amended, was postponed until the next legislative day.

And the bill:

S. 327. To fix the compensation of the county solicitor of Sumter County, Alabama.

Was read a third time at length and passed.

Yeas 79; Nays 0.

**Yeas:**

|                            |             |                              |                                |
|----------------------------|-------------|------------------------------|--------------------------------|
| Mr. Speaker                | Edwards     | Jones <sup>(Covington)</sup> | Pruitt                         |
| Adams <sup>(Houston)</sup> | Faulk       | Jones <sup>(Monroe)</sup>    | Ramey                          |
| Albea                      | Franklin    | Lee                          | Rast                           |
| Ashworth                   | Gilmer      | Locke                        | Ray                            |
| Bailey                     | Glass       | Long <sup>(Lauderdale)</sup> | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Goldthwaite | Long <sup>(Perry)</sup>      | Rogers                         |
| Bassett                    | Gordon      | McClendon <sup>(Chamb)</sup> | Salter                         |
| Bishop                     | Grant       | McCorquodale                 | Self                           |
| Boyd                       | Gross       | Martin                       | Sessions                       |
| Branyon                    | Grouby      | Meade                        | Smith <sup>(Russell)</sup>     |
| Brewer                     | Guthrie     | Merrill                      | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hain        | Morrow                       | Solomon                        |
| Cabiness                   | Hanby       | Nettles                      | Speaks                         |
| Camp                       | Hardy       | Oakley                       | Steagall                       |
| Cates                      | Harris      | Oden                         | Sullivan                       |
| Chambers                   | Hawkins     | Owens                        | Thomas                         |
| Copeland                   | Hearn       | Perry                        | Trimmier                       |
| Daniel                     | Hocklander  | Phillips                     | Turner                         |
| Dickson                    | Ingram      | Pierce                       | Turnham                        |
| Dodd                       | Jenkins     | Powell                       |                                |

—79

And the bill:

H. 652. Relating to Mobile County: To provide that the laws governing the countywide Civil Service System of Mobile County shall apply to any person holding the position of Chief Clerk, unclassified,

in the office of the Tax Assessor of Mobile County, provided that such person shall have held such position continuously for a period of not less than eighteen years; and to provide for the placing of such person upon the employment roster of the Civil Service System of Mobile County, without examination and without any decrease in the salary of such person.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

**Yeas:**

|                            |             |                              |                                |
|----------------------------|-------------|------------------------------|--------------------------------|
| Mr. Speaker                | Edwards     | Ingram                       | Ramey                          |
| Adams <sup>(Houston)</sup> | Faulk       | Jones <sup>(Covington)</sup> | Rast                           |
| Albea                      | Franklin    | Jones <sup>(Monroe)</sup>    | Ray                            |
| Ashworth                   | Gilmer      | Lee                          | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Glass       | Locke                        | Rogers                         |
| Barnett                    | Goldthwaite | Long <sup>(Lauderdale)</sup> | Salter                         |
| Bassett                    | Gordon      | Long <sup>(Perry)</sup>      | Self                           |
| Bishop                     | Grant       | McClendon <sup>(Chamb)</sup> | Sessions                       |
| Boyd                       | Gross       | McCorquodale                 | Shumate                        |
| Branyon                    | Grouby      | Martin                       | Smith <sup>(Russell)</sup>     |
| Brewer                     | Guthrie     | Merrill                      | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hain        | Morrow                       | Solomon                        |
| Cabiness                   | Hanby       | Nettles                      | Speaks                         |
| Camp                       | Hankins     | Oakley                       | Steagall                       |
| Cates                      | Hardy       | Oden                         | Sullivan                       |
| Chambers                   | Harris      | Owens                        | Thomas                         |
| Cook                       | Hawkins     | Perry                        | Trimmier                       |
| Copeland                   | Hearn       | Phillips                     | Turner                         |
| Daniel                     | Hocklander  | Powell                       | Turnham                        |
| Dodd                       |             |                              |                                |

—77

**And the bill:**

H. 836. Relating to counties having a population of less than 11,800, according to the last or any subsequent federal decennial census; to authorize the court of county commissioners, board of revenue or other like governing body to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the public highway and traffic control fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

**Yeas:**

|                            |          |          |         |
|----------------------------|----------|----------|---------|
| Mr. Speaker                | Boyd     | Copeland | Glass   |
| Adams <sup>(Houston)</sup> | Branyon  | Daniel   | Gordon  |
| Albea                      | Brewer   | Dodd     | Grant   |
| Ashworth                   | Cabiness | Edwards  | Gross   |
| Bailey                     | Camp     | Faulk    | Grouby  |
| Barnett                    | Cates    | Ferguson | Guthrie |
| Bassett                    | Chambers | Franklin | Hain    |
| Bishop                     | Cook     | Gilmer   | Hanby   |

|                              |                              |                                |                              |
|------------------------------|------------------------------|--------------------------------|------------------------------|
| Hankins                      | Long <sup>(Perry)</sup>      | Phillips                       | Shumate                      |
| Hardy                        | McClendon <sup>(Chamb)</sup> | Pierce                         | Smith <sup>(Russell)</sup>   |
| Harris                       | McCorquodale                 | Powell                         | Smith <sup>(St. Clair)</sup> |
| Hawkins                      | Martin                       | Ramey                          | Solomon                      |
| Hearn                        | Meade                        | Rast                           | Speaks                       |
| Hocklander                   | Merrill                      | Ray                            | Steagall                     |
| Ingram                       | Morrow                       | Reynolds <sup>(Chambers)</sup> | Sullivan                     |
| Jones <sup>(Covington)</sup> | Nettles                      | Rogers                         | Thomas                       |
| Jones <sup>(Monroe)</sup>    | Oakley                       | Salter                         | Trimmier                     |
| Lee                          | Oden                         | Self                           | Turner                       |
| Locke                        | Owens                        | Sessions                       | Turnham                      |
| Long <sup>(Lauderdale)</sup> | Perry                        |                                |                              |

—78

And the bill:

H. 877. To alter, rearrange and extend the corporate limits of the Town of Millport, Lamar County, Alabama:

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

**Yeas:**

|                            |            |                              |                                |
|----------------------------|------------|------------------------------|--------------------------------|
| Mr. Speaker:               | Edwards    | Jones <sup>(Covington)</sup> | Ramey                          |
| Adams <sup>(Houston)</sup> | Faulk      | Jones <sup>(Monroe)</sup>    | Rast                           |
| Albea                      | Ferguson   | Lee                          | Ray                            |
| Ashworth                   | Franklin   | Locke                        | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Gilmer     | Long <sup>(Lauderdale)</sup> | Rogers                         |
| Barnett                    | Glass      | Long <sup>(Perry)</sup>      | Rozelle                        |
| Bassett                    | Gordon     | McClendon <sup>(Chamb)</sup> | Salter                         |
| Bishop                     | Grant      | McCorquodale                 | Self                           |
| Boyd                       | Gross      | Martin                       | Sessions                       |
| Branyon                    | Grouby     | Meade                        | Shumate                        |
| Brewer                     | Guthrie    | Merrill                      | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Hain       | Morrow                       | Smith <sup>(St. Clair)</sup>   |
| Cabiness                   | Hanby      | Nettles                      | Solomon                        |
| Camp                       | Hankins    | Oakley                       | Speaks                         |
| Cates                      | Hardy      | Oden                         | Steagall                       |
| Chambers                   | Harris     | Owens                        | Sullivan                       |
| Cook                       | Hawkins    | Perry                        | Thomas                         |
| Copeland                   | Hearn      | Phillips                     | Trimmier                       |
| Daniel                     | Hocklander | Pierce                       | Turner                         |
| Dodd                       | Ingram     | Powell                       | Turnham                        |

—80

And the bill:

H. 878. To extend, alter and rearrange the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

**Yeas:**

|                            |          |         |           |
|----------------------------|----------|---------|-----------|
| Mr. Speaker:               | Ashworth | Bassett | Branyon   |
| Adams <sup>(Houston)</sup> | Bailey   | Bishop  | Brewer    |
| Albea                      | Barnett  | Boyd    | Broadfoot |

|             |                               |                              |                                |
|-------------|-------------------------------|------------------------------|--------------------------------|
| Cabiness    | Grouby                        | Long <sup>(Perry)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Camp        | Guthrie                       | McClendon <sup>(Chamb)</sup> | Rogers                         |
| Cates       | Hain                          | McCorquodale                 | Rozelle                        |
| Chambers    | Hanby                         | Martin                       | Salter                         |
| Cook        | Hankins                       | Meade                        | Self                           |
| Copeland    | Hardy                         | Merrill                      | Sessions                       |
| Daniel      | Harris                        | Morrow                       | Shumate                        |
| Dodd        | Hawkins                       | Nettles                      | Smith <sup>(Russell)</sup>     |
| Edwards     | Hearn                         | Oakley                       | Smith <sup>(St. Clair)</sup>   |
| Faulk       | Hocklander                    | Oden                         | Solomon                        |
| Ferguson    | Ingram                        | Owens                        | Speaks                         |
| Franklin    | Johnston <sup>(Leonard)</sup> | Perry                        | Steagall                       |
| Gilmer      | Jones <sup>(Covington)</sup>  | Phillips                     | Sullivan                       |
| Glass       | Jones <sup>(Monroe)</sup>     | Powell                       | Thomas                         |
| Goldthwaite | Lee                           | Ramey                        | Trimmier                       |
| Gordon      | Locke                         | Rast                         | Turner                         |
| Grant       | Long <sup>(Lauderdale)</sup>  | Ray                          | Turnham                        |
| Gross       |                               |                              |                                |

—81

And the bill:

H. 881. To require the Director of the State Department of Public Safety to notify the Commissioner of Licenses of Mobile County upon the suspension or revocation of the permanent driver license of any resident of Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

#### Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Faulk       | Johnson <sup>(Hardaway)</sup>  | Pierce                         |
| Adams <sup>(Houston)</sup> | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Powell                         |
| Albea                      | Franklin    | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Ashworth                   | Gilmer      | Jones <sup>(Covington)</sup>   | Rast                           |
| Bailey                     | Glass       | Jones <sup>(Monroe)</sup>      | Ray                            |
| Barnett                    | Goldthwaite | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Gordon      | Locke                          | Rogers                         |
| Bishop                     | Grant       | Long <sup>(Lauderdale)</sup>   | Salter                         |
| Boyd                       | Gross       | Long <sup>(Perry)</sup>        | Self                           |
| Branyon                    | Grouby      | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Brewer                     | Guthrie     | McCorquodale                   | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Hain        | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Cabiness                   | Hanby       | Meade                          | Solomon                        |
| Camp                       | Hankins     | Merrill                        | Speaks                         |
| Cates                      | Hardy       | Morrow                         | Steagall                       |
| Chambers                   | Harris      | Nettles                        | Sullivan                       |
| Cook                       | Hawkins     | Oakley                         | Thomas                         |
| Copeland                   | Hearn       | Oden                           | Trimmier                       |
| Daniel                     | Hocklander  | Owens                          | Turner                         |
| Dodd                       | Ingram      | Perry                          | Turnham                        |
| Edwards                    | Jenkins     | Phillips                       |                                |

—83

And the bill:

H. 882. To amend Section Six (6) of an Act approved March 28, 1955, and found in Acts of Alabama, 1955, Volume 1, pages 122-123, relating to the appointment of an Assistant Treasurer of Mobile Coun-

ty; and providing for the qualifications, term, duties, bond, compensation, and manner and method of paying same, and fixing time at which said Act shall go into effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Faulk       | Johnson <sup>(Hardaway)</sup>  | Pierce                         |
| Adams <sup>(Houston)</sup> | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Powell                         |
| Albea                      | Franklin    | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Ashworth                   | Gilmer      | Jones <sup>(Covington)</sup>   | Rast                           |
| Bailey                     | Glass       | Jones <sup>(Monroe)</sup>      | Ray                            |
| Barnett                    | Goldthwaite | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Gordon      | Locke                          | Rogers                         |
| Bishop                     | Grant       | Long <sup>(Perry)</sup>        | Salter                         |
| Boyd                       | Gross       | McClendon <sup>(Chamb)</sup>   | Self                           |
| Branyon                    | Grouby      | McCorquodale                   | Sessions                       |
| Brewer                     | Guthrie     | Martin                         | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Hain        | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Cabiness                   | Hanby       | Merrill                        | Solomon                        |
| Camp                       | Hankins     | Morrow                         | Speaks                         |
| Cates                      | Hardy       | Nettles                        | Steagall                       |
| Chambers                   | Harris      | Oakley                         | Sullivan                       |
| Cook                       | Hawkins     | Oden                           | Thomas                         |
| Copeland                   | Hearn       | Owens                          | Trimmier                       |
| Daniel                     | Hocklander  | Perry                          | Turner                         |
| Dodd                       | Ingram      | Phillips                       | Turnham                        |
| Edwards                    |             |                                |                                |

—81

And the bill:

H. 883. To amend Section 41, Title 62 of the Code of Alabama, 1940, as amended by Act 412 of the Regular Session 1947, of the Legislature of Alabama, approved September 19, 1947.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Chambers    | Grouby                         | Jones <sup>(Covington)</sup> |
| Adams <sup>(Houston)</sup> | Cook        | Guthrie                        | Jones <sup>(Monroe)</sup>    |
| Albea                      | Copeland    | Hain                           | Lee                          |
| Ashworth                   | Daniel      | Hanby                          | Locke                        |
| Bailey                     | Dodd        | Hankins                        | Long <sup>(Perry)</sup>      |
| Barnett                    | Edwards     | Hardy                          | McClendon <sup>(Chamb)</sup> |
| Bassett                    | Faulk       | Harris                         | McCorquodale                 |
| Bishop                     | Ferguson    | Hawkins                        | Martin                       |
| Boyd                       | Franklin    | Hearn                          | Meade                        |
| Branyon                    | Gilmer      | Hocklander                     | Merrill                      |
| Brewer                     | Glass       | Ingram                         | Morrow                       |
| Broadfoot                  | Goldthwaite | Jenkins                        | Nettles                      |
| Cabiness                   | Gordon      | Johnson <sup>(Hardaway)</sup>  | Nichols                      |
| Camp                       | Grant       | Johnson <sup>(J. T. Tom)</sup> | Oakley                       |
| Cates                      | Gross       | Johnston <sup>(Leonard)</sup>  | Oden                         |



|          |                                |                              |          |
|----------|--------------------------------|------------------------------|----------|
| Owens    | Rast                           | Self                         | Steagall |
| Perry    | Ray                            | Shumate                      | Sullivan |
| Phillips | Reynolds <sup>(Chambers)</sup> | Smith <sup>(Russell)</sup>   | Thomas   |
| Pierce   | Rogers                         | Smith <sup>(St. Clair)</sup> | Trimmier |
| Powell   | Rozelle                        | Solomon                      | Turner   |
| Ramey    | Salter                         | Speaks                       |          |

—83

And the bill:

H. 891. To authorize any municipality in Talladega County, Alabama, and Talladega County, to make appropriations of moneys and transfers of property to or for the benefit of any public hospital corporation now or hereafter organized in Talladega County, Alabama, under Act No. 211, adopted at the 1945 Regular Session of the Legislature of Alabama, Act No. 46 adopted at the 1949 Regular Session of said Legislature, or Act No. 63 adopted at the 1957 Regular Session of said Legislature; to authorize agreements between Talladega County or any municipality located in Talladega County and any such public hospital corporation located in Talladega County whereunder such corporation will agree to make available hospital space to inhabitants of such agreeing municipality or Talladega County, and whereunder such agreeing municipality or Talladega County will agree to make monthly or annual payments to such corporation; and to provide that any appropriations made hereunder and any payments provided for in any such agreements shall be deemed revenues of the public hospital corporation receiving them, within the meaning of said Act No. 211 and said Act No. 46 and any other applicable statute, and may be pledged as security for obligations of the public hospital corporation pursuant to the provisions of said statutes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Edwards     | Jenkins                        | Phillips                       |
| Adams <sup>(Houston)</sup> | Faulk       | Johnson <sup>(Hardaway)</sup>  | Pierce                         |
| Albea                      | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Powell                         |
| Ashworth                   | Franklin    | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Avery                      | Gilmer      | Jones <sup>(Covington)</sup>   | Rast                           |
| Bailey                     | Glass       | Jones <sup>(Monroe)</sup>      | Ray                            |
| Barnett                    | Goldthwaite | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Gordon      | Locke                          | Rogers                         |
| Bishop                     | Grant       | Long <sup>(Perry)</sup>        | Rozelle                        |
| Boyd                       | Gross       | McClendon <sup>(Chamb)</sup>   | Salter                         |
| Branyon                    | Grouby      | McCorquodale                   | Self                           |
| Brewer                     | Guthrie     | Martin                         | Shumate                        |
| Broadfoot                  | Hain        | Meade                          | Smith <sup>(Russell)</sup>     |
| Cabiness                   | Hanby       | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Camp                       | Hankins     | Morrow                         | Speaks                         |
| Cates                      | Hardy       | Nettles                        | Steagall                       |
| Chambers                   | Harris      | Nichols                        | Sullivan                       |
| Cook                       | Hawkins     | Oakley                         | Thomas                         |
| Copeland                   | Hearn       | Oden                           | Trimmier                       |
| Daniel                     | Hocklander  | Owens                          | Turner                         |
| Dodd                       | Ingram      | Perry                          |                                |

—83

And the bill:

S. 369. To regulate the manner of constructing, improving, maintaining, repairing, and equipping public school buildings in Chilton County.

Was read a third time at length and passed.

Yeas 83; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker:    | Edwards     | Johnson (Hardaway)  | Pierce              |
| Adams (Houston) | Faulk       | Johnson (J. T. Tom) | Powell              |
| Albea           | Ferguson    | Johnston (Leonard)  | Ramey               |
| Ashworth        | Franklin    | Jones (Covington)   | Rast                |
| Avery           | Gilmer      | Jones (Monroe)      | Ray                 |
| Bailey          | Glass       | Lee                 | Reynolds (Chambers) |
| Barnett         | Goldthwaite | Locke               | Rogers              |
| Bassett         | Gordon      | Long (Perry)        | Rozelle             |
| Bishop          | Grant       | McClendon (Chamb)   | Salter              |
| Boyd            | Gross       | McCorquodale        | Self                |
| Branyon         | Grouby      | Martin              | Sessions            |
| Brewer          | Guthrie     | Meade               | Shumate             |
| Broadfoot       | Hain        | Merrill             | Smith (Russell)     |
| Cabiness        | Hanby       | Morrow              | Smith (St. Clair)   |
| Camp            | Hankins     | Nettles             | Speaks              |
| Cates           | Hardy       | Nichols             | Steagall            |
| Chambers        | Harris      | Oakley              | Sullivan            |
| Cook            | Hawkins     | Oden                | Thomas              |
| Copeland        | Hocklander  | Owens               | Trimmier            |
| Daniel          | Ingram      | Perry               | Turner              |
| Dodd            | Jenkins     | Phillips            |                     |

—83

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 133. Relating to Department of Revenue, to authorize and direct the Commissioner of the Department of Revenue to allow a discount of two per cent (2%) on the first \$5,000.00 of tax paid to the state and of one per cent (1%) on all amounts of tax paid in excess of \$5,000.00, not exceeding \$200.00 in any one calendar month to licensed and bonded refiners, storers, distributors or wholesalers of motor fuel who collect gasoline or motor fuel taxes under the provisions of Section 648 of Title 51, Code of Alabama, 1940.

Also:

H. 32. Relating to county superintendents of education; prescribing the qualifications of such officers; repealing conflicting laws.

Also:

H. 672. To amend Section 2, Item III, A (35) of Act No. 98, proved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 71 Relative to adjournment; that when the two Houses adjourn on Friday, October 16, they adjourn to meet again on Wednesday, October 21, and that when they adjourn on Friday, October 30, they adjourn to meet again on Wednesday, November 4.

Also:

H. J. R. 72. Mourning the death of Jacob M. (Jake) Kreis, and extending deepest sympathy to Mrs. Lessie Kreis and other surviving members of his family.

Also:

H. J. R. 74. Congratulating Miss Mildred Nelson on her selection as "Alabama Maid of Cotton for 1960", and inviting her to appear before the Legislature.

J. E. SPEIGHT,  
Secretary.

## CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:45 A.M. on October 9, 1959

H. 595

H. 712

H. 783

H. 810

H. 637

H. 654

H. 674

H. 691

H. 692

H. 704

H. 710

H. 711

H. 736

H. 737

H. 738

H. 739

H. 740

H. 741

H. 742

H. 743

H. 772

H. 781

H. 784

H. 785

H. 796

H. 803

H. 186

H. 234

Delivered to the Secretary of State at 10:56 A.M. On October 9, 1959

H. 622

Delivered to the Governor at 11:20 A.M. On October 9, 1959

H. 690

H. 707

Delivered to the Governor at 12:05 P.M. On October 9, 1959

H. 657

OAKLEY MELTON, JR.,  
Clerk.

#### ADJOURNMENT

On motion of Mr. Smith (Russell) the House adjourned until Tuesday, October 13, 1959, at twelve o'clock, noon.

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#### TWENTY-SEVENTH DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, October 13, 1959

The House met pursuant to adjournment.

#### PRAYER

The session was opened with prayer by Dr. Austin Staples, Pastor, First Baptist Church, Roanoke, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                            |                                |                               |                                |
|----------------------------|--------------------------------|-------------------------------|--------------------------------|
| Mr. Speaker:               | Dodd                           | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Adams <sup>(Houston)</sup> | Edwards                        | Jones <sup>(Covington)</sup>  | Rast                           |
| Albea                      | Faulk                          | Jones <sup>(Monroe)</sup>     | Ray                            |
| Ashworth                   | Ferguson                       | Lee                           | Reynolds <sup>(Chambers)</sup> |
| Avery                      | Franklin                       | Locke                         | Reynolds <sup>(Madison)</sup>  |
| Bailey                     | Gilchrist                      | Long <sup>(Lauderdale)</sup>  | Roberts                        |
| Barnett                    | Gilmer                         | Long <sup>(Perry)</sup>       | Rogers                         |
| Bassett                    | Glass                          | McClendon <sup>(Chamb)</sup>  | Rozelle                        |
| Bevill                     | Goldthwaite                    | McCorquodale                  | Salter                         |
| Bishop                     | Goodwyn                        | McLendon <sup>(Bullock)</sup> | Self                           |
| Boyd                       | Gordon                         | Martin                        | Sessions                       |
| Brannan                    | Grant                          | Meade                         | Shumate                        |
| Brewer                     | Gross                          | Merrill                       | Smith <sup>(Russell)</sup>     |
| Britton                    | Grouby                         | Morrow                        | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Guthrie                        | Murphy                        | Solomon                        |
| Brooks                     | Hain                           | Nettles                       | Speaks                         |
| Cabiness                   | Hardy                          | Nichols                       | Steagall                       |
| Callahan                   | Harris                         | Oakley                        | Sullivan                       |
| Camp                       | Hawkins                        | Oden                          | Taylor                         |
| Casey                      | Hearn                          | Owens                         | Thomas                         |
| Cates                      | Hocklander                     | Perry                         | Torbert                        |
| Chambers                   | Ingram                         | Phillips                      | Trimmier                       |
| Copeland                   | Jenkins                        | Pierce                        | Turner                         |
| Cornett                    | Johnson <sup>(Hardaway)</sup>  | Powell                        | Turnham                        |
| Daniel                     | Johnson <sup>(J. T. Tom)</sup> |                               |                                |

—98

A quorum was present.

## LEAVES OF ABSENCE

On motion of Mr. Ashworth leaves of absence were granted to Messrs. Branyon, Cook and Harvey because of personal illness.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-sixth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the twenty-sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-sixth legislative day was approved.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate appointed as Committee to wait upon the Honorable Garland T. Byrd, Lieutenant

Governor of the State of Georgia, Messrs. Hines, Shelton and Farmer at the Joint Session, in accordance with the provisions of H. J. R. 31.

J. E. SPEIGHT,  
Secretary.

#### COMMITTEE APPOINTED

The Speaker appointed as a Committee on the part of the House to wait upon the Honorable Garland T. Byrd, Lieutenant Governor of the State of Georgia, Messrs. Cornett, Lee and Reynolds (Chambers) at the Joint Session, in accordance with the provisions of H. J. R. 31.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 594. To amend Section 2 of the act entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," which becomes effective October 1, 1959.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 32. Relating to county superintendents of education; prescribing the qualifications of such officers; repealing conflicting laws.

Also:

H. 133. Relating to Department of Revenue, to authorize and direct the Commissioner of the Department of Revenue to allow a discount of two per cent (2%) on the first \$5,000.00 of tax paid to the state and of one per cent (1%) on all amounts of tax paid in excess of \$5,000.00, not exceeding \$200.00 in any one calendar month to licensed and bonded refiners, storers, distributors or wholesalers of motor fuel

who collect gasoline or motor fuel taxes under the provisions of Section 648 of Title 51, Code of Alabama, 1940.

Also:

H. 672. To amend Section 2, Item III, A (35) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 71. Relative to the adjournment of the two Houses on Friday, October 16, 1959, and on Friday, October 30, 1959.

Also:

H. J. R. 72. Relative to the death of Jacob M. (Jake) Kreis and extending sympathy to the surviving members of his family.

Also:

H. J. R. 74. Relative to extending best wishes to Miss Mildred Nelson of Pike County who was crowned "Alabama Maid of Cotton for 1960".

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions the titles to which are set out in the above and foregoing report of the Standing Committee on Rules.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 111. To confer on each incorporated municipality in this state having a population of less than 6,000 inhabitants according to the last preceding or any subsequent federal census, or any official census taken pursuant to Article 3 of Chapter 10 of Title 37 of the Code of Alabama of 1940, the same powers for the construction of, and the issuance of securities to finance, street and sidewalk improvements and sewer improvements outside of the corporate limits of such incorporated municipality and within its police jurisdiction as it may have under any law now existing or hereafter enacted respecting the construction of, and the issuance of securities to finance, any such improvements within the corporate limits of such incorporated municipality; to confer on each such incorporated municipality the same powers to assess the cost of any such improvements, whether constructed within the incorporated municipality or outside the municipality and within its police jurisdiction, against the properties specially benefited by such improvements whether such properties are located in such incorporated municipality or outside such municipality and within its police jurisdiction, that it may have under any law now existing or hereafter enacted respecting the assessment against properties located in such incorporated municipality of the cost of such improvements constructed in such municipality; to confer on each such municipality the power to finance any such improvements, constructed outside the incorporated municipality and within its police jurisdiction, by the sale and issuance of bonds payable solely out of the proceeds from assessments against the properties specially benefited by such improvements.

Also:

H. 625. To amend an act approved August 16, 1957 entitled "An Act to alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama" (Act No. 286, H. 828, Acts 1957 Reg. Sess., p. 365) so as to exclude certain territory annexed to the city by said act.

Also:

H. 626. To amend an act approved August 16, 1957 entitled "An Act to alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama" (Act No. 288, H. 830, Acts 1957 Reg. Sess., p. 367) so as to exclude certain territory annexed to the city by said act.

Also:

H. 696. To provide that clerks of county courts in all counties having a population of not less than 26,000, nor more than 26,600, according to the most recent federal decennial census, may take affidavits and complaints and issue warrants of arrest in misdemeanor cases.

Also:

H. 698. Relating to and providing for the reidentification of electors in Coffee County; directing the board of registrars to purge the



lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 29. Mourning the passing of Honorable William Ora Walton and expressing sympathy.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title to which is set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Andrews:

S. 389. To regulate the duties and compensation of certain deputy sheriffs for Bullock County.

With notice and proof thereto attached and herewith exhibited as follows:

#### A BILL TO BE ENTITLED AN ACT

To regulate the duties and compensation of certain deputy sheriffs for Bullock County.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the special duty of each deputy sheriff in Bullock County whose compensation is payable by the county to enforce state traffic and motor vehicle laws, and while not so engaged to perform such other duties for the sheriff as the sheriff may direct, but his essential duties shall be to enforce said state traffic and motor vehicle laws as herein provided. The compensation of such deputies payable by the county shall be paid out of the county public highway and traffic fund or the general fund of the county, in whole or in part, as the county governing body shall direct.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF BULLOCK

Before me, the undersigned authority in and for said County in said State, this day personally appeared Wm. H. Garner, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Union Springs Herald, a newspaper of general circulation published in Bullock County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 10, Sept. 17, Sept. 24, and Oct. 1, all in the year 1959.

W. H. GARNER

Sworn to and subscribed before me 10/2, 1959.

RUBY M. GARNER  
Notary Public.

Also:

By Mr. Leonard:

S. 398. To authorize and empower the board of revenue, court of county commissioners, or other like governing body of Talladega County to provide an annual allowance to the sheriff of Talladega County for the purchase of equipment and for the purchase of uniforms for the personnel of the sheriff's department.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

##### STATE OF ALABAMA COUNTY OF TALLADEGA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To authorize and empower the board of revenue, court of county commissioners, or other like governing body of Talladega County to provide an annual allowance to the sheriff of Talladega County for the purchase of equipment and for the purchase of uniforms for the personnel of the sheriff's department.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Talladega County is hereby authorized and empowered to appropriate during each fiscal year, out of any funds in the county treasury not otherwise appropriated, a sum not exceeding one thousand five hundred dollars (\$1,500), to be used by the sheriff of Talladega County for the purchase of equipment necessary for the proper performance of his duties and for the purchase of uniforms for the deputies, jailers, and other employees of the sheriff's department.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

THE STATE OF ALABAMA  
TALLADEGA COUNTY

Personally appeared before me, a Notary Public in and for said County, Ila G. Davis, who being duly sworn according to law, deposes and says that she is the bookkeeper of the Talladega Pub. Co. Inc. a newspaper published in said County, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit, in the issues hereof dated as follows: July 30, 1959, Aug. 6, 1959, Aug. 13, 1959, Aug. 20, 1959.

ILA G. DAVIS

Subscribed and sworn to before me this 21 day of August 1959.

LILLIE B. LEDBETTER  
Notary.

Also:

By Mr. Samford:

S. 399. To extend, alter and rearrange the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGALS

STATE OF ALABAMA  
COUNTY OF LEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of said City all of the following described territory:

Beginning at the northeast corner of Section 16, Township 19 North, Range 26 East, of the St. Stephens Meridian in Lee County, Alabama, run southerly along the east boundary line of said Section 16 for a distance of one mile to the northeast corner of Section 21, Township 19 North, Range 26 East, Lee County, Alabama; run thence southerly, along the east boundary of said section 21 for a distance of one mile to the northwest corner of Section 27, Township 19 North, Range 26 East, Lee County, Alabama; run thence easterly, along the north boundary of said Section 27 for a distance of one mile to the northeast corner of said Section 27; run thence southerly, along the east boundary of said Section 27 for a distance of one mile to the northeast corner of Section 34, Township 19 North, Range 26 East, Lee County, Alabama; run thence southerly, along the east boundary of said Section 34 for one mile to the northeast corner of Section 3, Township 18 North, Range 26 East, Lee County, Alabama; run thence southerly, along the east boundary of said Section 3, for a distance of one-half ( $\frac{1}{2}$ ) mile to the southeast corner of the northeast quarter of said Section 3; run thence westerly, along the east-west half section line running through said Section 3 for a distance of one mile to the southwest corner of the northwest quarter of said Section 3; run thence westerly, along the east-west half section line running through Section 4, Township 18 North, Range 26 East, Lee County, Alabama for a distance of one mile to the southwest corner of the northwest quarter of said Section 4; run thence westerly, along the east-west half section line running through Section 5, Township 18 North, Range 26 East, Lee County, Alabama, for a distance of one mile to the southwest corner of the northwest quarter of said Section 5; run thence westerly along the east-west half section line of Section 6, Township 18 North, Range 26 East, Lee County, Alabama, for a distance of one mile to the southwest corner of the northwest quarter of said Section 6; run thence westerly, along the east-west half section line running through Section 1, Township 18 North, Range 25 East, Lee County, Alabama, for a distance of one mile to the southwest corner of the northwest quarter of said Section 1; run thence westerly, along the east-west half section line running through Section 2, Township 18 North, Range 25 East, Lee County, Alabama, for a distance of one-half mile to the southwest corner of the northeast quarter of said Section 2; run thence northerly, along the north-south half section line running through said Section 2 for a distance of one-half mile to the northwest corner of the northeast quarter of said Section 2; run thence northerly, along the north-south half-section line running through Section 35, Township 19 North, Range 25 East, Lee County, Alabama, for a distance of one mile to the southwest corner of the southeast quarter of Section 26, Township 19 North, Range 25 East, Lee County, Alabama; run thence northerly, along the north-south half-section line running through said Section 26 for a distance of one mile to the southwest corner of the southeast quarter of Section 23, Township 19 North, Range 25 East, Lee County, Alabama; run thence northerly, along the north-south half-section line running through said Section 23 for a distance of one mile to the southwest corner of the southeast quarter of Section 14, Township 19 North, Range 25 East, Lee County, Alabama; run thence northerly along the north-south half-section line running through said section 14 for a distance of one mile to the northwest corner of the northeast quarter of said Section 14; run thence easterly, along the north edge of said Section 14 for a distance of one-half mile to the northwest corner of Section 13, Township 19 North, Range 25

East, Lee County, Alabama; run thence easterly along the north edge of said Section 13 for one mile to the northwest corner of Section 18, Township 19 North, Range 26 East, Lee County, Alabama; run thence easterly, along the north edge of said Section 18 for a distance of one mile to the northwest corner of Section 17, Township 19 North, Range 26 East, Lee County, Alabama; run thence easterly, along the north edge of said Section 17 for a distance of one mile to the northwest corner of Section 16, Township 19 North, Range 26 East, Lee County, Alabama; run thence easterly along the north edge of said Section 16 for a distance of one mile to the northeast corner of said Section 16 and the point of beginning, all said lands being situated in Lee County, State of Alabama.

The above described boundary line being the corporate limits of the City of Auburn, Alabama, and including all lands lying within the above described boundary line.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective on the 30th day of September, 1959, after its passage and approval by the Governor, or if this Act is passed and approved by the Governor subsequent to the 30th day of September, 1959, then the same shall become effective immediately upon its passage and approval by the Governor. (8-20-)

#### AFFIDAVIT OF PUBLICATION

I, Neil O. Davis, Publisher, of Lee County Bulletin, published weekly at Auburn, Alabama, do solemnly swear that a copy of the notice, as per clipping attached, was published four times in the regular and entire issue of said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated July 30, 1959, and ending with the issue dated August 20, 1959.

NEIL O. DAVIS.

Subscribed and sworn before me this 20th day of August, 1959.

ALMA N. SHAFFER,  
Notary Public.

Also:

By Mr. Archer:

S. 267. To amend further Section 1 of Act No. 691, S. 284, approved September 5, 1951 (Acts of Alabama, 1951, p. 1192), entitled "An Act to fix the compensation of court reporters, and providing for the payment thereof," in relation to the compensation of the court reporters of the Twenty-third Judicial Circuit.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 389. Local Legislation No. 1

S. 398. Local Legislation No. 1

S. 399. Local Legislation No. 1

S. 267. Local Legislation No. 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and sends same herewith to the House:

By Mr. Caffey:

S. 261. To provide further for the organization, admission, consolidation, merger, and dissolution of certain corporations, and to prescribe the powers, authority, and duties of such corporations, and of the officers, directors, and stockholders thereof; to repeal all general acts of this State contained exclusively in Title 10, Code of Alabama 1940, as amended except the following: Title 10, Sections 16, 19 through 21, 48 through 69, 71 through 90, 102, 111 through 188, 198 (1) through 198 (6), and Sections 199 through 263, Code of Alabama 1940, as amended, and except any provisions of Title 48 or Title 51 of the Code of Alabama, 1940, as amended.

J. E. SPEIGHT,  
Secretary.

SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 261. Judiciary

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 111. To confer on each incorporated municipality in this state having a population of less than 6,000 inhabitants according to the last preceding or any subsequent federal census, or any official census taken pursuant to Article 3 of Chapter 10 of Title 37 of the Code of Alabama of 1940, the same powers for the construction of, and the issuance of securities to finance, street and sidewalk improvements and sewer improvements outside of the corporate limits of such incorporated municipality and within its police jurisdiction as it may have under any law now existing or hereafter enacted respecting the construction of, and the issuance of securities to finance, any such improvements within the corporate limits of such incorporated municipality; to confer on each such incorporated municipality the same powers to assess the cost of any such improvements, whether constructed within the incorporated municipality or outside the municipality and within its police jurisdiction, against the properties specially benefited by such improvements whether such properties are located in such incorporated municipality or outside such municipality and within its police jurisdiction, that it may have under any law now existing or hereafter enacted respecting the assessment against properties located in such incorporat-

ed municipality of the cost of such improvements constructed in such municipality; to confer on each such municipality the power to finance any such improvements, constructed outside the incorporated municipality and within its police jurisdiction, by the sale and issuance of bonds payable solely out of the proceeds from assessments against the properties specially benefited by such improvements.

Also:

H. 625. To amend an act approved August 16, 1957 entitled "An Act to alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama" (Act No. 286, H. 828, Acts 1957 Reg. Sess., p. 365) so as to exclude certain territory annexed to the city by said act.

Also:

H. 626. To amend an act approved August 16, 1957 entitled "An Act to alter, rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama" (Act No. 288, H. 830, Acts 1957 Reg. Sess., p. 367) so as to exclude certain territory annexed to the city by said act.

Also:

H. 696. To provide that clerks of county courts in all counties having a population of not less than 26,000, nor more than 26,600, according to the most recent federal decennial census, may take affidavits and complaints and issue warrants of arrest in misdemeanor cases.

Also:

H. 698. Relating to and providing for the reidentification of electors in Coffee County; directing the board of registrars to purge the lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### BILLS ON SECOND READING

Mr. Solomon, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 357. To authorize and encourage joint action and cooperation between cattle raisers, cattle dealers and other handlers of cattle for the purpose of stabilizing, protecting, and promoting the cattle and beef

industry in Alabama; recognizing the Alabama Cattlemen's Association as the representative and agent of the cattlemen of the state for the purpose of initiating and conducting certain programs designed to stabilize, protect and promote the cattle industry; authorizing providing for and regulating the levying and collection of assessments on sales of cattle to provide funds to finance such programs; placing certain duties relative to such assessments on the commissioner and the department of agriculture and industries; providing for a refund of any assessment collected under authority of this act to any cattleman who is dissatisfied with the levy thereof; and prescribing penalties.

H. 840. To further promote the agricultural interests of the State by providing for the acquisition, establishment, equipment, operation, and maintenance of state farmers' markets; and to define the duties, powers, and authority of the State Board of Agriculture and Industries and the Commissioner of Agriculture and Industries in relation to such markets.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 924. To provide for payment by the county of expenses incurred in the operations of the office of county superintendent of education, county commissioner of education, commissioner of public instruction, commissioner of public schools, or other like officer of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census.

H. 936. To authorize the court of county commissioners, board of revenue or other like governing body of Barbour County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Barbour County public highway and traffic fund.

H. 937. To amend Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama entitled "An Act relating to Bibb County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee; and passed on to the purchaser or person paying the said admission fee;



providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 17 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 17 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959; so as to adopt by reference certain provisions of the said Act No. 100 and the said Article 11, as so amended; so as to make subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

H. 938. To alter, rearrange and extend the boundaries and corporate limits of the Town of West Blocton, Bibb County, Alabama, so as to annex certain territory to the Town.

H. 939. Relating to and providing for the reidentification of voters in Cherokee County; directing the board of registrars to purge the lists of registered voters; and providing a penalty for anyone willfully making a false statement in connection with such reidentification.

H. 940. To extend, alter, and rearrange the boundary lines and corporate limits of the City of Clanton, in Chilton County, Alabama.

H. 944. To alter and rearrange the boundaries of the City of Eutaw, Greene County, Alabama.

H. 956. To extend the boundary lines of the Town of Trinity, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

H. 963. To amend Section 4 of the act approved August 16, 1955 establishing the law and equity court of Winston County (Act No. 242, H. 101, Acts of Alabama 1955, Vol. I, pp. 553, 555) so as to provide for the collection of trial fees in such court.

H. 964. To amend Section 2 of the act approved July 23, 1931 providing for a board of education for Winston County (Act No. 539, S. 253, Local Acts of Alabama 1931, pp. 257, 258) so as to provide further for the compensation of the members of said board.

S. 377. To extend, alter and rearrange the boundary and corporate limits of the City of Union Springs, in Bullock County, Alabama.

S. 379. To authorize and empower the board of revenue, court of county commissioners, or other like governing body of Talladega County, in its discretion, to provide branch offices in the City of Sylacauga for the use of the judge of probate, tax assessor, tax collector, sheriff,

or their clerks or deputies, or other officers of Talladega County, in the performance of their official duties; and to authorize and empower the governing body of Talladega County to furnish office space, clerical assistance, equipment, and supplies necessary for the proper and efficient operation of such branch offices and to adopt rules and regulations governing the operation of such branch offices.

Mr. Hawkins, Vice-Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 946. For the relief of C. D. Chiles; providing that the Board of Managers of the City of Birmingham Retirement and Relief System, established by Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama of 1951, page 1579, et seq.) shall have four months from the effective date of this Act in which to take action on C. D. Chiles' pending application for extraordinary disability allowance.

H. 947. To alter, rearrange, and extend the corporate limits of the City of Birmingham, Jefferson County, so as to include within the corporate limits of said City of Birmingham certain additional territory.

S. 387. To alter and re-arrange the boundary lines of the City of Homewood, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Mr. Oakley, Vice-Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 950. To provide further for payment of compensation to county superintendents of education.

#### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Glass and Taylor (with notice and proof):

H. 965. Relating to Butler County; authorizing the governing body of the county to furnish fuel and necessary equipment for the preparation and storing of food for prisoners held in The Butler County Jail by the Sheriff.

#### Local Legislation No. 1.

Notice and Proof H. 965:

#### AN ACT

Relating to Butler County; authorizing the governing body of the county to furnish fuel and necessary equipment for the preparation and storing of food for prisoners held in The Butler County Jail by the Sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Butler County is hereby authorized to furnish fuel and necessary equipment for the preparation and storing of food for prisoners held in The Butler County Jail by the Sheriff, the cost thereof to be paid out of the General Fund of the county treasury not otherwise appropriated.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**STATE OF ALABAMA,  
BUTLER COUNTY.**

Personally appeared before me, Pauline B. Fulton a Notary Public in and for said State and County, J. G. Stanley who being by me first duly sworn doth depose and say that he is one of the Editors of The Greenville Advocate, a weekly newspaper published in the City of Greenville, Butler County, Alabama, and that the attached legal notice was published in said The Greenville Advocate for four successive weeks, said notice having been published in the issues of Sept. 17, Sept. 24, Oct. 1 and Oct. 8, 1959.

**J. G. STANLEY.**

Sworn to and subscribed before me, this 9th day of October, 1959.

**PAULINE B. FULTON,  
Notary Public.**

By Messrs. Glass and Taylor (with notice and proof):

H. 966. For the relief of The United Telephone & Telegraph Co., and to authorize and direct The Court of County Commissioners of Butler County, Alabama, to pay to the said United Telephone & Telegraph Co., the sum of **FOUR HUNDRED FORTY DOLLARS AND THIRTY-EIGHT CENTS (\$440.38)** for damages to telephone lines owned by the said United Telephone & Telegraph Co.

**Local Legislation No. 1.**

**Notice and Proof H. 966:**

**AN ACT**

For the relief of The United Telephone & Telegraph Co., and to authorize and direct The Court of County Commissioners of Butler County, Alabama, to pay to the said United Telephone & Telegraph Co., the sum of **FOUR HUNDRED FORTY DOLLARS AND THIRTY-EIGHT CENTS (\$440.38)** for damages to telephone lines owned by the said United Telephone & Telegraph Co.

**Be It Enacted by the Legislature of Alabama:**

Section 1. Immediately upon passage of this act, The Court of County Commissioners of Butler County, Alabama, is authorized and directed to issue its warrant on the County Depository of said county in favor of the United Telephone & Telegraph Co., in the sum of **FOUR HUNDRED FORTY DOLLARS AND THIRTY-EIGHT CENTS (440.38)**, which shall be paid out of the Gasoline Fund in said County Depository not otherwise appropriated, for the purpose of compensating the said United Telephone & Telegraph Co., for damages to telephone lines owned by them and located between Forest Home and Greenville and within the corporate limits of The City of Greenville, said damages be-

ing caused by county road equipment owned and operated by Butler County, Alabama.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA,  
BUTLER COUNTY.

Personally appeared before me, Pauline B. Fulton a Notary Public in and for said State and County, J. G. Stanley who being by me first duly sworn doth depose and say that he is one of the Editors of The Greenville Advocate, a weekly newspaper published in the City of Greenville, Butler County, Alabama, and that the attached legal notice was published in said The Greenville Advocate for four successive weeks, said notice having been published in the issues of Sept. 17, Sept. 24, Oct. 1, and Oct. 8, 1959.

J. G. STANLEY.

Sworn to and subscribed before me, this 9th day of October, 1959.

PAULINE B. FULTON,  
Notary Public.

By Mr. Meade:

H. 967. To amend Sections 60, 61, 62, 63, 64, 65, and 70 of Title 22, Code of Alabama 1940, which prescribe sanitary and health regulations governing barber shops and beauty shops and the practice of barbering and beauty culture.

Health.

By Mr. Jones (Covington) (with notice and proof):

H. 968. Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties.

Local Legislation No. 1.

Notice and Proof H. 968:

#### LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF COVINGTON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in

Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties.

**Be It Enacted by the Legislature of Alabama:**

Section 1. The board of registrars of Covington County is hereby directed to purge all lists of registered electors of the county to the end that the names of all who are deceased or non-residents of the county or who have otherwise become disqualified from voting therein shall be removed from such lists, and to the end that the name of each qualified elector shall in the future appear on the list of qualified electors for the district and precinct in which he resides.

Section 2. The court of county commissioners, board of revenue or like governing body of Covington County is hereby authorized and directed to furnish to the board of registrars of Covington County clerical assistance, equipment, supplies, office space, telephone service, postage and publicity adequate and sufficient to enable the board to carry out the reidentification of registered voters as required herein and to carry out its functions as required by law. The clerk or clerks shall be appointed by the board of registrars with the approval of the governing body and the salary or salaries of such clerk or clerks shall be set by the county governing body.

Section 3. The board of registrars of Covington County shall be furnished by the judge of probate of the county or other custodian of the registration records, for use in setting up the alphabetical card file herein prescribed, all records on file in the probate office concerning the registration, purgation, and transfer of registered voters, dating from the adoption of the Constitution of 1901. On the basis of such information, the board of registrars shall compile an alphabetical card file, showing the name of each registrant as it appears on the records of registration; the full name of each registrant, upon receipt of such information; the registrant's date of birth, if given on such records, or, if not so given, the age at the time of registration; the registrant's address, if given at the time of registration; the date such registrant was registered and the precinct, ward or district of registration; and the precinct, ward or district in which the name of the voter appeared on the latest-published list of qualified voters or on which it appears according to the records of the board of registrars in cases where such records are on file. Cards shall provide spaces for recording changes of addresses and transfers of registrants from one voting precinct, ward, or district to another, and for the full name of the registrant. From the records relating to purging, the board shall ascertain the names of all persons in the file of registrants who have been stricken from the registration lists, and shall place on the proper cards the date and the reason for which each person was stricken or the fact that no reason is recorded, if such be the case. The alphabetical card file herein provided for shall hereafter be kept current by the board of registrars in all future operations.

Section 4. The board of registrars may purchase at the expense of the county, in addition to such other supplies as are required to be furnished to the board, the following supplies; forms for reidentification, applications for reinstatement on the list of registered voters; and books with removable pages, suitable for binding, for use by the board of registrars in notifying the probate judge of transfers of voters, for lists of persons registered, purged and transferred; and for such other lists as are herein required to be filed by such board.

Section 5. Upon establishment of the card file as herein required, the board of registrars shall proceed with the reidentification of registered voters.

Section 6. In executing the provisions of this act, the board of registrars of Covington County may require a voter to answer such questions and submit such proof as may reasonably be required by the board of registrars to establish the voter's identity and place of legal residence and that he is legally registered and has not become disqualified for voting in such county. The form for the reidentification of voters shall be substantially as follows:

(To be filled in by members of Board of Registrars):

Name \_\_\_\_\_ (As registered).

Full name \_\_\_\_\_ (Married women's full maiden name and married surname).

Registered in Covington County on \_\_\_\_\_ (date) in \_\_\_\_\_  
(Precinct, ward or district).

Date of birth or age as shown on registration record \_\_\_\_\_.

If then given, address at time of registration \_\_\_\_\_.

(If applicant has been previously stricken):

Name \_\_\_\_\_ (As on striking record).

Date of purging \_\_\_\_\_.

Reason for purging \_\_\_\_\_.

Date reinstated \_\_\_\_\_.

(Following shall be filled in by the applicant for reidentification without assistance and in the presence of the board.)

Oath to be administered by board member:

I solemnly swear (or affirm) that I will speak the truth, the whole truth, and nothing but the truth, so help me God.

Signature of applicant \_\_\_\_\_

Oath administered by \_\_\_\_\_  
(Board member signs)

Full name \_\_\_\_\_.

Date of birth \_\_\_\_\_.

Mailing address \_\_\_\_\_.

Permanent address (if not same as above) \_\_\_\_\_.

Location of legal residence claimed (if in rural area or in urban areas where there are no house numbers, give distance from well-known points) \_\_\_\_\_.

If board requires further information, it will be placed in space below: \_\_\_\_\_

Have you ever been convicted of or fined for any offense? (If traffic violation only, write "traffic violation only") \_\_\_\_\_.

If offense is other than traffic violation, state nature of offense, court in which fined or sentenced, approximate date, amount of fine or length of sentence \_\_\_\_\_.

Have you ever been declared legally insane? \_\_\_\_\_.

Since registering in Covington County on the date above, have you ever moved away and abandoned your residence in the county or state?  
\_\_\_\_\_.

Since registering in Covington County on the date above, have you ever voted in another county or state, or registered to vote in any other county or state? \_\_\_\_\_.

\_\_\_\_\_  
(Signature of applicant)

I hereby certify that \_\_\_\_\_, the applicant, filled out the above form in my presence and without assistance.

\_\_\_\_\_  
(Signature of board member)

Date \_\_\_\_\_

#### ACTION OF BOARD:

Approved \_\_\_\_\_ (Date)

\_\_\_\_\_  
Board Chairman

Member \_\_\_\_\_ Member

Disapproved \_\_\_\_\_ (Date)

\_\_\_\_\_  
Board Chairman

Member \_\_\_\_\_ Member

(To be filled out by a member of the board of registrars):

If applicant has been convicted of any offense disqualifying him under the Constitution of Alabama to vote, it shall be ascertained to the satisfaction of the board whether or not he received restoration of citizenship prior to being registered on the date given above.

Restoration of citizenship: Date \_\_\_\_\_ Certificate No. \_\_\_\_\_

\_\_\_\_\_  
(Signature of board member)

Section 7. Persons unable to read and write shall be placed under oath and forms of reidentification shall be filled out for them by a member of the board; provided their inability to read and write is due solely to physical conditions, in the case of those persons registered since December 19, 1951. The form of reidentification application shall be the same except that it shall provide, in addition, the following statement:

\_\_\_\_\_ appearing before me,  
(Full name of applicant)

\_\_\_\_\_ on \_\_\_\_\_  
 (Board member) (Date)

states that he is unable to read and write and to fill out the reidentification form without assistance. He states that the reason for his inability is due to: (Check one):

( ) Illiteracy.

( ) Physical condition only. He further states that the physical condition making him unable to read and write or to fill out the form is substantially as follows: \_\_\_\_\_ and that such disability has existed since \_\_\_\_\_ (date). (If illiteracy is the reason, fill out one of the following):

( ) Applicant was registered prior to December 19, 1951.

( ) Applicant was registered on or after December 19, 1951.

Section 8. The board of registrars of Covington County shall require the applicant who requests assistance in the filling out of the form to answer such questions and submit such proof as may reasonably be required to establish whether or not the voter, in fact, is physically disabled or has not ever been able to read and write due to reasons other than physical disability. In the case of persons registered on or after December 19, 1951, the board of registrars shall not be required to fill out the complete reidentification form for those requesting assistance due to illiteracy, but shall fill out only such portion as may be necessary to identify the person with the record of his registration.

Section 9. In the case of persons serving in the armed forces, and their husbands or wives who are temporarily residing with them outside the state of their legal residence, and in the case of veterans in veterans' hospitals, reidentification shall be permitted by mail; provided, however, that the reidentification form is accompanied upon its return to the board of registrars by a notarized statement from the commanding officer of the serviceman or the official in charge of the veterans' hospital setting out that the form was filled out as required herein the presence of the undersigned by the applicant without assistance. If assistance is required by the applicant, then the form as provided for those requiring assistance shall be completed and shall be signed by the commanding officer or person in charge of the veterans' hospital who shall state his official title. The court of county commissioners, board of revenue or like governing body of Covington County shall furnish the board of registrars with reidentification forms providing for the signature of a commissioned officer of the armed forces or a person in charge of a veterans' hospital as herein provided. Upon request of the registered voter, the board of registrars shall forward a reidentification form for those requiring no assistance or a form for those requiring assistance; provided, however, that the board shall not approve the reidentification application of any illiterate person registered on or after December 19, 1951.

Section 10. The names of all persons found, by their applications for reidentification, or by other information available to the board, to have become disqualified for voting since the date of registration, or found to be illegally registered, shall be given notice in the manner required by law, and the board shall set the date for the hearing. The board shall remove names from the list of registered voters as now required by law, provided, however, that the name of any applicant found to be disqualified for remaining on the registration list may be stricken at any time the board is in session provided that the necessary notices, if required by law, have been given and a hearing, if required by law,



held. No notice shall be required in the case of persons who have died, permanently moved out of the state, or have been declared insane by inquisition of lunacy.

Section 11. Any person who makes a willfully false statement to the reidentification questionnaire or in response to reidentification questions put to him by the board of registrars of Covington County or any of its employees shall be guilty of perjury and, upon conviction, shall be punished by imprisonment in the penitentiary for not less than one or more than five years.

Section 12. Whenever it is found that the name of a registered elector has been purged from the registration list of Covington County and the person so purged appears before the board of registrars and states that he is not disqualified for voting under the laws of this state, the board of registrars shall place such person under oath and shall require that he fill out the application for reinstatement herein provided. If, upon examination of the application for reinstatement and all other available information, the board of registrars of Covington County shall determine that the name was purged from the registration list by error, that the person was legally registered in the first instance, and has not since become disqualified as provided by state law, then at least two members of the board shall sign the application approving the reinstatement and the probate judge of Covington County shall be notified and a permanent record of the reinstatement shall be made in the records of the board of registrars, and reference to the reinstatement record shall be placed by the name of the persons in the records of stricken voters, and the application shall be retained as a permanent record of the board of registrars. The application for reinstatement required herein to be filled out by a person claiming to have been erroneously purged from the list of registered voters shall be furnished by the court of county commissioners, board of revenue or like governing body of Covington County to the board of registrars and shall be as follows:

#### APPLICATION FOR REINSTATEMENT

I do solemnly swear (or affirm) that I will speak the truth, the whole truth, and nothing but the truth, so help me, God.

\_\_\_\_\_ (Signature of applicant)

\_\_\_\_\_ (Board member administering oath)

(1) I first learned on or about \_\_\_\_\_ (date) that my name had been stricken from the list of registered voters of Covington County.

(2) My present address is: \_\_\_\_\_.  
I have resided at this place since \_\_\_\_\_. In Covington County since \_\_\_\_\_.

(3) I registered in \_\_\_\_\_ (give year)

Have you since moved out of the county? \_\_\_\_\_.

Have you since abandoned your residence in the county? \_\_\_\_\_  
If you have been temporarily absent from the county or state since registering, give dates, place where you were, and reason for absence:

\_\_\_\_\_

(4) Have you ever been convicted of any offense? \_\_\_\_\_. If so, give charge, penalty, date, place and court: \_\_\_\_\_

(5) Have you ever been legally declared insane? \_\_\_\_\_

(6) Are you able to read and write sections of the U. S. Constitution and to vote without assistance? \_\_\_\_\_

(7) Do you know any reason why you would be disqualified from voting? \_\_\_\_\_

Signed: \_\_\_\_\_ Applicant.

APPROVED: Date \_\_\_\_\_

\_\_\_\_\_ (Board Member)

\_\_\_\_\_ (Board Member)

\_\_\_\_\_ (Board Member)

DISAPPROVED: Date \_\_\_\_\_

\_\_\_\_\_ (Board Member)

\_\_\_\_\_ (Board Member)

\_\_\_\_\_ (Board Member)

County of Covington, State of Ala.

(To be filled out by board)

Registrant's full name \_\_\_\_\_

Name as on registration records \_\_\_\_\_

Date of birth \_\_\_\_\_

Reason for striking as shown on records \_\_\_\_\_

Date of striking \_\_\_\_\_

Date registered \_\_\_\_\_

Covington County, Alabama.

Date: \_\_\_\_\_

Section 13. The court of county commissioners, board of revenue or like governing body of Covington County shall furnish the board of registrars of the county with a description, as it appears on record, of all election precincts, wards and districts within the county, and shall, in addition, furnish a map of the county with the boundary lines, as on record, drawn on the map so as to indicate such precincts, wards, and districts. Whenever the boundaries of any election precincts, wards or districts are altered or changed, the authority making such changes shall furnish the board of registrars with the revised boundaries of all such precincts, wards and districts at the same time as such boundaries are filed with the judge of probate. The board of registrars shall not be required to place the names of persons registered to vote or of persons moving from one precinct, ward, or voting district to another according to the lines of such precincts, wards, or voting districts so created or so changed until such descriptions and maps as herein provided to be given have been filed with the board of registrars and un-

less such have been filed at least three months before any general, special, primary, or municipal election in Covington County or any municipality thereof.

Section 14. The board of registrars of Covington County, during or upon completion of reidentification, and in all future operations, shall, in the manner prescribed by law, make transfers of registered voters from one voting precinct, ward or district to another whenever sufficient evidence is furnished them that an elector has permanently moved from one voting precinct, ward or district to another, but shall record the transfer as herein provided. Whenever the board of registrars transfers any registered voter from one voting precinct, ward or district to another, the board shall record in a voter transfer book the full name, birth date, year of registration, previous precinct, ward, or district of voting, and the precinct, ward, or district to which the registrant is transferred, according to the findings of the board and according to the provisions of law as to the length of residence, and each action shall be given a number, starting with the number one (1). The original of the transfer record shall be filed with the judge of probate, which official shall place all names on the lists of qualified electors furnished election officials according to the actions of the board of registrars, provided notice of such action by the board is received at least two weeks prior to the election for which the list is prepared. The voter transfer books required to be maintained by this act shall be purchased by the board at the expense of the county, and such books shall be appropriate in design and composition for their purpose as declared by this act.

Section 15. The board of registrars of Covington County shall be allowed one meeting day for each 300 names on the registration list of the county, exclusive of those which have been stricken, for the purpose of conducting the reidentification of registered voters herein provided to be held periodically. The board shall set the dates of meetings, and the hours of each meeting; provided, however, the board shall be in session at each meeting no less than seven hours. The board may determine the total number of meetings required, not to exceed one per 300 registrants. In all cases, the board of registrars must complete its reidentification meetings within two years from the date registration began in the county and within the calendar year of 1970 and each 10 years thereafter. A notice of the beginning of reidentification and the dates of meetings for reidentification must be published in a newspaper of general circulation in Covington County or be posted at the county courthouse at least three days in advance of any meeting held for that purpose. The number of meeting days for reidentification after the days on which notice is given, must be stated along with each notice of meeting days. Such meeting days shall be in addition to those now required or permitted by law and no registration of persons shall be conducted when the board is in session for the purpose of reidentification. In the event the board of registrars fails to complete the voter reidentification program in the length of time allowed herein, up to 20 additional meeting days may be held, provided, written permission is granted by the court of county commissioners, board of revenue or like governing body of the county.

Section 16. For each day's attendance upon special sessions of the board of registrars under the provisions of this act, the members of the board of registrars of Covington County shall each receive the amount prescribed by law, to be paid and disbursed by the county governing body, but if any such special session is held on the same day a regular session is required to be held under the laws of this state, each registrar shall be entitled to receive only one per diem allowance for one day's service.

Section 17. All persons who have not been stricken from the registration list but who have failed to reidentify themselves by the close of the last meeting of the board for reidentification shall be advertised for striking in the manner provided for advertising names of persons who have become non-residents of the county. A date for hearing shall be set not sooner than twenty (20) days after advertising of the notice of hearing. All persons failing to reidentify themselves and failing to appear on the date specified for hearing and show cause why their names should not be stricken, shall be stricken from the registration lists as non-residents of Covington County.

Section 18. Upon the completion of reidentification, the board of registrars of Covington County shall file in the office of the judge of probate of Covington County, and in its own office, a list of all persons on the registration lists of the county who properly identified themselves and whose application for reidentification was approved; provided they had not been previously stricken, or were reinstated, and provided they were not stricken during the period of reidentification. The full name of each person shall be used, and birth dates shall be given. The person charged with the making of lists of qualified voters to be used in elections shall include thereon only the names appearing on such reidentification list or thereafter reinstated upon the registration list, or added to the registration list, and shall use the names as they appear on the list of reidentified and registered voters. Books containing the names of all persons stricken during the process of reidentification shall be filed with the judge of probate as required by law, and, in addition, a copy shall be filed at the office of the board of registrars.

Section 19. All registered voters of Covington County shall be required henceforth to maintain with the board of registrars of Covington County current mailing addresses and such information as to places of legal residence as may be required by the board of registrars to perform its duties. Following expiration of the time for reporting information as herein provided through reidentification, if any first class mail sent to the address on file with the board of registrars is returned to the board office, or a person fails to respond to inquiry by the board concerning abandonment of residence in Covington County, the board may advertise the name of such person for removal from the list of registered electors as a non-resident, and may proceed to remove the name as otherwise provided by law.

Section 20. Any member of the board of registrars of Covington County who neglects or willfully refuses to perform the duties herein provided in regard to the transfer, striking, and reidentification of persons whose names appear on the list of registered electors of Covington County, and in regard to keeping of records as herein provided, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the same penalties as provided by law for failure or refusal to purge the list of registration.

Section 21. The board of registrars of Covington County shall not hereafter be authorized to conduct a reidentification of registered voters in any manner other than as herein provided and reidentification shall be required to be conducted by the board of registrars of Covington County in 1970 and each 10 years thereafter, in the manner as herein prescribed; provided, however, that only one calendar year shall be used to conduct reidentifications in 1970 and thereafter.

Section 22. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF COVINGTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Larry K. Woodham, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Managing Editor of the The Florala News, a newspaper of general circulation published in Covington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 17, Sept. 24, Oct. 1, and Oct. 8, all in the year 1959.

LARRY K. WOODHAM.

Sworn to and subscribed before me Oct. 9, 1959.

H. A. KELLEY,  
Notary Public.

By Messrs. Oden and Hanby:

H. 969. To provide for the health and safety of members of the Legislature while in attendance at legislative sessions.

Ways and Means.

By Messrs. Cates and Speaks (with notice and proof):

H. 970. To apply only in Chilton and Shelby Counties: To require railroads to install and maintain flashing electric signals or other similar warning devices at every intersection of their tracks with a federal or state highway or a county road where there is a grade crossing in either Chilton or Shelby County, when requested to do so by the state highway department or the county governing body; and to prescribe penalties.

Local Legislation No. 1.

Notice and Proof H. 970:

STATE OF ALABAMA,  
COUNTY OF CHILTON:

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To apply only in Chilton and Shelby Counties: To require railroads to install and maintain flashing electric signals or other similar warning devices at every intersection of their tracks with a federal or state highway or a county road where there is a grade crossing in either Chilton or Shelby County, when requested to do so by the state highway department or the county governing body; and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Every person, firm, or corporation engaged in operating a railroad in Chilton or Shelby county shall, within thirty days after receipt of a request therefor from the state highway department, install and thereafter maintain flashing electric signals or similar devices warning of the immediate approach of trains at any grade crossing of its tracks by a federal or state highway in either Chilton or Shelby County at which the state highway department requests such signals or warning devices; and, within thirty days after receipt of request therefor from the court of county commissioners, board of revenue, or other like governing body of Chilton or Shelby county shall install & thereafter maintain flashing electric signals or devices warning of the immediate approach of a train, at any grade crossing of its tracks by a county road in such counties, at which the county governing body requests such signals or warning devices.

Section 2. Any person, firm or corporation operating a railroad in Chilton or Shelby county who fails to install flashing signals or warning devices when and where the installation thereof is requested as hereinabove prescribed, shall upon conviction be fined not more than one hundred dollars, and each day of such failure after the expiration of thirty days from the receipt of the request for such installation shall constitute a separate offense.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF CHILTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Carlos W. Wyatt, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Assistant Manager of the Union Banner, a newspaper of general circulation published in Chilton County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 17, September 24, October 1, and October 8, all in the year 1959.

CARLOS W. WYATT.

Sworn to and subscribed before me October 8, 1959.

A. B. FOSHEE,  
Notary Public.

#### LEGAL NOTICE

##### STATE OF ALABAMA COUNTY OF SHELBY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To apply only in Chilton and Shelby Counties; To require railroads to install and maintain flashing electric signals or other similar warning devices at every intersection of their tracks with a federal or state highway or a county road where there is a grade crossing in either Chilton or Shelby County, when requested to do so by the state highway department or the county governing body; and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Every person, firm, or corporation engaged in operating a railroad in Chilton or Shelby County shall, within thirty days after receipt of a request therefor from the state highway department install and thereafter maintain flashing electric signals or similar devices warning of the immediate approach of trains at any grade crossing of its tracks by a federal or state highway in either Chilton or Shelby County at which the state highway department requests such signals or warning devices; and, within thirty days after receipt of request therefor from the court of county commissioners, board of revenue, or other like governing body of Chilton or Shelby County, shall install and thereafter maintain flashing electric signals or devices warning of the immediate approach of a train, at any grade crossing of its tracks by a county road in such counties, at which the county governing body requests such signals or warning devices.

Section 2. Any person, firm or corporation operating a railroad in Chilton or Shelby County who fails to install flashing signals or warning devices when and where the installation thereof is requested as hereinabove prescribed, shall upon conviction be fined not more than one hundred dollars, and each day of such failure after the expiration of thirty days from the receipt of the request for such installation shall constitute a separate offense.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF SHELBY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Luther Fowler, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was the publisher of the Shelby County Reporter, a newspaper of general circulation published in Shelby County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 17, Sept. 24,

October 1, and October 8, all in the year 1959.

LUTHER FOWLER

Sworn to and subscribed before me October 9th, 1959.

CONRAD M. FOWLER  
Judge of Probate

By Messrs. Brewer and Gilchrist:

H. 971. To prohibit the taking of fish from the public waters of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, with hoop and fyke nets, seines, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines; repealing conflicting laws.

Local Legislation No. 1.

By Mr. Faulk (with notice and proof):

H. 972. To further amend Section Two of Act No. 538, Local Acts of the Legislature, 1939, approved September 16, 1939, which said Section Two was amended by Act No. 651 of the Legislature of 1947, approved October 9, 1947, which said Act No. 538 established in Geneva County, Alabama, a Court of Record to be known as the "Inferior Court of Geneva County"; and to provide that said Court have limited equity jurisdiction and to provide for a Register of said Court and a stenographer for the Judge of said Court and fix her salary.

Local Legislation No. 1.

Notice and Proof H. 972:

#### NOTICE OF A LOCAL BILL

Notice is hereby given that a local bill, substantially as set forth below, will be introduced in the Legislature of Alabama.

#### A BILL TO BE ENTITLED AN ACT

To further amend Section Two of Act. No. 538, Local Acts of the Legislature, 1939, approved September 16, 1939, which said Section Two was amended by Act. No. 651 of the Legislature of 1947, approved October 9, 1957, which said Act No. 538 established in Geneva County, Alabama, a Court of Record to be known as the "Inferior Court of Geneva County," and to provide that said Court have limited equity jurisdiction and to provide for a Register of said Court and a stenographer for the Judge of said Court and fix her salary.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2, Act No. 538, Local Acts of 1939, as amended by Act approved October 9, 1947, be further amended to read as follows:

That Section 2 of an Act of the Legislature entitled "An Act to establish a Court of Record in Geneva County, Alabama, to be known as the "Inferior Court of Geneva County;" to provide for its criminal jurisdiction to include all misdemeanors; and to provide for the civil juris-



diction thereof to include all civil jurisdiction now exercised by Justices of the Peace, and in addition thereto to include all suits, actions and matters of law where the amount involved therein is the sum of Three Hundred and no/100 Dollars, or less; to provide for the officers of the said Court, their terms of office, the manner of their selection and election, and their powers, duties and compensation; to fix the fees and costs in said Court; to provide for the rules of procedure for said Court and for the operation thereof; to provide for the registering of judgments rendered in said Court, and the effect thereof; to provide for the method and manner of instituting civil and criminal proceedings therein; to provide for the transfer of criminal prosecutions for misdemeanors now or hereafter pending in the County Court of Geneva County; and to provide for the transfer of civil suits pending in said Circuit Court, within the jurisdiction of this Court, by agreement," approved September 16, 1939, as amended by Act. No. 651, approved October 9, 1947. That said Court shall have civil jurisdiction in all civil matters of which Justices of the Peace of Geneva County have jurisdiction under the general laws of this State; concurrently with the several Justices of the Peace in said County; and, in addition thereto, the said Court shall have jurisdiction, concurrently with the Circuit Court, of all matters, suits and actions of law, which are amount more than the jurisdiction of the Justices of the Peace, and not more than the sum of Five Hundred and no/100 (\$500.00) Dollars; and the said Court shall have original jurisdiction, concurrent with the Circuit Court, of all misdemeanors committed in Geneva County, Alabama; and it shall have preliminary jurisdiction of all felonies concurrent with the several Justices of the Peace of said County committed in Geneva County, Alabama; that there is hereby conferred on the Inferior Court of Geneva County, Alabama, equity jurisdiction to the extent only to suits for divorce or separate maintenance and cases involving domestic relations or the custody of children and the removal of disabilities of non age of minors and that such proceedings shall be conducted and appeals may be taken to the Supreme Court of Alabama in accordance with the rules of the Equity Court now or hereafter obtaining; but appellant jurisdiction of all of the Justice of the Peace Courts and municipal Courts in said County is hereby expressly repealed. The jurisdiction, both civil, criminal and in equity of said Court, as hereinabove provided, shall be co-extensive with the county; provided, further, that the said Court shall not have and exercise civil jurisdiction of actions of libel, assault and battery or ejectment or actions in the nature of ejectment.

Section 2. That the Judge of said Court be and he is hereby authorized to employ a stenographer and the salary of such stenographer is fixed at the sum of \$900.00 per year to be paid in equal monthly installments out of the general funds of the County on the warrant of the Probate Judge upon certificate of the Judge of this Court.

Section 3. That the Register of the Circuit Court, in Equity, of Geneva County, Alabama, shall, by virtue of his office, be the Register of the Inferior Court of Geneva County, Alabama, and shall have the powers and discharge the duties which shall devolve upon the Register of the Inferior Court of Geneva County, Alabama. He shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees, cost and commissions as are now, or may hereafter be allowed to the Register of the Circuit Court in Equity, which shall be collected as such fees, cost and commissions are collected in Circuit Courts. The Register of the Inferior Court of Geneva County, Alabama, before entering into the duties of his office, shall give bond in the penal sum of Two Thousand (\$2,000.00) Dollars, payable and conditioned as official bonds required of the Registers of the Circuit Courts, in Equity, to be taken and approved by the Judge of said Court and re-

corded in the Probate Office of the County and upon said bond there shall be the same liabilities and remedies as upon bonds of the Registers of the Circuit Courts of this State.

Section 4. If any section, sentence, clause, phrase or part of this Act shall be declared invalid, such invalidity shall not affect the remainder of the Act, but such parts not declared invalid shall remain in full force and effect.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, law.

#### CERTIFICATE OF PUBLICATION

STATE OF ALABAMA  
GENEVA COUNTY

I, Orsen Spivey, Publisher of the Geneva County Reaper, a weekly newspaper published in Geneva, Geneva County, Ala.\* do hereby certify that the advertisement attached hereto has been published in said newspaper for a period of Four consecutive weeks, commencing Sept. 17, 1959, and ending Oct. 8, 1959.

WITNESS my hand this 12 day of October, 1959.

ORSEN B. SPIVEY.

Sworn to and subscribed before me this 12 day of Oct., 1959.

KAROL L. FLEMING,  
Notary Public.

My Commission Expires 2nd July, 1963.

By Mr. Broadfoot (with notice and proof):

H. 973. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Local Legislation No. 1.

Notice and Proof H. 973:

#### LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Florence be and the same are hereby extended, altered and rearrang-

ed so as to include within the corporate limits of the City of Florence all of the following additional adjacent territory in Lauderdale County, Alabama, situated, to-wit:

A tract or parcel of land situated in Lauderdale County, Alabama, more particularly described as follows: Beginning at a point where the center line of Cloyd Boulevard intersects the center line of Hermitage Drive (formerly known as Jackson Highway); run thence northwardly along said Highway for a distance of 852 feet to a point; run thence Westwardly at right angles to said Drive for a distance of 417 feet to a point; run thence to the right at right angles for a distance of 215 feet to a point; run thence to the left with a deflection angle of 83 degrees and 16 minutes for a distance of 300 feet to a point; run thence to the left with a deflection angle of 34 degrees and 17 minutes for a distance of 1,465 feet to a point; run thence to the left with a deflection angle of 91 degrees and 30 minutes for a distance of 828 feet to a point; run thence to the left at right angles for a distance of 162 feet to a point; run thence to the right with a deflection angle of 80 degrees and 00 minutes for a distance of 200 feet to a point; run thence to the left with a deflection angle of 32 degrees for a distance of 208 feet to a point; run thence to the right with a deflection angle of 17 degrees and 00 minutes for a distance of 100 feet to a point; run thence to the left at a deflection angle of 24 degrees and 42 minutes for a distance of 100 feet to a point; run thence to the left with a deflection angle of 49 degrees and 02 minutes for a distance of 120 feet to a point; run thence at a right deflection angle of 57 degrees and 00 minutes for a distance of 155 feet to a point; run thence at a right deflection angle of 27 degrees and 30 minutes for a distance of 150 feet to a point; run thence left with a deflection angle of 31 degrees and 38 minutes for a distance of 480 feet to the center line of Hermitage Drive; run thence northwardly along Hermitage Drive for a distance of approximately 665 feet to the point of beginning.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. H. Bowling, who, being by me first duly sworn( deposes and says that during the times herein mentioned he was Advertising Manager of the THE FLORENCE TIMES, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 15, September 22, September 29, and October 6, all in the year 1959.

D. H. BOWLING,  
Advertising Manager.

Sworn to and subscribed before me October 12, 1959.

JAMES C. STUTTS,  
Notary Public State-At-Large.

My Commission Expires June 29, 1963.

By Messrs. Broadfoot and Long (Lauderdale) (with notice and proof):  
H. 974. To amend Sections 1, 2, 3, 4, 7, 8, 10 and 12 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama, approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433) relative to privilege or license taxes and excise taxes in Lauderdale County and in the City of Florence, Lauderdale County.

Local Legislation No. 1.

Notice and Proof H. 974:

#### LEGAL NOTICE

Notice is hereby given of the intention to apply for the passage and enactment at the 1959 Regular Session of the Legislature of Alabama of a Bill substantially as follows:

#### A BILL TO BE ENTITLED AN ACT

To amend Sections 1, 2, 3, 4, 7, 8, 10 and 12 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama, approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433) relative to privilege or license taxes and excise taxes in Lauderdale County and in the City of Florence, Lauderdale County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act. No. 296, adopted by the 1949 Regular Session of the Legislature of the State of Alabama approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433) is hereby amended to read as follows:

"Section 1. In Lauderdale County, Alabama, (outside the City limits of Florence) there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows: (a) Upon every person, firm or corporation engaged, or continuing within Lauderdale County, Alabama, (outside the City Limits of Florence) in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within Lauderdale County, Alabama, (outside the City Limits of Florence) in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests con-

ducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Lauderdale County, Alabama, (outside the City Limits of Florence) an amount equal to one percent of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within Lauderdale County, Alabama, (outside the City Limits of Florence) in the business of selling at retail any automotive vehicle, or truck trailer and semi-trailer, an amount equal to one-fourth of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. (d) The tax levied in Section One hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama, 1940, as amended and supplemented", except where inapplicable or where herein otherwise provided, all of which are adopted and made a part thereof by reference, including the provisions for the enforcement and collection thereof."

Section 2. Section 2 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 2. (a) In Lauderdale County, Alabama (outside the City Limits of Florence) an excise tax is hereby imposed on the storage, use or other consumption in Lauderdale County, Alabama (outside the City Limits of Florence) of tangible personal property purchased at retail for storage, use or consumption in Lauderdale County, Alabama (outside the City Limits of Florence), at the rate of one percent of the sales price of such property, except as provided in subsection (b) of this section. (b) In Lauderdale County, Alabama (outside the City Limits of Florence), an excise tax is hereby imposed on the storage, use or other consumption in Lauderdale County, Alabama (outside the City Limits of Florence), of any automotive vehicle or truck trailer and semi-trailer purchased at retail for storage, use or other consumption in Lauderdale County, Alabama (outside the City Limits of Florence), at the rate of one-fourth of one percent of the sales price of such automotive vehicle or truck trailer and semi-trailer. Every person storing, using or otherwise consuming in Lauderdale County, Alabama (outside the City Limits of Florence), tangible personal property purchased at retail shall be liable for the tax imposed hereby, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in Lauderdale County, Alabama, showing the payment of said tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer. (c) The tax levied in Section Two hereof shall be subject to all the definitions, exceptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, and punishment and deductions set out in Section 787 through 811 and Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended, except where inapplicable or where herein otherwise provided, all of

which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 3. Section 3 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 3. In the City of Florence, Alabama, there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows: (a) Upon every person, firm or corporation engaged, or continuing within said City of Florence, Alabama, in business of selling at retail any tangible personal property whatsoever (not including, however, bonds or other evidences of debt or stocks), an amount equal to one-half of one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business, (b) Upon every person, firm or corporation engaged, or continuing within said City of Florence, Alabama, in the business of conducting, or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within said City of Florence, Alabama, an amount equal to one percent of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within the City of Florence, Alabama, in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-eighth of one percent of the gross proceeds of the sale of said automobile vehicle or truck trailer and semi-trailer. (d) The tax levied in Section One hereof shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part thereof by reference, including the provisions for the enforcement and collection thereof."

Section 4. Section 4 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 4. (a) In said City of Florence, Alabama, an excise tax is hereby imposed on the storage, use or other consumption in said City of Florence, Alabama, of tangible personal property purchased at retail on or after effective date of this Act, for storage, use or consumption in Lauderdale County, Alabama, at the rate of one percent of the sales price of such property, except as provided in sub-section (b)

of this section. (b) In said City of Florence, Alabama, an excise tax is hereby imposed on the storage, use or other consumption in said City of Florence, Alabama, of any automotive vehicle or truck trailer and semi-trailer purchased at retail for storage, use or other consumption in said City of Florence, Alabama, at the rate of one-fourth of one percent of the sales price of such automotive vehicle or truck trailer and semi-trailer. Every person storing, using or otherwise consuming in the City of Florence, Alabama, tangible personal property purchased at retail shall be liable for the tax imposed hereby, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in said City of Florence, Alabama, showing the payment of said tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer. (c) The tax levied in Section Two hereof shall be subject to all the definitions, exceptions, proceedings, requirements, rules and regulations, provisions, penalties, fines, and punishment and deductions set out in Section 787 through Section 811 and Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 5. Section 7 of the aforesaid Act No. 296 of 1949, is hereby amended to read as follows:

"Section 7. The taxes herein levied shall be collected by, and paid to, the Probate Judge of Lauderdale County, in his official capacity. All reports required to be made to the Commissioner of Revenue of the State of Alabama as to State Sales and Use Taxes under the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Article 11 of Chapter 20 of Title 51 of the Code of Alabama and amendments thereto, as to such taxes herein levied shall also be made to the Probate Judge of Lauderdale County, Alabama, and as to the taxes herein levied the Probate Judge of Lauderdale County, Alabama, shall have and exercise the same powers, duties and obligations as are imposed on the Commissioner of Revenue of the State of Alabama by the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Article 11 of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereto, as to State taxes therein levied. "The Probate Judge of Lauderdale County shall be reimbursed out of said taxes for all clerk hire and other expense incurred by him in the collection, handling and disbursing of said moneys, and shall also be entitled to reasonable compensation for his services in connection therewith, to be paid out of said tax moneys, not to exceed one percent of such collection. And each person or party paying any tax under this Act shall be authorized to deduct from the remittance three percent (3%) of the amount of such tax for reimbursement for the expense of collecting and reporting such tax."

Section 6. Section 8 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 8. The Probate Judge of Lauderdale County shall at monthly intervals pay over any moneys collected by him from such taxes, less his expense and compensation as hereinbefore provided, to the Lauderdale County Board of Education, and the City Board of Education in the same proportions as the school funds allocated by the State of Alabama to Lauderdale County, and the City of Florence, are now or may hereafter be divided."

Section 7. Section 10 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 10. The taxes herein levied shall be due and collectible at the times and manner and as set out in the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Article 11 of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereto, and all of the methods and provisions given to the State of Alabama as to the collection of said taxes under the provisions of the aforesaid Act No. 100 of the 1959 Second Special Session of the Legislature and Article 11 of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereto, are given hereby to Lauderdale County and the City of Florence as to the taxes hereby levied."

Section 8. Section 12 of the aforesaid Act No. 296 of 1949 is hereby amended to read as follows:

"Section 12. All revenue arising from the tax hereby levied applicable to the City of Florence shall be used exclusively for school purposes and solely for capital outlay and maintenance of the public schools of said City of Florence."

Section 9. All laws and parts of laws in conflict with any provision of this Act are hereby repealed.

Section 10. If any section, clause or provision of this Act shall be, or be declared to be, invalid, this shall not affect any other section, clause or provision hereof not in itself invalid.

Section 11. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. H. Bowling, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 21, September 28, October 5, and October 12, all in the year 1959.

D. H. BOWLING,

Advertising Manager.

Sworn to and subscribed before me October 13, 1959.

JAMES C. STUTTS,  
Notary Public State-At-Large.

My Commission Expires June 29, 1963.

By Messrs. Hocklander, Murphy, Callahan, Britton, Sessions, Morrow and Trimmier:

H. 975. To amend Section 33 of Act No. 100 enacted at the Second Special Session of the Legislature of Alabama of 1959, entitled "An Act to raise revenue: Levying a privilege or license tax against persons



on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented."

Ways and Means.

By Mr. Goodwyn:

H. 976. To amend Title 41, Section 152, Code of Alabama 1940, as amended which relates to salaries of employees.

Ways and Means.

By Mr. Brooks:

H. 977. Prohibiting in Alabama the advertisement, display and sale, gift or otherwise making available to persons under eighteen years of age of certain publications which tend to corrupt morals, induce crime, or destroy the government; providing for a publications advisory committee in every county in this State, and prescribing their duties and powers; and providing a penalty for violations of this Act.

Judiciary.

By Messrs. Ferguson and Callahan:

H. 978. To amend Section 832 of Title 51, Code of Alabama 1940, in relation to the amount of exemption for blind persons from state, county, or municipal privilege licenses.

Ways and Means.

By Mr. Callahan:

H. 979. To amend further Section 2 of Title 51, Code of Alabama 1940, in relation to the amount of property of blind persons exempted from ad valorem taxation.

Ways and Means.

By Messrs. Adams (Tallapoosa) and Johnson (J. T. Tom) (with notice and proof):

H. 980. To alter, rearrange and describe the boundary lines and corporate limits of the city of Alexander City, Tallapoosa County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 980:

TO ALL WHOM IT MAY CONCERN:

Notice is hereby given that the following local bill will be introduced in the regular session of the Legislature of Alabama at the first opportunity:

### AN ACT

TO ALTER, REARRANGE AND DESCRIBE THE BOUNDARY LINES AND CORPORATE LIMITS OF THE CITY OF ALEXANDER CITY, TALLAPOOSA COUNTY, ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this act the boundary line and corporate limits of Alexander City, Talla-

poosa County, Alabama are extended, altered and rearranged so as to include in the corporate limits of the City of Alexander City, Tallapoosa County, Alabama all the property within the following described boundary, to-wit: Begin at the southwest corner of Section 12, T/S 22 N, Range 21 E Tallapoosa County, Alabama; thence run east along the southern boundary of said section to the southeast corner of said section; thence north along the east boundary line of said Section 12, and Section 1, T/S 22 N, Range 21 E to a point where said section line intersects the north property line of the Central of Georgia Railroad; thence run in northwesterly direction along said right of way line to a point 10 feet south of the northern boundary line of Section 2, T/S 22 N, Range 21 E; thence west to a point 10 feet west of the west right of way line of the Central of Georgia Railroad; thence run northwest paralleling the western right of way line of said railroad to a point in the center of Sixth Street, Alexander City, Alabama; thence run in a westerly direction along the center line of Maple street a distance of 517 feet to the intersection with the center line of Iris Avenue; thence westerly along the center line of Iris Avenue a distance of 1164 feet to the intersection with the center line of Pine Street; thence northeasterly along the center of Pine Street to intersection with center line of Lakeland Avenue; thence run in a northeasterly direction 796 feet to iron corner on the west right of way line of the Central of Georgia Railroad; thence run in a southeasterly direction along the west property line of said railroad to a point where the said west right of way line intersects the northern boundary line of section 2, T/S 22 N, Range 21E; thence east along the northern boundary of said section 2 a distance of 500 ft. to a corner; thence S. 710 ft. to a point which is 10 ft. N. of the easterly property line of the Central of Georgia Railroad right of way; thence run in a southeasterly direction paralleling the right of way of the Central of Georgia Railroad to a point on the eastern boundary of Section 1, T/S 22N, Range 21 E; thence N. along the east boundary of said section 1 to the NE corner of said section; thence W. along the N. boundary of said section 1 to the NW corner of the NE quarter of Section 1, T/S 22N, Range 21E; thence N. along the half section line of section 36, T/S 23N, Range 21 E; to the NW corner of the SE $\frac{1}{4}$  of said section; thence E. 1320 ft.; thence N. along the forty line 2640 ft. to the N. side of said section; thence W. 660 ft.; thence N. 1320 ft.; thence W. 660 ft to the NW corner of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  section 25, T/S 23 N, Range 21 East; thence N. along the half section line to the NW corner of the NE quarter of Section 24, T/S 23N, Range 21 E; thence W. along the N. Boundaries of Sections 24 & 23 to the NW corner of Section 23, T/S 23N, Range 21 E; thence S. along the W. boundary of said section 23 to the SW corner of the NW quarter of said section 23; thence W. along the half section line of Sections 22, 21, 20, & 19, T/S 23N, Range 21 E. to the NW corner of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 19 T/S 23 N, Range 21 E.; thence due S. through Sections 19, 30, & 31 T/S 23N, Range 21 E. and Sections 6 & 7 T/S 22N, Range 21 E. to the SW corner of the NE quarter of NE quarter of Section 7, T/S22N, Range 21E; thence E along said forty line to where the same intersects the W. right of way line of Ala. Highway No. 22, known as the Rockford Road; thence run in a northeasterly direction along the said right of way line of Alabama Highway 22 to the point where the same intersects the center line of Old Russell Road; thence NE along the said Highway right of way 1080 ft. to a point; thence in a northwesterly direction paralleling Mira Road, & 150 ft. from the center line thereof, to a point 10 ft. south of southwestern right of way line of the Central of Georgia Railroad; thence run northwesterly parallel with said railroad right of way to a point on the center line of Mira Road, formerly U. S. 241 By-Pass road, thence run SW at right angles to the said railroad right of way a distance of 500 ft. to a point; thence run in a northwesterly direction parallel with the right of way of the Central of Georgia railroad a

distance of 4800 feet to a point; thence make a 90 degree turn to the right and run 510 feet to a point on the western right of way line of the Central of Georgia Railroad; thence run in southerly direction following the west and south right of way line of the Central of Georgia Railroad to a point where the same intersects the center line of Elkahatchee Street; thence South 30 degrees 19' East along center of Elkahatchee Street a distance of 183.55 feet thence continuing along the center line of Elkahatchee Street South 22 degrees 35' East 133.4 feet and South 10 Degrees 10' East 90.2 feet and South 5 degrees 4' East 1408.6 feet and South 6 degrees 10' East 860 feet to a corner; thence run South 87 degrees 11' West a distance of 702.4 feet to a point; thence South 85 degrees 16' West 546.6 feet to a point; thence South 87 degrees 44' West 643.87 feet to a point; thence North 86 degrees 52' West a distance of 188.22 feet to a point and the center of the New (1959) Russell Road; thence South 51 degrees 07' West along said road a distance of 981.27 feet to a point; thence south 88 degrees 2' West a distance of 1061.65 feet to the intersection of New Russell Road with Old Highway 241 By-Pass; thence South 6 degrees 31' East a distance of 191.2 feet to the east right of way line of U. S. Highway 280 By-Pass; thence North 49 degrees 15' West along said By-Pass 579.9 feet to its intersection with the South right of way line of Alabama Highway No. 22; thence in a southwesterly direction along the right of way of said Highway 22 to its intersection with the south boundary line of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 7, T/S 22 N, Range 21 East; thence run east along said forty line and across Section 8, 9, and 10 to the Southwest corner of the Northwest quarter of the Northwest quarter of Section 11, T/S 22 N, Range 21 East; thence South along the West boundary of Section 11, T/S 22 N, Range 21 E to the southwest corner of said section; thence run east along the southern boundary of said section 11 to the point of beginning.

Section 2. That all laws and parts of laws, both general, special and local, in conflict with this Act, be and the same are hereby repealed.

Section 3. That this Act shall go into effect immediately upon its approval by the Governor.

### PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF TALLAPOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. C. Henderson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Alexander City Outlook, a newspaper of general circulation published in Tallapoosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 11, Sept. 18, Sept. 25, and October 2, all in the year 1959.

J. C. HENDERSON.

Sworn to and subscribed before me 9 of October, 1959.

T. C. WOLSONCROFT,  
Notary Public.

My commission expires May 14, 1963.

By Mr. Salter:

H. 981. To amend Section 87 of Title 22, Code of Alabama 1940, in relation to the enactment of regulations governing the removal or

transportation of the bodies of deceased persons by cities and towns.

#### Health.

By Messrs. Hawkins, Edwards, Morrow, Sessions, Rast, Perry and Locke:

H. 982. To amend Section 799, Title 37, of the 1940 Code of Alabama, as heretofore amended.

#### Local Legislation No. 2.

By Messrs. Perry, Locke, Morrow, Edwards, Rast, Sessions and Hawkins:

H. 983. To amend Section 1 of Act Number 65 H. 138 approved April 5, 1956, (Acts of Alabama Special Session 1956, page 357 entitled, "To provide that the Recorder's Court of any city having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census trying any person for violation of an ordinance of such city making it unlawful to engage in or conduct a lottery, to possess lottery paraphernalia, to possess gaming paraphernalia, to engage in bookmaking, to accept bets on horse racing or other sporting events, to conduct a house of prostitution, to possess, sell, give away or display obscene pictures, prints, drawings or literature, or to molest children shall upon the conviction of such person, have the power and authority to impose a fine not exceeding three hundred dollars upon such person and to sentence him to hard labor upon the streets or public works, or in the workhouse or house of corrections of such city for not exceeding six months; to provide that this Act shall be cumulative and the power and authority hereby granted to any such Recorder's Court shall be in addition to any power and authority which such court may have under any other law either general or local.

#### Local Legislation No. 2.

By Mr. Goodwyn:

H. 984. To amend further Section 152 of Title 41, Code of Alabama 1940, which relates to the salaries and compensation payable to certain officers and employees of the State of Alabama.

#### Ways and Means.

### JOINT SESSION

The hour of twelve-thirty o'clock P.M. having arrived, the Senate and House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives, in accordance with House Joint Resolution No. 31 heretofore adopted, for the purpose of hearing an address by the Honorable Garland T. Byrd, Lieutenant-Governor of the State of Georgia.

The joint session was called to order by the Honorable Albert Boutwell, Lieutenant Governor and Presiding Officer of the Senate.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

### RECESS

On motion of Mr. Ashworth the House recessed until 2:30 o'clock this afternoon.

## AFTERNOON SESSION

The hour of 2:30 o'clock P. M. having arrived, the House reconvened.

## RESOLUTIONS

The following resolutions were introduced:

By Messrs. Goodwyn, Adams (Tallapoosa), Camp, Pierce, Grouby, Ashworth, Thomas, Cates, Smith (St. Clair), Copeland, Merrill, Casey, Albea, Gilmer, Hardy, Hain, Nichols, Franklin, Meade, Speaks, Cabiness, Gross, McClendon (Chambers), Jenkins, Nettles, Daniel, Goldthwaite, Boyd, Oakley, Jones (Monroe) and Trimmier:

H. J. R. 75. WHEREAS, for many years much has been said and written about the proposed development of the Alabama-Coosa River System in the States of Alabama and Georgia, and it has been the intent and purpose of the people of our State for a long period of time that the complete development of this great waterway would increase the economy of the river basin of approximately 26,000 square miles, the Southeastern region and the Nation; and

WHEREAS, the Corps of Engineers, U. S. Army, has over the years conducted studies and surveys and has found the development of the Alabama-Coosa River System for navigation and other purposes to be economically justified, and did recommend the initial and ultimate comprehensive plan of development for this great waterway to the Congress of the United States; and

WHEREAS, the 79th Congress by enactment of Public Law 14 approved March 2, 1945, did authorize the development of the Alabama-Coosa River System for navigation, flood control, power, and other purposes, including the initial plan of development of the river system consisting of one navigation and two multiple-purpose dams to be constructed on the Alabama River and one hydro-electric power dam on the Coosa River; and

WHEREAS, the development of the Coosa River for the generation of hydro-electric power has suspended by enactment of Public Law 436 by the 84th Congress to permit a private utility, under certain conditions and requirements of a license later issued by the Federal Power Commission, to develop the Coosa River for hydro-electric power; and

WHEREAS, the President of the United States did on January 6, 1955, in the address on the State of the Union delivered by him to the 84th Congress, specifically mention the Coosa River as complying with the Administration's "Partnership Policy", and did state in the address, quote: "Now, of course, the Federal Government must shoulder its own partnership obligations by undertaking projects of such complexity and size that their success requires Federal development." (End of quote); and

WHEREAS, the authorized projects on the Alabama River section of the waterway are of such size and complexity that in order to maintain the economic feasibility, the development must be accomplished by the Federal Government; and

WHEREAS, during recent years there have been certain restrictions placed on the Corps of Engineers by the Executive Department of the Federal Government that have apparently prevented the Engineers from allocating funds to resume advanced planning of the Millers Ferry multiple-purpose dam, this being scheduled by the Corps of

Engineers as the first of three dams to be constructed on the Alabama River; and

WHEREAS, a further postponement of the development of the river involves a continuing loss in the economic advancement of the States of Alabama and Georgia and the Nation, and further will continue to delay the Federal Government's responsibility in assuming its initial partnership obligations in the ultimate development of the Alabama-Coosa River System from the mouth of the Alabama River to Montgomery, Alabama, then to Gadsden, Alabama, and eventually to Rome, Georgia.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of Alabama, the Senate concurring, that the Executive Department, Bureau of the Budget, remove any restrictions on the Corps of Engineers, U. S. Army, in the allocation of funds for development of the authorized projects on the Alabama River; and further, that the Congress of the United States is hereby requested to make available at the Second Session of the 86th Congress an appropriation for the resumption of advanced planning of the Millers Ferry multiple-purpose dam, Alabama River; and further, that the Corps of Engineers allocate funds to be included in the Fiscal Year 1961 Budget for plans on the initial project in the ultimate development of the Alabama-Coosa River System; and further that a copy of this Resolution be forwarded to each Member of the Alabama Congressional Delegation, and that they be urged to exert their every effort to expedite the complete development of the river system, and that they do concentrate their efforts in securing an appropriation from the present Congress during the Second Session that convenes in January, 1960; and further, that a copy of this Resolution be transmitted to the President of the United States, to the Director of the Bureau of the Budget, and to the Chief of Engineers, Corps of Engineers, U. S. Army.

On motion of Mr. Goodwyn the rules were suspended and H. J. R. 75 was adopted.

Also:

By Messrs. Ferguson and Callahan:

H. J. R. 76. WHEREAS, Colonel James P. Clinton, formerly a Colonel on the Staff of Governor James E. Folsom, a native Tuscaloosan, an outstanding leader in the City and in the County of Tuscaloosa, and a member of the County Board of Equalization was stricken by death on Friday, October 9; and

WHEREAS, Colonel Clinton had served for many years as an active member of the fire department of the City of Tuscaloosa, had been State President of the Uniform Fire Fighters Association and had long been active in programs for fire prevention; and

WHEREAS, in addition to his long and faithful services to his native city as an employee, he has contributed much to his fellow citizens by his active interest and participation in numerous religious, civic, patriotic, and philanthropic organizations; and

WHEREAS, Colonel Clinton is particularly outstanding for his participation in the Tuscaloosa Central Labor Union, the Salvation Army, the Alabama State Federation of Labor, and the Uniform Fire Fighters Association; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING:

That the Legislature of Alabama hereby expresses its deep regret at the passing of this valuable citizen of Tuscaloosa, whose presence and wise leadership will be sorely missed, and hereby extends sincere sympathy to his wife and family.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the Clerk of the House to the widow and a copy thereof to the Tuscaloosa News at Tuscaloosa.

On motion of Mr. Ferguson the rules were suspended and H. J. R. 76 was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Haltom, Barnett and deGraffenried:

S. 284. To amend Act No. 743, H. 150, approved September 23, 1957 (Acts of Alabama, 1957, p. 1173), entitled "An Act To provide for a refund of a portion of the state tax paid on gasoline which is used in propelling or operating tractors used exclusively for agricultural purposes, or which is used in operating auxiliary engines attached to and make a part of certain farm machinery; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the commissioner of revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor; and repealing Act No. 323, H. 35, approved August 7, 1949 (Acts of Alabama, 1949, p. 469)."

Also:

By Messrs. Wilson and Eddins:

S. 350. To make an appropriation from the state treasury for the relief of Hallie S. Chapman.

Also:

By Messrs. Dumas and deGraffenried:

S. 282. Relating to securities; prohibiting fraudulent practices in relation thereto; requiring the registration of securities dealers and salesmen and making unlawful the activities of unregistered securities dealers and salesmen; establishing the conditions precedent and concurrent to such registration; prohibiting the offer or sale of any unregistered security; requiring the registration of securities; and establishing the conditions precedent and concurrent to such registration; establishing the fees in connection with the registration of securities, securities dealers, and securities salesmen; setting out the grounds upon which a registration of securities may be denied, suspended, or revoked; defining certain terms as used in this Act; exempting certain securities from registration under the provisions of this Act; exempting certain transactions from certain provisions of this Act; requiring the filing of a consent to service of process by securities dealers and salesmen and certain issuers; making it unlawful to file any false document or material and providing the punishment therefor; giving to the Securities Commissioner authority to investigate and subpoena witnesses and records in connection with investigations; granting authority for an examination fee and deposit to defray the expense of any investigation of an applicant under this Act; giving to the Securities Commissioner authority to enjoin acts in violation of this Act; creating criminal penalties for violations of this Act; establishing civil liabilities for the viola-

tion of the provisions of this Act; providing for judicial review of the orders of the Securities Commissioner; providing for the administration of this Act by the Securities Commissioner; directing said Commissioner to appoint an Assistant Commissioner and giving said Commissioner authority to appoint other personnel to carry out the purpose and intent of this Act; providing that any exemption under this Act must be proved by the person claiming said exemption; making the provisions of this Act severable; repealing the present Alabama Securities Law and related legislation; giving to the Commissioner authority to issue warnings to the public with respect to securities; making the sale of securities by an insolvent issuer unlawful; providing that all filing and registration fees shall be paid into the General Fund of this state and establishing the effective date of this Act.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 284. Ways and Means

S. 350. Ways and Means

S. 282. Judiciary

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 149. Relating to marital relations; providing that the marriage of any male resident of this state over the age of eighteen years relieves him of the disabilities of minority.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Ferguson the House concurred in and adopted the Senate amendment to the bill, H. 149, said Senate amendment being as follows:

#### AMENDMENT TO H. B. 149

Strike out Section 1 entirely and insert in lieu thereof the following:

Section 1. The marriage of any male person in this state, who is under twenty-one and over eighteen years of age, or any male person who becomes a widower in this state, who is under twenty-one and over eighteen years of age, or, at the arrival at the age of eighteen years of any married male person, or widower in this state, has the effect immediately to remove his, or their disabilities of minority; and thereafter he has the same legal rights and abilities as married male persons, or widowers over twenty-one years of age.

Yeas 75; Nays 0.



**Yeas:**

|              |             |                                |                               |
|--------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker: | Daniel      | Hocklander                     | Ramey                         |
| Albea        | Dodd        | Ingram                         | Rast                          |
| Ashworth     | Edwards     | Jenkins                        | Ray                           |
| Avery        | Faulk       | Johnson <sup>(Hardaway)</sup>  | Reynolds <sup>(Madison)</sup> |
| Bailey       | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Roberts                       |
| Barnett      | Franklin    | Johnston <sup>(Leonard)</sup>  | Rozelle                       |
| Bevill       | Gilmer      | Jones <sup>(Monroe)</sup>      | Salter                        |
| Bishop       | Glass       | Lee                            | Self                          |
| Boyd         | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Smith <sup>(St. Clair)</sup>  |
| Brannan      | Goodwyn     | Long <sup>(Perry)</sup>        | Solomon                       |
| Brewer       | Gordon      | McCorquodale                   | Speaks                        |
| Broadfoot    | Grant       | Martin                         | Sullivan                      |
| Brooks       | Gross       | Merrill                        | Taylor                        |
| Cabiness     | Grouby      | Nettles                        | Thomas                        |
| Callahan     | Guthrie     | Nichols                        | Torbert                       |
| Camp         | Hain        | Owens                          | Trimmier                      |
| Casey        | Hardy       | Phillips                       | Turner                        |
| Cates        | Harris      | Pierce                         | Turnham                       |
| Copeland     | Hearn       | Powell                         |                               |

—75

And said bill H. 149, as amended by the Senate amendment, was again read at length and passed.

Yeas 73; Nays 5.

**Yeas:**

|              |             |                                |                               |
|--------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker: | Edwards     | Ingram                         | Powell                        |
| Albea        | Faulk       | Jenkins                        | Ramey                         |
| Ashworth     | Ferguson    | Johnson <sup>(Hardaway)</sup>  | Rast                          |
| Avery        | Franklin    | Johnson <sup>(J. T. Tom)</sup> | Ray                           |
| Bailey       | Gilmer      | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Madison)</sup> |
| Barnett      | Glass       | Jones <sup>(Monroe)</sup>      | Roberts                       |
| Bevill       | Goldthwaite | Lee                            | Salter                        |
| Bishop       | Goodwyn     | Locke                          | Self                          |
| Brannan      | Gordon      | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup>  |
| Brewer       | Grant       | McCorquodale                   | Solomon                       |
| Britton      | Gross       | McLendon <sup>(Bullock)</sup>  | Speaks                        |
| Broadfoot    | Grouby      | Martin                         | Sullivan                      |
| Brooks       | Guthrie     | Merrill                        | Taylor                        |
| Cabiness     | Hardy       | Nettles                        | Thomas                        |
| Camp         | Harris      | Nichols                        | Torbert                       |
| Casey        | Hawkins     | Owens                          | Trimmier                      |
| Cates        | Hearn       | Phillips                       | Turner                        |
| Daniel       | Hocklander  | Pierce                         | Turnham                       |
| Dodd         |             |                                |                               |

—73

**Nays:** Messrs. Boyd, Copeland, Hain, Murphy and Steagall

—5

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 254. To amend further Section 25 of Title 36, Code of Alabama 1940, which relates to the stopping of motor vehicles upon the paved or main traveled portion of a highway.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Faulk the House concurred in and adopted the Senate amendment to the bill, H. 254, said Senate amendment being as follows:

To amend House Bill 254 by adding after the word highway in the 17th line of Subsection (c) of Section 1 the following words:

"and if a flashing red light not less than 4" in diameter with the letters STOP printed thereon is attached to the rear of such vehicle and a uniform sign not less than 14" in diameter, approved by the Department of Public Safety, with the words printed thereon, U. S. MAIL, WATCH FOR STOPS, is attached to the rear of such vehicle."

Yeas 79; Nays 3.

**Yeas:**

|                            |             |                               |                               |
|----------------------------|-------------|-------------------------------|-------------------------------|
| Mr. Speaker:               | Daniel      | Hocklander                    | Powell                        |
| Adams <sup>(Houston)</sup> | Dodd        | Ingram                        | Rast                          |
| Albea                      | Edwards     | Jenkins                       | Ray                           |
| Avery                      | Faulk       | Johnson <sup>(Hardaway)</sup> | Reynolds <sup>(Madison)</sup> |
| Bailey                     | Ferguson    | Johnston <sup>(Leonard)</sup> | Salter                        |
| Barnett                    | Franklin    | Jones <sup>(Covington)</sup>  | Self                          |
| Bevill                     | Gilmer      | Lee                           | Sessions                      |
| Bishop                     | Glass       | Locke                         | Shumate                       |
| Boyd                       | Goldthwaite | Long <sup>(Perry)</sup>       | Smith <sup>(Russell)</sup>    |
| Brannan                    | Goodwyn     | McClendon <sup>(Chamb)</sup>  | Smith <sup>(St. Clair)</sup>  |
| Brewer                     | Gordon      | McLendon <sup>(Bullock)</sup> | Solomon                       |
| Britton                    | Grant       | <del>Martin</del>             | Speaks                        |
| Brooks                     | Gross       | Meade                         | Steagall                      |
| Callahan                   | Grouby      | Merrill                       | Sullivan                      |
| Camp                       | Guthrie     | Morrow                        | Taylor                        |
| Casey                      | Hain        | Murphy                        | Torbert                       |
| Cates                      | Hardy       | Nettles                       | Trimmier                      |
| Chambers                   | Harris      | Nichols                       | Turner                        |
| Copeland                   | Hawkins     | Oakley                        | Turnham                       |
| Cornett                    | Hearn       | Phillips                      | —79                           |

**Nays:** Messrs. Broadfoot, Cabiness and Pierce.

—3

And said bill, H. 254, as amended by the Senate amendment, was again read at length and passed.

Yeas 85; Nays 2.

**Yeas:**

|                            |          |             |                                |
|----------------------------|----------|-------------|--------------------------------|
| Mr. Speaker:               | Britton  | Ferguson    | Hardy                          |
| Adams <sup>(Houston)</sup> | Brooks   | Franklin    | Harris                         |
| Albea                      | Callahan | Gilmer      | Hawkins                        |
| Ashworth                   | Camp     | Glass       | Hearn                          |
| Avery                      | Casey    | Goldthwaite | Hocklander                     |
| Bailey                     | Cates    | Goodwyn     | Ingram                         |
| Barnett                    | Chambers | Gordon      | Jenkins                        |
| Bevill                     | Copeland | Grant       | Johnson <sup>(Hardaway)</sup>  |
| Bishop                     | Daniel   | Gross       | Johnson <sup>(J. T. Tom)</sup> |
| Boyd                       | Dodd     | Grouby      | Johnston <sup>(Leonard)</sup>  |
| Brannan                    | Edwards  | Guthrie     | Jones <sup>(Covington)</sup>   |
| Brewer                     | Faulk    | Hain        | Jones <sup>(Monroe)</sup>      |

|                               |          |                               |          |
|-------------------------------|----------|-------------------------------|----------|
| Lee                           | Murphy   | Ray                           | Speaks   |
| Locke                         | Nettles  | Reynolds <sup>(Madison)</sup> | Steagall |
| Long <sup>(Perry)</sup>       | Nichols  | Salter                        | Sullivan |
| McClendon <sup>(Chamb)</sup>  | Oakley   | Self                          | Taylor   |
| McCorquodale                  | Owens    | Sessions                      | Thomas   |
| McLendon <sup>(Bullock)</sup> | Phillips | Shumate                       | Torbert  |
| Martin                        | Pierce   | Smith <sup>(Russell)</sup>    | Trimmier |
| Meade                         | Powell   | Smith <sup>(St. Clair)</sup>  | Turner   |
| Merrill                       | Ramey    | Solomon                       | Turnham  |
| Morrow                        |          |                               |          |

—85

**Nays:** Messrs. Broadfoot and Cabiness.

—2

## BILLS ON THIRD READING

H. 627. Relating to the Fifth Judicial Circuit; Authorizing the circuit solicitor to appoint a stenographic secretary, and providing for the payment of such secretary's compensation by the counties composing the circuit.

As amended, was again taken up.

And said bill, H. 627, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker:               | Dodd        | Jenkins                        | Phillips                      |
| Adams <sup>(Houston)</sup> | Edwards     | Johnson <sup>(Hardaway)</sup>  | Pierce                        |
| Albea                      | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Powell                        |
| Ashworth                   | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ramey                         |
| Avery                      | Franklin    | Jones <sup>(Covington)</sup>   | Rast                          |
| Bailey                     | Gilchrist   | Jones <sup>(Monroe)</sup>      | Ray                           |
| Barnett                    | Gilmer      | Locke                          | Reynolds <sup>(Madison)</sup> |
| Bassett                    | Glass       | Long <sup>(Perry)</sup>        | Self                          |
| Bevill                     | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Sessions                      |
| Boyd                       | Goodwyn     | McCorquodale                   | Shumate                       |
| Brannan                    | Gordon      | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>    |
| Brewer                     | Grant       | Martin                         | Smith <sup>(St. Clair)</sup>  |
| Britton                    | Gross       | Merrill                        | Solomon                       |
| Broadfoot                  | Grouby      | Morrow                         | Speaks                        |
| Brooks                     | Guthrie     | Murphy                         | Steagall                      |
| Cabiness                   | Hain        | Nettles                        | Sullivan                      |
| Camp                       | Hardy       | Nichols                        | Taylor                        |
| Casey                      | Harris      | Oakley                         | Torbert                       |
| Cates                      | Hawkins     | Oden                           | Trimmier                      |
| Chambers                   | Hearn       | Owens                          | Turner                        |
| Copeland                   | Hocklander  | Perry                          | Turnham                       |
| Daniel                     | Ingram      |                                |                               |

—86

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Faulk to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 399, was adopted.

And the Bill:

H. 399. To amend further Section 41 of Title 36, Code of Alabama (1940), which relates to additional lighting equipment permissible on

motor vehicles, by authorizing the use of flashing lights on motor vehicles operated by rural mail carriers in the performance of their duties.

Was taken up.

And on motion of Mr. Faulk, the bill, H. 399, was indefinitely postponed.

And the Bill:

S. 370. To amend Section 8 of the Act approved September 12, 1951, which established the Board of Revenue and Control of Chilton County (Act No. 872, H. 1118, Acts 1950-1951, vol. II, p. 1505); providing for nomination of each associate member of the Board by the voters of his district.

Was read a third time at length and passed.

Yeas 86; Nays 0.

**Yeas:**

|                            |                                |                               |                               |
|----------------------------|--------------------------------|-------------------------------|-------------------------------|
| Mr. Speaker:               | Daniel                         | Johnston <sup>(Leonard)</sup> | Pierce                        |
| Adams <sup>(Houston)</sup> | Dodd                           | Jones <sup>(Covington)</sup>  | Powell                        |
| Albea                      | Edwards                        | Jones <sup>(Monroe)</sup>     | Ramey                         |
| Ashworth                   | Ferguson                       | Locke                         | Rast                          |
| Avery                      | Franklin                       | Long <sup>(Lauderdale)</sup>  | Ray                           |
| Bailey                     | Gilchrist                      | Long <sup>(Perry)</sup>       | Reynolds <sup>(Madison)</sup> |
| Barnett                    | Gilmer                         | McClendon <sup>(Chamb)</sup>  | Roberts                       |
| Bevill                     | Glass                          | McCorquodale                  | Salter                        |
| Bishop                     | Goldthwaite                    | McLendon <sup>(Bullock)</sup> | Self                          |
| Boyd                       | Gross                          | Martin                        | Sessions                      |
| Brannan                    | Grouby                         | Meade                         | Shumate                       |
| Brewer                     | Guthrie                        | Merrill                       | Smith <sup>(Russell)</sup>    |
| Britton                    | Hain                           | Morrow                        | Smith <sup>(St. Clair)</sup>  |
| Broadfoot                  | Hardy                          | Murphy                        | Speaks                        |
| Brooks                     | Harris                         | Nettles                       | Steagall                      |
| Cabiness                   | Hawkins                        | Nichols                       | Sullivan                      |
| Camp                       | Hearn                          | Oakley                        | Taylor                        |
| Casey                      | Hocklander                     | Oden                          | Torbert                       |
| Cates                      | Ingram                         | Owens                         | Trimmier                      |
| Chambers                   | Jenkins                        | Perry                         | Turner                        |
| Copeland                   | Johnson <sup>(Hardaway)</sup>  | Phillips                      | Turnham                       |
| Cornett                    | Johnson <sup>(J. T. Tom)</sup> |                               |                               |

—86

And the Bill:

S. 343. To provide a chief clerk for the Tax Assessor of Sumter County, Alabama, to regulate and fix his or her compensation and provide for the payment thereof and define his or her duties, and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 84; Nays 0.

**Yeas:**

|                            |         |         |          |
|----------------------------|---------|---------|----------|
| Mr. Speaker:               | Bailey  | Bishop  | Britton  |
| Adams <sup>(Houston)</sup> | Barnett | Boyd    | Brooks   |
| Albea                      | Bassett | Brannan | Cabiness |
| Avery                      | Bevill  | Brewer  | Camp     |

|             |                     |                    |                    |
|-------------|---------------------|--------------------|--------------------|
| Casey       | Hain                | McCorquodale       | Ray                |
| Cates       | Hardy               | McLendon (Bullock) | Reynolds (Madison) |
| Chambers    | Harris              | Martin             | Roberts            |
| Copeland    | Hawkins             | Meade              | Salter             |
| Cornett     | Hearn               | Merrill            | Self               |
| Daniel      | Hocklander          | Morrow             | Sessions           |
| Dodd        | Ingram              | Murphy             | Shumate            |
| Ferguson    | Jenkins             | Nettles            | Smith (Russell)    |
| Franklin    | Johnson (Hardaway)  | Nichols            | Smith (St. Clair)  |
| Gilchrist   | Johnson (J. T. Tom) | Oden               | Speaks             |
| Gilmer      | Johnston (Leonard)  | Owens              | Steagall           |
| Glass       | Jones (Covington)   | Perry              | Sullivan           |
| Goldthwaite | Jones (Monroe)      | Phillips           | Taylor             |
| Gordon      | Locke               | Pierce             | Torbert            |
| Gross       | Long (Lauderdale)   | Powell             | Trimmier           |
| Grouby      | Long (Perry)        | Ramey              | Turner             |
| Guthrie     | McClendon (Chamb)   | Rast               | Turnham            |

—84

And the Bill:

H. 842. To amend further Act No. 147, H. 472, approved July 17, 1947, entitled "An act to provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and to prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

**Yeas:**

|                 |            |                     |                    |
|-----------------|------------|---------------------|--------------------|
| Mr. Speaker:    | Daniel     | Johnson (Hardaway)  | Phillips           |
| Adams (Houston) | Dodd       | Johnson (J. T. Tom) | Pierce             |
| Albea           | Faulk      | Johnston (Leonard)  | Powell             |
| Avery           | Ferguson   | Jones (Covington)   | Ramey              |
| Bailey          | Franklin   | Jones (Monroe)      | Rast               |
| Barnett         | Gilchrist  | Locke               | Ray                |
| Bassett         | Gilmer     | Long (Perry)        | Reynolds (Madison) |
| Bevill          | Glass      | McClendon (Chamb)   | Roberts            |
| Bishop          | Gordon     | McCorquodale        | Salter             |
| Boyd            | Grant      | McLendon (Bullock)  | Self               |
| Brannan         | Gross      | Martin              | Sessions           |
| Brewer          | Grouby     | Meade               | Shumate            |
| Britton         | Guthrie    | Merrill             | Smith (Russell)    |
| Broadfoot       | Hain       | Morrow              | Smith (St. Clair)  |
| Brooks          | Hardy      | Murphy              | Speaks             |
| Cabiness        | Harris     | Nettles             | Steagall           |
| Camp            | Hawkins    | Nichols             | Sullivan           |
| Casey           | Hearn      | Oakley              | Taylor             |
| Cates           | Hocklander | Oden                | Trimmier           |
| Chambers        | Ingram     | Owens               | Turner             |
| Cornett         | Jenkins    | Perry               | Turnham            |

—84

And the Bill:

H. 841. To alter, rearrange and extend the boundaries of the Town of Kinston in Coffee County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

**Yeas:**

|                 |             |                     |                    |
|-----------------|-------------|---------------------|--------------------|
| Mr. Speaker:    | Edwards     | Johnson (Hardaway)  | Pierce             |
| Adams (Houston) | Faulk       | Johnson (J. T. Tom) | Powell             |
| Albea           | Ferguson    | Johnston (Leonard)  | Ramey              |
| Avery           | Franklin    | Jones (Monroe)      | Rast               |
| Bailey          | Gilchrist   | Locke               | Ray                |
| Bassett         | Gilmer      | Long (Perry)        | Reynolds (Madison) |
| Bevill          | Glass       | McClendon (Chamb)   | Roberts            |
| Bishop          | Goldthwaite | McCorquodale        | Salter             |
| Boyd            | Goodwyn     | McLendon (Bullock)  | Self               |
| Brannan         | Gordon      | Martin              | Sessions           |
| Brewer          | Grant       | Meade               | Smith (Russell)    |
| Britton         | Gross       | Merrill             | Smith (St. Clair)  |
| Broadfoot       | Grouby      | Morrow              | Solomon            |
| Brooks          | Guthrie     | Murphy              | Speaks             |
| Cabiness        | Hain        | Nettles             | Steagall           |
| Camp            | Hardy       | Nichols             | Sullivan           |
| Cates           | Harris      | Oakley              | Taylor             |
| Chambers        | Hawkins     | Oden                | Torbert            |
| Copeland        | Hearn       | Owens               | Trimmier           |
| Cornett         | Hocklander  | Perry               | Turner             |
| Daniel          | Ingram      | Phillips            | Turnham            |
| Dodd            | Jenkins     |                     |                    |

—86

And the Bill:

H. 870. To amend an act approved September 1, 1939, authorizing the governing body of Cherokee County to levy and collect a gasoline tax (Act No. 314, H. 700, Local Acts 1939, p. 200) so as to exclude diesel fuel as a taxable fuel under the act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                 |             |                     |                    |
|-----------------|-------------|---------------------|--------------------|
| Mr. Speaker     | Dodd        | Jenkins             | Phillips           |
| Adams (Houston) | Edwards     | Johnson (Hardaway)  | Pierce             |
| Albea           | Faulk       | Johnson (J. T. Tom) | Powell             |
| Avery           | Ferguson    | Johnston (Leonard)  | Ramey              |
| Bailey          | Franklin    | Jones (Monroe)      | Rast               |
| Bassett         | Gilchrist   | Locke               | Ray                |
| Bevill          | Gilmer      | Long (Lauderdale)   | Reynolds (Madison) |
| Bishop          | Glass       | Long (Perry)        | Roberts            |
| Boyd            | Goldthwaite | McClendon (Chamb)   | Salter             |
| Brannan         | Goodwyn     | McCorquodale        | Self               |
| Brewer          | Gordon      | McLendon (Bullock)  | Sessions           |
| Britton         | Grant       | Martin              | Shumate            |
| Broadfoot       | Gross       | Meade               | Smith (Russell)    |
| Brooks          | Grouby      | Merrill             | Smith (St. Clair)  |
| Cabiness        | Guthrie     | Morrow              | Solomon            |
| Camp            | Hain        | Murphy              | Speaks             |
| Casey           | Hardy       | Nettles             | Steagall           |
| Cates           | Harris      | Nichols             | Sullivan           |
| Chambers        | Hawkins     | Oakley              | Taylor             |
| Copeland        | Hearn       | Oden                | Torbert            |
| Cornett         | Hocklander  | Owens               | Trimmier           |
| Daniel          | Ingram      | Perry               | Turner             |

—88

And the Bill:

H. 886. To abolish the jury board of Covington County and to create in lieu thereof a commission composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to prescribe his duties and compensation; and to prescribe the functions, authority, duties, and compensation of the jury commissioners appointed hereunder.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

**Yeas:**

|                 |                    |                     |                    |
|-----------------|--------------------|---------------------|--------------------|
| Mr. Speaker     | Dodd               | Johnson (J. T. Tom) | Powell             |
| Adams (Houston) | Faulk              | Johnston (Leonard)  | Ramey              |
| Albea           | Ferguson           | Jones (Covington)   | Rast               |
| Avery           | Franklin           | Jones (Monroe)      | Ray                |
| Bailey          | Gilchrist          | Long (Lauderdale)   | Reynolds (Madison) |
| Bassett         | Gilmer             | Long (Perry)        | Roberts            |
| Bevill          | Glass              | McClendon (Chamb)   | Salter             |
| Bishop          | Goldthwaite        | McCorquodale        | Sessions           |
| Boyd            | Goodwyn            | McLendon (Bullock)  | Shumate            |
| Brannan         | Gordon             | Martin              | Smith (Russell)    |
| Brewer          | Grant              | Meade               | Smith (St. Clair)  |
| Britton         | Gross              | Merrill             | Solomon            |
| Broadfoot       | Grouby             | Murphy              | Speaks             |
| Brooks          | Guthrie            | Nettles             | Steagall           |
| Cabiness        | Hain               | Nichols             | Sullivan           |
| Camp            | Hardy              | Oakley              | Taylor             |
| Casey           | Harris             | Oden                | Torbert            |
| Cates           | Hocklander         | Owens               | Trimmier           |
| Chambers        | Ingram             | Perry               | Turner             |
| Copeland        | Jenkins            | Phillips            | Turnham            |
| Daniel          | Johnson (Hardaway) | Pierce              |                    |

—83

And the Bill:

H. 889. To amend Section 2 of an act approved August 31, 1953, providing a special fund for the payment of certain expenses incurred by the solicitor or judge of the Twenty-second Judicial Circuit (Act No. 460, H. 856, Acts of Alabama 1953, Vol. 1, p. 564).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

**Yeas:**

|                 |           |           |             |
|-----------------|-----------|-----------|-------------|
| Mr. Speaker     | Brannan   | Chambers  | Gilmer      |
| Adams (Houston) | Brewer    | Copeland  | Glass       |
| Albea           | Britton   | Daniel    | Goldthwaite |
| Avery           | Broadfoot | Dodd      | Goodwyn     |
| Bailey          | Brooks    | Edwards   | Gordon      |
| Bassett         | Cabiness  | Faulk     | Grant       |
| Bevill          | Camp      | Ferguson  | Gross       |
| Bishop          | Casey     | Franklin  | Grouby      |
| Boyd            | Cates     | Gilchrist | Guthrie     |

|                                |                              |                               |                              |
|--------------------------------|------------------------------|-------------------------------|------------------------------|
| Hain                           | McClendon <sup>(Chamb)</sup> | Perry                         | Shumate                      |
| Hardy                          | McCorquodale                 | Phillips                      | Smith <sup>(Russell)</sup>   |
| Harris                         | Martin                       | Pierce                        | Smith <sup>(St. Clair)</sup> |
| Hearn                          | Meade                        | Powell                        | Solomon                      |
| Hocklander                     | Merrill                      | Ramey                         | Speaks                       |
| Jenkins                        | Morrow                       | Rast                          | Steagall                     |
| Johnson <sup>(Hardaway)</sup>  | Murphy                       | Ray                           | Sullivan                     |
| Johnson <sup>(J. T. Tom)</sup> | Nettles                      | Reynolds <sup>(Madison)</sup> | Taylor                       |
| Johnston <sup>(Leonard)</sup>  | Nichols                      | Roberts                       | Torbert                      |
| Jones <sup>(Covington)</sup>   | Oakley                       | Salter                        | Trimmier                     |
| Jones <sup>(Monroe)</sup>      | Oden                         | Self                          | Turner                       |
| Locke                          | Owens                        | Sessions                      | Turnham                      |
| Long <sup>(Perry)</sup>        |                              |                               |                              |

—85

And the Bill:

H. 904. Relating to Crenshaw County; providing for the reidentification of all registered voters; directing the board of registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|                            |                               |                                |                               |
|----------------------------|-------------------------------|--------------------------------|-------------------------------|
| Mr. Speaker                | Dodd                          | Johnson <sup>(J. T. Tom)</sup> | Pierce                        |
| Adams <sup>(Houston)</sup> | Edwards                       | Johnston <sup>(Leonard)</sup>  | Powell                        |
| Albea                      | Ferguson                      | Jones <sup>(Covington)</sup>   | Ramey                         |
| Avery                      | Franklin                      | Jones <sup>(Monroe)</sup>      | Rast                          |
| Bailey                     | Gilchrist                     | Locke                          | Ray                           |
| Barnett                    | Gilmer                        | Long <sup>(Lauderdale)</sup>   | Reynolds <sup>(Madison)</sup> |
| Bassett                    | Glass                         | Long <sup>(Perry)</sup>        | Roberts                       |
| Bevill                     | Goldthwaite                   | McClendon <sup>(Chamb)</sup>   | Salter                        |
| Bishop                     | Goodwyn                       | McCorquodale                   | Self                          |
| Boyd                       | Gordon                        | McLendon <sup>(Bullock)</sup>  | Sessions                      |
| Brannan                    | Grant                         | Martin                         | Shumate                       |
| Brewer                     | Gross                         | Meade                          | Smith <sup>(Russell)</sup>    |
| Britton                    | Grouby                        | Merrill                        | Smith <sup>(St. Clair)</sup>  |
| Broadfoot                  | Guthrie                       | Morrow                         | Solomon                       |
| Brooks                     | Hain                          | Murphy                         | Speaks                        |
| Cabiness                   | Hardy                         | Nettles                        | Steagall                      |
| Camp                       | Harris                        | Nichols                        | Sullivan                      |
| Casey                      | Hawkins                       | Oakley                         | Taylor                        |
| Cates                      | Hearn                         | Oden                           | Trimmier                      |
| Chambers                   | Hocklander                    | Owens                          | Turner                        |
| Copeland                   | Jenkins                       | Perry                          | Turnham                       |
| Daniel                     | Johnson <sup>(Hardaway)</sup> | Phillips                       |                               |

—87

And the Bill:

H. 905. To provide for the payment of certain expenses of the county or deputy solicitors of all counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.



**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker:               | Dodd        | Johnson <sup>(Hardaway)</sup>  | Phillips                      |
| Adams <sup>(Houston)</sup> | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Pierce                        |
| Albea                      | Faulk       | Johnston <sup>(Leonard)</sup>  | Powell                        |
| Ashworth                   | Ferguson    | Jones <sup>(Covington)</sup>   | Ramey                         |
| Avery                      | Franklin    | Jones <sup>(Monroe)</sup>      | Rast                          |
| Bailey                     | Gilchrist   | Lee                            | Ray                           |
| Barnett                    | Gilmer      | Locke                          | Reynolds <sup>(Madison)</sup> |
| Bassett                    | Glass       | Long <sup>(Lauderdale)</sup>   | Roberts                       |
| Bevill                     | Goldthwaite | Long <sup>(Perry)</sup>        | Salter                        |
| Bishop                     | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Self                          |
| Boyd                       | Gordon      | McCorquodale                   | Sessions                      |
| Brannan                    | Grant       | McLendon <sup>(Bullock)</sup>  | Shumate                       |
| Brewer                     | Gross       | Martin                         | Smith <sup>(Russell)</sup>    |
| Britton                    | Grouby      | Meade                          | Smith <sup>(St. Clair)</sup>  |
| Broadfoot                  | Guthrie     | Merrill                        | Solomon                       |
| Brooks                     | Hain        | Morrow                         | Speaks                        |
| Cabiness                   | Hardy       | Murphy                         | Steagall                      |
| Camp                       | Harris      | Nettles                        | Taylor                        |
| Casey                      | Hawkins     | Nichols                        | Thomas                        |
| Cates                      | Hearn       | Oakley                         | Torbert                       |
| Chambers                   | Hocklander  | Oden                           | Trimmier                      |
| Copeland                   | Ingram      | Owens                          | Turner                        |
| Daniel                     | Jenkins     | Perry                          | Turnham                       |

—92

## And the Bill:

H. 909. Proposing an amendment to the Constitution of Alabama relating to the levying of special property taxes in Coosa County for school purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker:               | Daniel      | Ingram                         | Owens                         |
| Adams <sup>(Houston)</sup> | Dodd        | Jenkins                        | Perry                         |
| Albea                      | Edwards     | Johnson <sup>(Hardaway)</sup>  | Phillips                      |
| Ashworth                   | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Pierce                        |
| Avery                      | Ferguson    | Johnston <sup>(Leonard)</sup>  | Powell                        |
| Bailey                     | Franklin    | Jones <sup>(Covington)</sup>   | Ramey                         |
| Barnett                    | Gilchrist   | Jones <sup>(Monroe)</sup>      | Rast                          |
| Bassett                    | Gilmer      | Lee                            | Ray                           |
| Bevill                     | Glass       | Locke                          | Reynolds <sup>(Madison)</sup> |
| Bishop                     | Goldthwaite | Long <sup>(Perry)</sup>        | Roberts                       |
| Boyd                       | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Salter                        |
| Brannan                    | Gordon      | McCorquodale                   | Self                          |
| Brewer                     | Grant       | McLendon <sup>(Bullock)</sup>  | Sessions                      |
| Britton                    | Gross       | Martin                         | Smith <sup>(Russell)</sup>    |
| Broadfoot                  | Grouby      | Meade                          | Smith <sup>(St. Clair)</sup>  |
| Brooks                     | Guthrie     | Merrill                        | Steagall                      |
| Cabiness                   | Hain        | Morrow                         | Sullivan                      |
| Camp                       | Hardy       | Murphy                         | Taylor                        |
| Casey                      | Harris      | Nettles                        | Thomas                        |
| Cates                      | Hawkins     | Nichols                        | Trimmier                      |
| Chambers                   | Hearn       | Oakley                         | Turner                        |
| Copeland                   | Hocklander  | Oden                           | Turnham                       |

—88

And the Bill:

H. 910. Relating to the municipality of Ozark, in Dale County: To alter, rearrange, and extend the boundaries and corporate limits of the municipality of Ozark, exempting annexed farm land and appurtenances from municipal ad valorem taxation so long as the same is used for farm purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

**Yeas:**

|                 |                     |                    |                    |
|-----------------|---------------------|--------------------|--------------------|
| Mr. Speaker:    | Dodd                | Johnston (Leonard) | Pierce             |
| Adams (Houston) | Edwards             | Jones (Covington)  | Powell             |
| Albea           | Faulk               | Jones (Monroe)     | Ramey              |
| Ashworth        | Ferguson            | Lee                | Rast               |
| Avery           | Franklin            | Locke              | Ray                |
| Bailey          | Gilchrist           | Long (Lauderdale)  | Reynolds (Madison) |
| Barnett         | Gilmer              | Long (Perry)       | Roberts            |
| Bassett         | Glass               | McClendon (Chamb)  | Salter             |
| Bevill          | Goldthwaite         | McCorquodale       | Self               |
| Bishop          | Gordon              | McLendon (Bullock) | Sessions           |
| Boyd            | Grant               | Martin             | Shumate            |
| Brannan         | Gross               | Meade              | Smith (Russell)    |
| Brewer          | Grouby              | Merrill            | Smith (St. Clair)  |
| Britton         | Guthrie             | Morrow             | Solomon            |
| Broadfoot       | Hain                | Murphy             | Speaks             |
| Brooks          | Hardy               | Nettles            | Steagall           |
| Cabiness        | Harris              | Nichols            | Taylor             |
| Camp            | Hawkins             | Oakley             | Thomas             |
| Casey           | Hocklander          | Oden               | Torbert            |
| Cates           | Ingram              | Owens              | Trimmier           |
| Chambers        | Jenkins             | Perry              | Turner             |
| Copeland        | Johnson (Hardaway)  | Phillips           | Turnham            |
| Daniel          | Johnson (J. T. Tom) |                    |                    |

—90

And the Bill:

H. 917. To amend Section 1 of the Act of the Legislature approved on the 9th day of August, 1949, General and Local Acts, 1949, Page 536, entitled: "To provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being served by the Mobile Public Library."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

**Yeas:**

|                 |         |           |          |
|-----------------|---------|-----------|----------|
| Mr. Speaker:    | Bassett | Broadfoot | Copeland |
| Adams (Houston) | Bevill  | Brooks    | Daniel   |
| Albea           | Bishop  | Cabiness  | Dodd     |
| Ashworth        | Boyd    | Camp      | Edwards  |
| Avery           | Brannan | Casey     | Faulk    |
| Bailey          | Brewer  | Cates     | Ferguson |
| Barnett         | Britton | Chambers  | Franklin |

|             |                     |                    |                   |
|-------------|---------------------|--------------------|-------------------|
| Gilchrist   | Jenkins             | Morrow             | Salter            |
| Gilmer      | Johnson (Hardaway)  | Murphy             | Self              |
| Glass       | Johnson (J. T. Tom) | Nettles            | Sessions          |
| Goldthwaite | Johnston (Leonard)  | Nichols            | Shumate           |
| Goodwyn     | Jones (Covington)   | Oakley             | Smith (Russell)   |
| Gordon      | Jones (Monroe)      | Oden               | Smith (St. Clair) |
| Grant       | Lee                 | Owens              | Solomon           |
| Gross       | Locke               | Perry              | Speaks            |
| Grouby      | Long (Lauderdale)   | Phillips           | Steagall          |
| Guthrie     | Long (Perry)        | Pierce             | Sullivan          |
| Hain        | McClendon (Chamb)   | Powell             | Taylor            |
| Hardy       | McCorquodale        | Ramey              | Thomas            |
| Harris      | McLendon (Bullock)  | Rast               | Torbert           |
| Hawkins     | Martin              | Ray                | Trimmier          |
| Hearn       | Meade               | Reynolds (Madison) | Turner            |
| Hocklander  | Merrill             | Roberts            | Turnham           |
| Ingram      |                     |                    |                   |

—93

And the bill:

H. 919. Directing the Secretary of State to transmit to the Commissioner of Licenses of Mobile County copies of all acts of the Alabama Legislature when printed in slip or pamphlet form, the bound volumes of such acts when printed for distribution in bound form, and the cumulative pocket supplements to the Code of Alabama (1940).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

#### Yeas:

|                 |                    |                     |                    |
|-----------------|--------------------|---------------------|--------------------|
| Mr. Speaker:    | Dodd               | Johnson (J. T. Tom) | Powell             |
| Adams (Houston) | Faulk              | Johnston (Leonard)  | Ramey              |
| Albea           | Ferguson           | Jones (Covington)   | Rast               |
| Ashworth        | Franklin           | Lee                 | Ray                |
| Avery           | Gilchrist          | Locke               | Reynolds (Madison) |
| Bailey          | Gilmer             | Long (Lauderdale)   | Roberts            |
| Barnett         | Glass              | Long (Perry)        | Salter             |
| Bassett         | Goldthwaite        | McClendon (Chamb)   | Self               |
| Bevill          | Gordon             | McLendon (Bullock)  | Sessions           |
| Bishop          | Grant              | Martin              | Shumate            |
| Boyd            | Gross              | Meade               | Smith (Russell)    |
| Brannan         | Grouby             | Merrill             | Smith (St. Clair)  |
| Brewer          | Guthrie            | Morrow              | Solomon            |
| Britton         | Hain               | Murphy              | Speaks             |
| Broadfoot       | Hardy              | Nettles             | Steagall           |
| Brooks          | Harris             | Nichols             | Sullivan           |
| Cabiness        | Hawkins            | Oakley              | Taylor             |
| Camp            | Hearn              | Oden                | Thomas             |
| Casey           | Hocklander         | Owens               | Torbert            |
| Cates           | Ingram             | Perry               | Trimmier           |
| Chambers        | Jenkins            | Phillips            | Turner             |
| Copeland        | Johnson (Hardaway) | Pierce              | Turnham            |
| Daniel          |                    |                     |                    |

—89

And the bill:

H. 921. To amend the act approved August 13, 1957 (Act No. 216, H. 598, Acts of 1957, p. 273) providing for the appointment of bailiffs by the judges of the court of general sessions of Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|                 |                    |                     |                    |
|-----------------|--------------------|---------------------|--------------------|
| Mr. Speaker:    | Daniel             | Johnson (J. T. Tom) | Pierce             |
| Adams (Houston) | Dodd               | Johnston (Leonard)  | Powell             |
| Albea           | Faulk              | Jones (Covington)   | Ramey              |
| Ashworth        | Ferguson           | Jones (Monroe)      | Rast               |
| Avery           | Franklin           | Lee                 | Ray                |
| Bailey          | Gilchrist          | Locke               | Reynolds (Madison) |
| Barnett         | Gilmer             | Long (Lauderdale)   | Roberts            |
| Bassett         | Glass              | Long (Perry)        | Salter             |
| Bevill          | Goldthwaite        | McClendon (Chamb)   | Self               |
| Bishop          | Gordon             | McCorquodale        | Sessions           |
| Boyd            | Grant              | McLendon (Bullock)  | Shumate            |
| Brannan         | Gross              | Martin              | Smith (Russell)    |
| Brewer          | Grouby             | Meade               | Smith (St. Clair)  |
| Britton         | Guthrie            | Merrill             | Solomon            |
| Broadfoot       | Hain               | Morrow              | Speaks             |
| Brooks          | Hardy              | Murphy              | Steagall           |
| Cabiness        | Harris             | Nettles             | Sullivan           |
| Camp            | Hawkins            | Nichols             | Taylor             |
| Casey           | Hearn              | Oakley              | Thomas             |
| Cates           | Hocklander         | Oden                | Trimmier           |
| Chambers        | Ingram             | Owens               | Turner             |
| Copeland        | Jenkins            | Perry               | Turnham            |
| Cornett         | Johnson (Hardaway) | Phillips            |                    |

—91

**And the bill:**

H. 932. To establish the Winston County Court of Law and Equity in lieu of the court established by Act No. 242, H. 101, approved August 16, 1955 (Acts of Alabama, Regular Session 1955, vol. I, pp. 553-559); to define the jurisdiction and powers of said court, provide for its officers, their appointment, election, term of office, powers, duties, and compensation, and to provide that the court shall be open at all times for the transaction of business, and to authorize the judge to fix the time of holding sessions for the trial of cases; to empower the court to prescribe its own rules of pleading, practice, and procedure, and to give such rules the force and effect of law; to abolish the court established by said Act No. 242 of August 16, 1955, and provide for the transfer of all cases pending therein to the court hereby established.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|                 |           |          |             |
|-----------------|-----------|----------|-------------|
| Mr. Speaker:    | Bevill    | Cabiness | Dodd        |
| Adams (Houston) | Bishop    | Camp     | Faulk       |
| Albea           | Boyd      | Casey    | Ferguson    |
| Ashworth        | Brannan   | Cates    | Franklin    |
| Avery           | Brewer    | Chambers | Gilchrist   |
| Bailey          | Britton   | Copeland | Gilmer      |
| Barnett         | Broadfoot | Cornett  | Glass       |
| Bassett         | Brooks    | Daniel   | Goldthwaite |

|                                |                               |                               |                              |
|--------------------------------|-------------------------------|-------------------------------|------------------------------|
| Gordon                         | Johnston <sup>(Leonard)</sup> | Nettles                       | Self                         |
| Grant                          | Jones <sup>(Covington)</sup>  | Nichols                       | Sessions                     |
| Gross                          | Jones <sup>(Monroe)</sup>     | Oakley                        | Shumate                      |
| Grouby                         | Lee                           | Oden                          | Smith <sup>(Russell)</sup>   |
| Guthrie                        | Locke                         | Owens                         | Smith <sup>(St. Clair)</sup> |
| Hain                           | Long <sup>(Lauderdale)</sup>  | Perry                         | Solomon                      |
| Hardy                          | Long <sup>(Perry)</sup>       | Phillips                      | Speaks                       |
| Harris                         | McClendon <sup>(Chamb)</sup>  | Pierce                        | Steagall                     |
| Hawkins                        | McCorquodale                  | Powell                        | Sullivan                     |
| Hearn                          | McLendon <sup>(Bullock)</sup> | Ramey                         | Taylor                       |
| Hocklander                     | Martin                        | Rast                          | Thomas                       |
| Ingram                         | Meade                         | Ray                           | Trimmier                     |
| Jenkins                        | Merrill                       | Reynolds <sup>(Madison)</sup> | Turner                       |
| Johnson <sup>(Hardaway)</sup>  | Morrow                        | Roberts                       | Turnham                      |
| Johnson <sup>(J. T. Tom)</sup> | Murphy                        | Salter                        |                              |

—91

And the bill:

H. 933. To amend Sections 1 and 2 of Act No. 291, H. 621, approved August 16, 1957, the act requiring the state department of revenue to collect any sales and use taxes levied in the city of Haleyville, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of that city (Acts of Alabama, Regular Session 1957, vol. I, p. 369).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker:               | Cornett     | Johnson <sup>(Hardaway)</sup>  | Phillips                      |
| Adams <sup>(Houston)</sup> | Daniel      | Johnson <sup>(J. T. Tom)</sup> | Pierce                        |
| Albea                      | Dodd        | Johnston <sup>(Leonard)</sup>  | Powell                        |
| Ashworth                   | Faulk       | Jones <sup>(Covington)</sup>   | Ramey                         |
| Avery                      | Ferguson    | Jones <sup>(Monroe)</sup>      | Rast                          |
| Bailey                     | Franklin    | Lee                            | Ray                           |
| Barnett                    | Gilchrist   | Locke                          | Reynolds <sup>(Madison)</sup> |
| Bassett                    | Gilmer      | Long <sup>(Perry)</sup>        | Roberts                       |
| Bevill                     | Glass       | McClendon <sup>(Chamb)</sup>   | Salter                        |
| Bishop                     | Goldthwaite | McCorquodale                   | Self                          |
| Boyd                       | Gordon      | McLendon <sup>(Bullock)</sup>  | Sessions                      |
| Brannan                    | Grant       | Martin                         | Shumate                       |
| Brewer                     | Gross       | Meade                          | Smith <sup>(Russell)</sup>    |
| Britton                    | Guthrie     | Merrill                        | Smith <sup>(St. Clair)</sup>  |
| Broadfoot                  | Hain        | Morrow                         | Speaks                        |
| Brooks                     | Hardy       | Murphy                         | Steagall                      |
| Cabiness                   | Harris      | Nettles                        | Sullivan                      |
| Camp                       | Hawkins     | Nichols                        | Taylor                        |
| Casey                      | Hearn       | Oakley                         | Thomas                        |
| Cates                      | Hocklander  | Oden                           | Trimmier                      |
| Chambers                   | Ingram      | Owens                          | Turner                        |
| Copeland                   | Jenkins     | Perry                          | Turnham                       |

—88

And the bill:

H. 935. To provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

**Yeas:**

|                 |                     |                    |                    |
|-----------------|---------------------|--------------------|--------------------|
| Mr. Speaker:    | Faulk               | Johnston (Leonard) | Powell             |
| Adams (Houston) | Ferguson            | Jones (Covington)  | Ramey              |
| Albea           | Franklin            | Jones (Monroe)     | Rast               |
| Ashworth        | Gilchrist           | Lee                | Ray                |
| Avery           | Gilmer              | Locke              | Reynolds (Madison) |
| Bailey          | Glass               | Long (Lauderdale)  | Roberts            |
| Barnett         | Goldthwaite         | Long (Perry)       | Salter             |
| Bevill          | Gordon              | McClendon (Chamb)  | Self               |
| Bishop          | Grant               | McCorquodale       | Sessions           |
| Brannan         | Gross               | Martin             | Shumate            |
| Brewer          | Grouby              | Meade              | Smith (Russell)    |
| Britton         | Guthrie             | Merrill            | Smith (St. Clair)  |
| Broadfoot       | Hain                | Morrow             | Solomon            |
| Brooks          | Hardy               | Murphy             | Speaks             |
| Cabiness        | Harris              | Nettles            | Steagall           |
| Camp            | Hawkins             | Nichols            | Sullivan           |
| Casey           | Hearn               | Oakley             | Taylor             |
| Cates           | Hocklander          | Oden               | Thomas             |
| Chambers        | Ingram              | Owens              | Torbert            |
| Copeland        | Jenkins             | Perry              | Trimmier           |
| Cornett         | Johnson (Hardaway)  | Phillips           | Turner             |
| Daniel          | Johnson (J. T. Tom) | Pierce             | Turnham            |
| Dodd            |                     |                    |                    |

—89

**And the bill:**

H. 913. To alter and extend the boundaries of the City of Birmingham, to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                 |             |                     |                    |
|-----------------|-------------|---------------------|--------------------|
| Mr. Speaker:    | Camp        | Gross               | Long (Lauderdale)  |
| Adams (Houston) | Casey       | Grouby              | Long (Perry)       |
| Albea           | Cates       | Guthrie             | McCorquodale       |
| Ashworth        | Chambers    | Hain                | McLendon (Bullock) |
| Avery           | Copeland    | Hardy               | Martin             |
| Bailey          | Cornett     | Harris              | Meade              |
| Barnett         | Daniel      | Hawkins             | Merrill            |
| Bassett         | Edwards     | Hocklander          | Morrow             |
| Bevill          | Faulk       | Ingram              | Murphy             |
| Bishop          | Ferguson    | Jenkins             | Nettles            |
| Boyd            | Franklin    | Johnson (Hardaway)  | Oakley             |
| Brannan         | Gilchrist   | Johnson (J. T. Tom) | Oden               |
| Brewer          | Gilmer      | Johnston (Leonard)  | Owens              |
| Britton         | Glass       | Jones (Covington)   | Phillips           |
| Broadfoot       | Goldthwaite | Jones (Monroe)      | Pierce             |
| Brooks          | Gordon      | Lee                 | Powell             |
| Cabiness        | Grant       | Locke               | Ramey              |

|                               |                              |          |          |
|-------------------------------|------------------------------|----------|----------|
| Rast                          | Self                         | Solomon  | Thomas   |
| Ray                           | Sessions                     | Speaks   | Torbert  |
| Reynolds <sup>(Madison)</sup> | Shumate                      | Steagall | Trimmier |
| Roberts                       | Smith <sup>(Russell)</sup>   | Sullivan | Turner   |
| Salter                        | Smith <sup>(St. Clair)</sup> | Taylor   | Turnham  |

—88

And the bill:

H. 871. To amend Act No. 194 which was duly passed at the Regular Session, 1957, Legislature of Alabama, Vol. I, Acts of Alabama, Regular Session 1957, pp. 245-254, and which said Act did create and establish in Dallas County a Court known as the Dallas County Court.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

#### Yeas:

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker:               | Daniel      | Johnson <sup>(Hardaway)</sup>  | Powell                        |
| Adams <sup>(Houston)</sup> | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Ramey                         |
| Albea                      | Edwards     | Johnston <sup>(Leonard)</sup>  | Rast                          |
| Ashworth                   | Faulk       | Jones <sup>(Covington)</sup>   | Ray                           |
| Avery                      | Ferguson    | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Madison)</sup> |
| Bailey                     | Franklin    | Lee                            | Roberts                       |
| Barnett                    | Gilchrist   | Locke                          | Salter                        |
| Bassett                    | Gilmer      | Long <sup>(Lauderdale)</sup>   | Self                          |
| Bevill                     | Glass       | Long <sup>(Perry)</sup>        | Sessions                      |
| Bishop                     | Goldthwaite | McCorquodale                   | Shumate                       |
| Boyd                       | Gordon      | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>    |
| Brannan                    | Grant       | Martin                         | Smith <sup>(St. Clair)</sup>  |
| Brewer                     | Gross       | Meade                          | Solomon                       |
| Britton                    | Grouby      | Merrill                        | Speaks                        |
| Broadfoot                  | Guthrie     | Morrow                         | Steagall                      |
| Brooks                     | Hain        | Murphy                         | Sullivan                      |
| Cabiness                   | Hardy       | Nettles                        | Taylor                        |
| Camp                       | Harris      | Oakley                         | Thomas                        |
| Casey                      | Hawkins     | Oden                           | Torbert                       |
| Cates                      | Hearn       | Owens                          | Trimmier                      |
| Chambers                   | Hocklander  | Perry                          | Turner                        |
| Copeland                   | Ingram      | Phillips                       | Turnham                       |
| Cornett                    | Jenkins     | Pierce                         |                               |

—91

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Caffey:

S. J. R. 30. BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING THAT:

WHEREAS, on October 7, 1959, Judge David H. Edington, Presiding Judge of the Thirteenth Judicial Circuit of Alabama, departed this life, leaving behind him a host of devoted friends acquired throughout a lifetime of service to his fellowman; and

WHEREAS Judge Edington served as Recorder of the City of Mobile for twenty-six (26) years; and as Circuit Judge in Mobile County

for twenty-one (21) years, all with distinction as a public servant and distinguished jurist; and

WHEREAS Judge Edington, above all else, was an outstanding Christian gentleman who served for over forty (40) years as an elder of Central Presbyterian Church of Mobile; and

WHEREAS the bench and bar, and indeed all the people of Alabama, have suffered a great loss in the passing of this distinguished man;

NOW, THEREFORE, BE IT RESOLVED THAT THE LEGISLATURE OF THIS STATE OF ALABAMA DEEPLY MOURNS THE DEATH OF JUDGE DAVID H. EDINGTON, and in recognition of his many years of devoted and unselfish service to his fellowman adopts this resolution and directs that the resolution be spread upon the pages of the Journals of both houses of the Legislature and that a duly executed copy hereof be forwarded to the family of Judge David H. Edington.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Hocklander the rules were suspended and the House concurred in and adopted the S. J. R. 30 set out in the above and foregoing Message from the Senate.

#### BILLS ON THIRD READING RESUMED

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Callahan to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 763, was adopted.

And the bill:

H. 763 (with substitute). To make additional appropriations to The Board of Trustees of the University of Alabama, for mental health purposes, including payment of salaries of professional and related personnel in the Department of Psychiatry of the Medical College of Alabama, operation of the out-patient Mental Health Clinic of said college, payment of stipends and scholarships to trainees in the field of psychiatry, and hospitalization of medically indigent mental patients in University Hospital and Hillman Clinics.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

#### A BILL TO BE ENTITLED AN ACT

To make additional appropriations to The Board of Trustees of the University of Alabama, for mental health purposes, including payment of salaries of professional and related personnel in the Department of Psychiatry of the Medical College of Alabama, operation of the out-



patient Mental Health Clinic of said college, payment of stipends and scholarships to trainees in the field of psychiatry, and hospitalization of medically indigent mental patients in University Hospital and Hillman Clinics.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other funds heretofore appropriated to The Board of Trustees of the University of Alabama, there are hereby appropriated to The Board of Trustees of the University of Alabama for each of the two fiscal years ending respectively September 30, 1960, and September 30, 1961, the sums hereinafter provided for the mental health purposes hereinafter set forth:

TO THE BOARD OF TRUSTEES OF THE UNIVERSITY  
OF ALABAMA:

- (a) For the Medical College of Alabama,  
for salaries of professional and relat-  
ed personnel in its Department of Psy-  
chiatry  
For each of said fiscal years .....\$50,000.00
- (b) For the Medical College of Alabama,  
for operation of its out-patient Mental  
Health Clinic for residents of this state  
For each of said fiscal years .....\$50,000.00
- (c) For the Medical College of Alabama,  
for stipends and scholarships to be paid  
to trainees in the field of psychiatry.  
For the fiscal year ending  
September 30, 1960 .....\$ 1,666.00  
For the fiscal year ending  
September 30, 1961 .....\$18,334.00
- (d) For University Hospital and Hillman  
Clinics, for expenses of hospitalization  
of medically indigent mental patients  
who are residents of this State  
For each of said fiscal years.....\$100,000.00

The appropriations herein made shall be paid from the funds deposited in the State Treasury to the credit of the Alabama Special Mental Health Fund.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

And the substitute was adopted.

Yeas 94; Nays 0.

**Yeas:**

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Mr. Speaker:               | Barnett | Brewer    | Casey    |
| Adams <sup>(Houston)</sup> | Bassett | Britton   | Cates    |
| Albea                      | Bevill  | Broadfoot | Chambers |
| Ashworth                   | Bishop  | Brooks    | Copeland |
| Avery                      | Boyd    | Cabiness  | Cornett  |
| Bailey                     | Brannan | Callahan  | Daniel   |

|           |                     |                     |                   |
|-----------|---------------------|---------------------|-------------------|
| Dodd      | Hocklander          | Morrow              | Rozelle           |
| Faulk     | Ingram              | Murphy              | Salter            |
| Ferguson  | Jenkins             | Nettles             | Self              |
| Franklin  | Johnson (Hardaway)  | Nichols             | Sessions          |
| Gilchrist | Johnson (J. T. Tom) | Oakley              | Shumate           |
| Gilmer    | Johnston (Leonard)  | Oden                | Smith (Russell)   |
| Glass     | Jones (Covington)   | Owens               | Smith (St. Clair) |
| Goodwyn   | Jones (Monroe)      | Perry               | Solomon           |
| Gordon    | Lee                 | Phillips            | Speaks            |
| Grant     | Locke               | Pierce              | Steagall          |
| Gross     | Long (Lauderdale)   | Powell              | Sullivan          |
| Grouby    | Long (Perry)        | Ramey               | Taylor            |
| Guthrie   | McClendon (Chamb)   | Rast                | Thomas            |
| Hain      | McCorquodale        | Ray                 | Torbert           |
| Hardy     | McLendon (Bullock)  | Reynolds (Chambers) | Trimmier          |
| Harris    | Martin              | Reynolds (Madison)  | Turner            |
| Hawkins   | Meade               | Roberts             | Turnham           |
| Hearn     | Merrill             |                     |                   |

—94

And said bill, H. 763, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

#### Yeas:

|                 |                     |                    |                     |
|-----------------|---------------------|--------------------|---------------------|
| Mr. Speaker:    | Daniel              | Jones (Covington)  | Ramey               |
| Adams (Houston) | Dodd                | Jones (Monroe)     | Rast                |
| Albea           | Faulk               | Lee                | Ray                 |
| Ashworth        | Ferguson            | Locke              | Reynolds (Chambers) |
| Avery           | Franklin            | Long (Lauderdale)  | Reynolds (Madison)  |
| Bailey          | Gilmer              | Long (Perry)       | Roberts             |
| Barnett         | Glass               | McClendon (Chamb)  | Rozelle             |
| Bassett         | Gordon              | McCorquodale       | Salter              |
| Bevill          | Grant               | McLendon (Bullock) | Self                |
| Bishop          | Gross               | Martin             | Sessions            |
| Boyd            | Grouby              | Meade              | Shumate             |
| Brannan         | Guthrie             | Merrill            | Smith (Russell)     |
| Brewer          | Hain                | Morrow             | Smith (St. Clair)   |
| Britton         | Hardy               | Murphy             | Solomon             |
| Broadfoot       | Harris              | Nettles            | Speaks              |
| Brooks          | Hawkins             | Nichols            | Steagall            |
| Cabiness        | Hearn               | Oakley             | Sullivan            |
| Callahan        | Hocklander          | Oden               | Taylor              |
| Casey           | Ingram              | Owens              | Thomas              |
| Cates           | Jenkins             | Perry              | Torbert             |
| Chambers        | Johnson (Hardaway)  | Phillips           | Trimmier            |
| Copeland        | Johnson (J. T. Tom) | Pierce             | Turner              |
| Cornett         | Johnston (Leonard)  | Powell             | Turnham             |

—92

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Callahan to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 764, was adopted.

And the bill:

H. 764 (with substitute). To make additional appropriations to the state institutions for the mentally ill and the mentally deficient for the

two fiscal years ending September 30, 1960, and September 30, 1961, such appropriations to be paid from the Alabama Special Mental Health Fund.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make additional appropriations to the state institutions for the mentally ill and the mentally deficient for the two fiscal years ending September 30, 1960, and September 30, 1961, such appropriations to be paid from the Alabama Special Mental Health Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all funds heretofore appropriated to the institutions of the State of Alabama for the mentally ill and the mentally deficient, including appropriations made by Act No. 98 adopted at the 1959 Regular Session of the Legislature, there are hereby appropriated to the institutions of the State of Alabama for the mentally ill and the mentally deficient for each of the two fiscal years ending respectively September 30, 1960, and September 30, 1961, the several sums of money hereinafter specified:

TO THE ALABAMA STATE HOSPITALS  
FOR THE INSANE:

- (a) For the support, maintenance and repair of the Alabama State Hospitals for the Insane the additional sum of \$0.55 per day per patient,  
For the fiscal year ending  
September 30, 1960, estimated .....\$1,475,512.50
- (b) For the support, maintenance and repair of the Alabama State Hospitals for the Insane the additional sum of \$0.55 per day per patient,  
For the fiscal year ending  
September 30, 1961, estimated .....\$1,475,512.50

TO PARTLOW STATE SCHOOL FOR MENTAL  
DEFICIENTS:

- (1) For the support, maintenance and repair of Partlow State School for Mental Deficients the additional sum of \$0.55 per day per patient,  
For the fiscal year ending September 30, 1960, estimated .....\$ 319,192.50
- (2) For the support, maintenance and repair of Partlow State School for Mental Deficients the additional sum of \$0.55 per day per patient,

For the fiscal year ending September  
30, 1961, estimated .....\$ 319,192.50

The appropriations herein made shall be paid from the funds deposited in the State Treasury to the credit of the Alabama Special Mental Health Fund.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 89; Nays 0.

**Yeas:**

|                 |                     |                    |                     |
|-----------------|---------------------|--------------------|---------------------|
| Mr. Speaker:    | Faulk               | Jones (Covington)  | Powell              |
| Adams (Houston) | Ferguson            | Jones (Monroe)     | Ramey               |
| Albea           | Franklin            | Lee                | Rast                |
| Ashworth        | Gilmer              | Locke              | Ray                 |
| Bailey          | Glass               | Long (Lauderdale)  | Reynolds (Chambers) |
| Barnett         | Goodwyn             | Long (Perry)       | Reynolds (Madison)  |
| Bassett         | Gordon              | McClendon (Chamb)  | Roberts             |
| Bevill          | Grant               | McCorquodale       | Salter              |
| Bishop          | Gross               | McLendon (Bullock) | Self                |
| Boyd            | Grouby              | Martin             | Sessions            |
| Brannan         | Guthrie             | Meade              | Shumate             |
| Britton         | Hain                | Merrill            | Smith (Russell)     |
| Broadfoot       | Hardy               | Morrow             | Smith (St. Clair)   |
| Brooks          | Harris              | Murphy             | Solomon             |
| Cabiness        | Hawkins             | Nettles            | Speaks              |
| Callahan        | Hearn               | Nichols            | Steagall            |
| Casey           | Hocklander          | Oakley             | Sullivan            |
| Cates           | Ingram              | Oden               | Taylor              |
| Chambers        | Jenkins             | Owens              | Torbert             |
| Copeland        | Johnson (Hardaway)  | Perry              | Trimmier            |
| Cornett         | Johnson (J. T. Tom) | Phillips           | Turner              |
| Daniel          | Johnston (Leonard)  | Pierce             | Turnham             |
| Dodd            |                     |                    |                     |

—89

And said bill, H. 764, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

**Yeas:**

|                 |           |          |                     |
|-----------------|-----------|----------|---------------------|
| Mr. Speaker:    | Brewer    | Dodd     | Hain                |
| Adams (Houston) | Britton   | Faulk    | Hardy               |
| Albea           | Broadfoot | Ferguson | Harris              |
| Ashworth        | Cabiness  | Franklin | Hawkins             |
| Avery           | Callahan  | Gilmer   | Hearn               |
| Bailey          | Camp      | Glass    | Hocklander          |
| Barnett         | Casey     | Goodwyn  | Ingram              |
| Bassett         | Cates     | Gordon   | Jenkins             |
| Bevill          | Chambers  | Grant    | Johnson (Hardaway)  |
| Bishop          | Copeland  | Gross    | Johnson (J. T. Tom) |
| Boyd            | Cornett   | Grouby   | Johnston (Leonard)  |
| Brannan         | Daniel    | Guthrie  | Jones (Covington)   |

|                    |          |                     |                   |
|--------------------|----------|---------------------|-------------------|
| Jones (Monroe)     | Murphy   | Rast                | Smith (St. Clair) |
| Lee                | Nettles  | Ray                 | Solomon           |
| Locke              | Nichols  | Reynolds (Chambers) | Speaks            |
| Long (Lauderdale)  | Oakley   | Reynolds (Madison)  | Steagall          |
| Long (Perry)       | Oden     | Roberts             | Sullivan          |
| McClendon (Chamb)  | Owens    | Rozelle             | Taylor            |
| McCorquodale       | Perry    | Salter              | Thomas            |
| McLendon (Bullock) | Phillips | Self                | Torbert           |
| Martin             | Pierce   | Sessions            | Trimmier          |
| Meade              | Powell   | Shumate             | Turner            |
| Merrill            | Ramey    | Smith (Russell)     | Turnham           |
| Morrow             |          |                     |                   |

—93

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Adams (Houston) to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 449, H. 450, H. 451 and H. 713, was adopted.

And the bill:

H. 449. Relating to the registration and transfer of securities by fiduciaries, and defining and limiting liability with respect thereto, and to make uniform the law with reference thereto, and to repeal Section 3 of Act 557, S. 174, approved July 7, 1943 (General Acts of Alabama, 1943, page 544) known as the Uniform Fiduciaries Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

## Yeas:

|              |                    |                     |                     |
|--------------|--------------------|---------------------|---------------------|
| Mr. Speaker: | Daniel             | Johnson (J. T. Tom) | Powell              |
| Albea        | Dodd               | Johnston (Leonard)  | Ramey               |
| Ashworth     | Edwards            | Jones (Covington)   | Rast                |
| Avery        | Faulk              | Jones (Monroe)      | Ray                 |
| Bailey       | Franklin           | Lee                 | Reynolds (Chambers) |
| Barnett      | Gilchrist          | Locke               | Reynolds (Madison)  |
| Bevill       | Gilmer             | Long (Lauderdale)   | Roberts             |
| Bishop       | Glass              | McClendon (Chamb)   | Salter              |
| Boyd         | Goldthwaite        | McLendon (Bullock)  | Self                |
| Brannan      | Gordon             | Martin              | Sessions            |
| Brewer       | Grant              | Meade               | Smith (Russell)     |
| Britton      | Gross              | Merrill             | Smith (St. Clair)   |
| Broadfoot    | Grouby             | Morrow              | Solomon             |
| Brooks       | Guthrie            | Murphy              | Steagall            |
| Cabiness     | Hain               | Nettles             | Sullivan            |
| Camp         | Hardy              | Nichols             | Taylor              |
| Casey        | Hearn              | Oakley              | Thomas              |
| Cates        | Hocklander         | Owens               | Torbert             |
| Chambers     | Ingram             | Perry               | Trimmier            |
| Copeland     | Jenkins            | Phillips            | Turner              |
| Cornett      | Johnson (Hardaway) | Pierce              | Turnham             |

—84

And the bill:

H. 450. Providing that the designation of beneficiaries of any trust set up for any group of employees shall be valid and that any trustee or other person may properly make payments to any person designated as a beneficiary of such a trust.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker:               | Copeland    | Ingram                        | Powell                         |
| Adams <sup>(Houston)</sup> | Cornett     | Jenkins                       | Ramey                          |
| Albea                      | Daniel      | Johnston <sup>(Leonard)</sup> | Rast                           |
| Ashworth                   | Dodd        | Jones <sup>(Covington)</sup>  | Ray                            |
| Avery                      | Edwards     | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Franklin    | Lee                           | Reynolds <sup>(Madison)</sup>  |
| Barnett                    | Gilchrist   | Locke                         | Roberts                        |
| Bevill                     | Gilmer      | Long <sup>(Lauderdale)</sup>  | Self                           |
| Bishop                     | Glass       | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Boyd                       | Goldthwaite | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>     |
| Brannan                    | Gordon      | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Grant       | Merrill                       | Solomon                        |
| Britton                    | Gross       | Morrow                        | Speaks                         |
| Broadfoot                  | Grouby      | Murphy                        | Steagall                       |
| Brooks                     | Guthrie     | Nettles                       | Sullivan                       |
| Cabiness                   | Hain        | Oakley                        | Taylor                         |
| Camp                       | Hardy       | Owens                         | Thomas                         |
| Casey                      | Harris      | Perry                         | Trimmier                       |
| Cates                      | Hearn       | Phillips                      | Turner                         |
| Chambers                   | Hocklander  | Pierce                        | Turnham                        |

—80

And the bill:

**H. 451.** To amend Section 1 of Act No. 306, H. 253, approved July 7th, 1945 (General Acts of Alabama, 1945, page 499) entitled "An Act to relieve from the operation of any existing laws against perpetuities or suspension of the power of alienation of title to property a trust of real or personal property created by an employer as a part of the stock bonus plan, pension plan, disability or death benefit plan, or profit sharing plan for the exclusive benefit of some or all of the employer's employees" by further relieving such trusts from the operation of any existing laws against trusts for the accumulation of income, and extending the coverage of said Act, as amended, to retirement trusts created by self-employed persons.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

**Yeas:**

|              |             |                               |                               |
|--------------|-------------|-------------------------------|-------------------------------|
| Mr. Speaker: | Casey       | Gross                         | Locke                         |
| Albea        | Cates       | Grouby                        | Long <sup>(Lauderdale)</sup>  |
| Ashworth     | Chambers    | Guthrie                       | McClendon <sup>(Chamb)</sup>  |
| Barnett      | Copeland    | Hain                          | McLendon <sup>(Bullock)</sup> |
| Bevill       | Cornett     | Hardy                         | Martin                        |
| Bishop       | Daniel      | Harris                        | Meade                         |
| Boyd         | Dodd        | Hearn                         | Merrill                       |
| Brannan      | Franklin    | Hocklander                    | Morrow                        |
| Brewer       | Gilmer      | Ingram                        | Murphy                        |
| Britton      | Glass       | Jenkins                       | Nettles                       |
| Brooks       | Goldthwaite | Johnston <sup>(Leonard)</sup> | Nichols                       |
| Cabiness     | Gordon      | Jones <sup>(Monroe)</sup>     | Oakley                        |
| Camp         | Grant       | Lee                           | Owens                         |

|          |                                |                              |          |
|----------|--------------------------------|------------------------------|----------|
| Perry    | Reynolds <sup>(Chambers)</sup> | Smith <sup>(St. Clair)</sup> | Taylor   |
| Phillips | Reynolds <sup>(Madison)</sup>  | Solomon                      | Thomas   |
| Pierce   | Roberts                        | Speaks                       | Trimmier |
| Powell   | Salter                         | Steagall                     | Turner   |
| Ramey    | Self                           | Sullivan                     | Turnham  |
| Ray      | Sessions                       |                              |          |

—74

And the bill:

H. 713. To amend Section 5 of Act No. 247, S. 69, approved July 29, 1953 (Acts of Alabama, 1953, page 311) entitled "An Act relating to banks and banking; to provide for the retention and disposition of bank records, and for other purposes," by providing for the reproduction of bank records by processes in addition to the microphotographic process and by providing that such reproductions may be retained by banks in lieu of the originals thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

#### Yeas:

|              |             |                                |                                |
|--------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker: | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Powell                         |
| Albea        | Faulk       | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Ashworth     | Ferguson    | Jones <sup>(Monroe)</sup>      | Rast                           |
| Avery        | Franklin    | Lee                            | Ray                            |
| Barnett      | Gilchrist   | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Bevill       | Gilmer      | Long <sup>(Lauderdale)</sup>   | Reynolds <sup>(Madison)</sup>  |
| Bishop       | Glass       | Long <sup>(Perry)</sup>        | Roberts                        |
| Boyd         | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Salter                         |
| Brannan      | Goodwyn     | McLendon <sup>(Bullock)</sup>  | Self                           |
| Brewer       | Gordon      | Martin                         | Sessions                       |
| Britton      | Grant       | Meade                          | Smith <sup>(Russell)</sup>     |
| Broadfoot    | Gross       | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Brooks       | Grouby      | Morrow                         | Solomon                        |
| Cabiness     | Guthrie     | Murphy                         | Speaks                         |
| Camp         | Hain        | Nettles                        | Steagall                       |
| Casey        | Hardy       | Nichols                        | Sullivan                       |
| Cates        | Harris      | Oakley                         | Taylor                         |
| Chambers     | Hawkins     | Owens                          | Thomas                         |
| Copeland     | Hearn       | Perry                          | Trimmier                       |
| Cornett      | Hocklander  | Phillips                       | Turner                         |
| Daniel       | Ingram      | Pierce                         | Turnham                        |
| Dodd         | Jenkins     |                                |                                |

—86

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Callahan to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 758, was adopted.

And the bill:

H. 758. To provide for the manner of payment, disposition and use of purchase money paid or payable for sale of any lands belonging to the State of Alabama for the use of the Insane of the State, situated in Mount Vernon Barracks Military Reservation, in Mobile County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|              |                    |                     |                     |
|--------------|--------------------|---------------------|---------------------|
| Mr. Speaker: | Edwards            | Johnson (J. T. Tom) | Rast                |
| Albea        | Faulk              | Johnston (Leonard)  | Ray                 |
| Ashworth     | Ferguson           | Jones (Covington)   | Reynolds (Chambers) |
| Avery        | Franklin           | Jones (Monroe)      | Reynolds (Madison)  |
| Barnett      | Gilchrist          | Lee                 | Roberts             |
| Bevill       | Gilmer             | Locke               | Salter              |
| Bishop       | Glass              | Long (Perry)        | Self                |
| Boyd         | Goldthwaite        | McClendon (Chamb)   | Sessions            |
| Brewer       | Gordon             | McCorquodale        | Shumate             |
| Britton      | Grant              | McLendon (Bullock)  | Smith (Russell)     |
| Broadfoot    | Gross              | Martin              | Smith (St. Clair)   |
| Brooks       | Grouby             | Meade               | Solomon             |
| Cabiness     | Guthrie            | Merrill             | Speaks              |
| Callahan     | Hain               | Morrow              | Steagall            |
| Camp         | Hardy              | Murphy              | Sullivan            |
| Casey        | Harris             | Nichols             | Taylor              |
| Cates        | Hawkins            | Oakley              | Thomas              |
| Chambers     | Hearn              | Owens               | Torbert             |
| Copeland     | Hocklander         | Perry               | Trimmier            |
| Cornett      | Ingram             | Phillips            | Turner              |
| Daniel       | Jenkins            | Powell              | Turnham             |
| Dodd         | Johnson (Hardaway) | Ramey               |                     |

—87

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Callahan to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 679, was adopted.

And the bill:

H. 679. To require the state department of education to furnish free textbooks to pupils and teachers in classrooms or schools conducted under the supervision of the Alabama state hospitals.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

**Yeas:**

|                 |             |                     |                    |
|-----------------|-------------|---------------------|--------------------|
| Mr. Speaker:    | Camp        | Gordon              | Jones (Monroe)     |
| Adams (Houston) | Casey       | Grant               | Lee                |
| Albea           | Cates       | Gross               | Locke              |
| Ashworth        | Chambers    | Grouby              | Long (Lauderdale)  |
| Avery           | Copeland    | Guthrie             | Long (Perry)       |
| Bailey          | Cornett     | Hain                | McClendon (Chamb)  |
| Barnett         | Daniel      | Hardy               | McCorquodale       |
| Bevill          | Dodd        | Harris              | McLendon (Bullock) |
| Bishop          | Edwards     | Hawkins             | Martin             |
| Boyd            | Faulk       | Hearn               | Meade              |
| Brannan         | Ferguson    | Hocklander          | Merrill            |
| Brewer          | Franklin    | Ingram              | Morrow             |
| Britton         | Gilchrist   | Jenkins             | Murphy             |
| Broadfoot       | Gilmer      | Johnson (Hardaway)  | Nettles            |
| Brooks          | Glass       | Johnson (J. T. Tom) | Nichols            |
| Cabiness        | Goldthwaite | Johnston (Leonard)  | Oakley             |
| Callahan        | Goodwyn     | Jones (Covington)   | Owens              |



|          |                                |                              |          |
|----------|--------------------------------|------------------------------|----------|
| Perry    | Reynolds <sup>(Chambers)</sup> | Smith <sup>(Russell)</sup>   | Taylor   |
| Phillips | Reynolds <sup>(Madison)</sup>  | Smith <sup>(St. Clair)</sup> | Thomas   |
| Pierce   | Salter                         | Solomon                      | Torbert  |
| Powell   | Self                           | Speaks                       | Trimmier |
| Ramey    | Sessions                       | Steagall                     | Turner   |
| Rast     | Shumate                        | Sullivan                     | Turnham  |
| Ray      |                                |                              |          |

—93

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Roberts to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 476, was adopted.

And the bill:

H. 476. To provide for the continuity of the Legislature of the State of Alabama and the political subdivisions of the State of Alabama in the event of an attack by an enemy of the United States.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

## Yeas:

|                            |                                |                               |                                |
|----------------------------|--------------------------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cornett                        | Johnston <sup>(Leonard)</sup> | Ray                            |
| Adams <sup>(Houston)</sup> | Dodd                           | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Albea                      | Edwards                        | Lee                           | Reynolds <sup>(Madison)</sup>  |
| Ashworth                   | Faulk                          | Locke                         | Roberts                        |
| Avery                      | Ferguson                       | Long <sup>(Lauderdale)</sup>  | Rozelle                        |
| Bailey                     | Franklin                       | Long <sup>(Perry)</sup>       | Self                           |
| Barnett                    | Gilchrist                      | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Bevill                     | Glass                          | McLendon <sup>(Bullock)</sup> | Shumate                        |
| Bishop                     | Goldthwaite                    | Martin                        | Smith <sup>(Russell)</sup>     |
| Boyd                       | Gordon                         | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Brannan                    | Gross                          | Merrill                       | Solomon                        |
| Brewer                     | Grouby                         | Morrow                        | Speaks                         |
| Brooks                     | Guthrie                        | Murphy                        | Steagall                       |
| Cabiness                   | Hain                           | Nichols                       | Sullivan                       |
| Callahan                   | Harris                         | Owens                         | Taylor                         |
| Camp                       | Hearn                          | Perry                         | Thomas                         |
| Casey                      | Hocklander                     | Pierce                        | Torbert                        |
| Cates                      | Ingram                         | Powell                        | Trimmier                       |
| Chambers                   | Johnson <sup>(Hardaway)</sup>  | Ramey                         | Turner                         |
| Copeland                   | Johnson <sup>(J. T. Tom)</sup> | Rast                          | Turnham                        |

—80

## MOTION TO SUSPEND RULES LOST

The motion of Mr. Roberts to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 717, was lost.

Yeas 49; Nays 21.

## Yeas:

|                            |         |           |         |
|----------------------------|---------|-----------|---------|
| Mr. Speaker:               | Bevill  | Brewer    | Cates   |
| Adams <sup>(Houston)</sup> | Bishop  | Broadfoot | Dodd    |
| Bailey                     | Boyd    | Callahan  | Edwards |
| Barnett                    | Brannan | Casey     | Faulk   |

|            |                               |                               |                              |
|------------|-------------------------------|-------------------------------|------------------------------|
| Ferguson   | Johnson <sup>(Hardaway)</sup> | Oakley                        | Shumate                      |
| Gilchrist  | Johnston <sup>(Leonard)</sup> | Phillips                      | Smith <sup>(Russell)</sup>   |
| Gilmer     | Jones <sup>(Covington)</sup>  | Pierce                        | Smith <sup>(St. Clair)</sup> |
| Goodwyn    | Long <sup>(Perry)</sup>       | Rast                          | Solomon                      |
| Gross      | McClendon <sup>(Chamb)</sup>  | Reynolds <sup>(Madison)</sup> | Sullivan                     |
| Hain       | Meade                         | Roberts                       | Taylor                       |
| Hardy      | Murphy                        | Rozelle                       | Thomas                       |
| Hearn      | Nettles                       | Salter                        | Turner                       |
| Hocklander |                               |                               |                              |

—49

**Nays:**

|          |                                |                                |          |
|----------|--------------------------------|--------------------------------|----------|
| Messrs.: | Franklin                       | McLendon <sup>(Bullock)</sup>  | Self     |
| Avery    | Guthrie                        | Martin                         | Steagall |
| Brooks   | Harris                         | Nichols                        | Torbert  |
| Cabiness | Johnson <sup>(J. T. Tom)</sup> | Ramey                          | Trimmier |
| Camp     | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> | Turnham  |
| Daniel   | McCorquodale                   |                                |          |

—21

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Cates to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 786, was adopted.

And the bill:

H. 786. To amend further Section 718 of Title 51, Code of Alabama 1940, in relation to liability for collection and payment of the tax on tobacco and tobacco products.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Messrs.:                   | Dodd        | Ingram                         | Pierce                         |
| Adams <sup>(Houston)</sup> | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Powell                         |
| Albea                      | Faulk       | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Ashworth                   | Ferguson    | Jones <sup>(Monroe)</sup>      | Rast                           |
| Avery                      | Franklin    | Lee                            | Ray                            |
| Bailey                     | Gilchrist   | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Gilmer      | Long <sup>(Lauderdale)</sup>   | Reynolds <sup>(Madison)</sup>  |
| Bevill                     | Glass       | Long <sup>(Perry)</sup>        | Rozelle                        |
| Bishop                     | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Self                           |
| Boyd                       | Goodwyn     | McCorquodale                   | Sessions                       |
| Brannan                    | Gordon      | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>     |
| Brewer                     | Grant       | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Gross       | Meade                          | Solomon                        |
| Brooks                     | Grouby      | Merrill                        | Speaks                         |
| Cabiness                   | Guthrie     | Morrow                         | Steagall                       |
| Camp                       | Hain        | Murphy                         | Sullivan                       |
| Casey                      | Hardy       | Nettles                        | Taylor                         |
| Cates                      | Harris      | Nichols                        | Thomas                         |
| Chambers                   | Hawkins     | Oakley                         | Trimmier                       |
| Copeland                   | Hearn       | Perry                          | Turner                         |
| Daniel                     | Hocklander  | Phillips                       | Turnham                        |

—83

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Hawkins to suspend the rules in order to take

up for immediate consideration the third reading of the bill, H. 659, was adopted.

And the bill:

H. 659. TO exempt from state, county and municipal taxes, licenses, fees and charges, property owned by certain non-profit membership corporations of retired public school teachers and supervisory staff personnel.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

**Yeas:**

|                            |                                |                               |                                |
|----------------------------|--------------------------------|-------------------------------|--------------------------------|
| Messrs.:                   | Edwards                        | Lee                           | Ray                            |
| Adams <sup>(Houston)</sup> | Faulk                          | Locke                         | Reynolds <sup>(Chambers)</sup> |
| Albea                      | Ferguson                       | Long <sup>(Lauderdale)</sup>  | Reynolds <sup>(Madison)</sup>  |
| Avery                      | Franklin                       | Long <sup>(Perry)</sup>       | Roberts                        |
| Bailey                     | Gilchrist                      | McClendon <sup>(Chamb)</sup>  | Rozelle                        |
| Barnett                    | Gilmer                         | McCorquodale                  | Self                           |
| Bevill                     | Glass                          | McLendon <sup>(Bullock)</sup> | Sessions                       |
| Bishop                     | Goldthwaite                    | Martin                        | Shumate                        |
| Boyd                       | Gordon                         | Meade                         | Smith <sup>(Russell)</sup>     |
| Brannan                    | Grant                          | Merrill                       | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Gross                          | Morrow                        | Solomon                        |
| Broadfoot                  | Grouby                         | Murphy                        | Speaks                         |
| Brooks                     | Guthrie                        | Nettles                       | Steagall                       |
| Cabiness                   | Hain                           | Oakley                        | Sullivan                       |
| Callahan                   | Harris                         | Perry                         | Taylor                         |
| Camp                       | Hawkins                        | Phillips                      | Thomas                         |
| Casey                      | Hearn                          | Pierce                        | Torbert                        |
| Cates                      | Hocklander                     | Powell                        | Trimmier                       |
| Chambers                   | Johnson <sup>(J. T. Tom)</sup> | Ramey                         | Turner                         |
| Daniel                     | Johnston <sup>(Leonard)</sup>  | Rast                          | Turnham                        |
| Dodd                       | Jones <sup>(Monroe)</sup>      |                               |                                |

—81

**Nay:** Mr. Copeland.

—1

**MOTION TO SUSPEND RULES LOST**

The motion of Mr. Powell to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 568, was lost.

Yeas 47; Nays 18.

**Yeas:**

|                            |          |                               |                            |
|----------------------------|----------|-------------------------------|----------------------------|
| Messrs.:                   | Edwards  | Hocklander                    | Pierce                     |
| Adams <sup>(Houston)</sup> | Faulk    | Jones <sup>(Covington)</sup>  | Powell                     |
| Avery                      | Ferguson | Lee                           | Ramey                      |
| Bailey                     | Franklin | Long <sup>(Perry)</sup>       | Rozelle                    |
| Barnett                    | Gilmer   | McCorquodale                  | Smith <sup>(Russell)</sup> |
| Bevill                     | Glass    | McLendon <sup>(Bullock)</sup> | Solomon                    |
| Bishop                     | Gordon   | Martin                        | Steagall                   |
| Brannan                    | Grouby   | Merrill                       | Sullivan                   |
| Broadfoot                  | Hain     | Murphy                        | Taylor                     |
| Brooks                     | Hardy    | Oakley                        | Thomas                     |
| Callahan                   | Harris   | Perry                         | Trimmier                   |
| Dodd                       | Hearn    | Phillips                      | Turnham                    |

—47

**Nays:**

|          |           |                     |                   |
|----------|-----------|---------------------|-------------------|
| Messrs.: | Casey     | Gross               | Self              |
| Ashworth | Cates     | Johnson (J. T. Tom) | Sessions          |
| Boyd     | Copeland  | Jones (Monroe)      | Smith (St. Clair) |
| Brewer   | Daniel    | Locke               | Turner            |
| Cabiness | Gilchrist | Nettles             |                   |

—18

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Oakley to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 563, was adopted.

And the bill:

H. 563. To permit the county and city boards of education, by their rules and regulations, to provide assistance to residents of their respective districts for instruction on an elementary or secondary level not available to them in public schools within the district.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

**Yeas:**

|                 |                    |                    |                     |
|-----------------|--------------------|--------------------|---------------------|
| Messrs.:        | Dodd               | Jones (Covington)  | Powell              |
| Adams (Houston) | Faulk              | Jones (Monroe)     | Ramey               |
| Albea           | Ferguson           | Lee                | Rast                |
| Avery           | Franklin           | Locke              | Reynolds (Chambers) |
| Bailey          | Gilchrist          | Long (Lauderdale)  | Roberts             |
| Barnett         | Gilmer             | Long (Perry)       | Rozelle             |
| Bevill          | Glass              | McClendon (Chamb)  | Salter              |
| Bishop          | Gordon             | McCorquodale       | Sessions            |
| Boyd            | Grant              | McLendon (Bullock) | Smith (Russell)     |
| Brannan         | Gross              | Martin             | Smith (St. Clair)   |
| Brewer          | Grouby             | Meade              | Solomon             |
| Broadfoot       | Guthrie            | Merrill            | Steagall            |
| Brooks          | Hain               | Nettles            | Sullivan            |
| Cabiness        | Hardy              | Nichols            | Taylor              |
| Callahan        | Harris             | Oakley             | Thomas              |
| Camp            | Hawkins            | Owens              | Torbert             |
| Casey           | Hearn              | Perry              | Trimmier            |
| Cates           | Johnson (Hardaway) | Phillips           | Turner              |
| Daniel          | Johnston (Leonard) | Pierce             | Turnham             |

—75

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Oakley to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 418, was adopted.

And the Bill:

H. 418. To amend Section 445 of Title 37 of the Code of 1940 relating to the employment of an expert accountant for the annual examination of the books and accounts of municipal officials.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 7.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Messrs.:                   | Faulk       | Ingram                        | Perry                        |
| Adams <sup>(Houston)</sup> | Ferguson    | Johnson <sup>(Hardaway)</sup> | Phillips                     |
| Albea                      | Franklin    | Johnston <sup>(Leonard)</sup> | Pierce                       |
| Bailey                     | Gilchrist   | Jones <sup>(Monroe)</sup>     | Rast                         |
| Barnett                    | Gilmer      | Lee                           | Ray                          |
| Bevill                     | Goldthwaite | Locke                         | Rozelle                      |
| Bishop                     | Gordon      | Long <sup>(Perry)</sup>       | Salter                       |
| Boyd                       | Grant       | McClendon <sup>(Chamb)</sup>  | Self                         |
| Brannan                    | Gross       | McCorquodale                  | Sessions                     |
| Broadfoot                  | Guthrie     | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>   |
| Brooks                     | Hain        | Meade                         | Smith <sup>(St. Clair)</sup> |
| Casey                      | Hardy       | Merrill                       | Solomon                      |
| Cates                      | Harris      | Nettles                       | Sullivan                     |
| Chambers                   | Hawkins     | Nichols                       | Thomas                       |
| Copeland                   | Hearn       | Oakley                        | Trimmier                     |
| Daniel                     | Hocklander  | Owens                         | Turner                       |
| Dodd                       |             |                               |                              |

—64

**Nays:**

|          |          |                              |                                |
|----------|----------|------------------------------|--------------------------------|
| Messrs.: | Cabiness | Long <sup>(Lauderdale)</sup> | Ramey                          |
| Avery    | Camp     | Martin                       | Reynolds <sup>(Chambers)</sup> |

—7

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Oakley to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 41, was adopted.

Yeas 65; Nays 9.

**Yeas:**

|                            |                               |                                |                              |
|----------------------------|-------------------------------|--------------------------------|------------------------------|
| Messrs.:                   | Dodd                          | Johnson <sup>(J. T. Tom)</sup> | Phillips                     |
| Adams <sup>(Houston)</sup> | Faulk                         | Johnston <sup>(Leonard)</sup>  | Pierce                       |
| Albea                      | Ferguson                      | Jones <sup>(Monroe)</sup>      | Powell                       |
| Bailey                     | Franklin                      | Lee                            | Rast                         |
| Barnett                    | Gilmer                        | Locke                          | Ray                          |
| Bevill                     | Glass                         | Long <sup>(Lauderdale)</sup>   | Rozelle                      |
| Bishop                     | Goldthwaite                   | Long <sup>(Perry)</sup>        | Salter                       |
| Boyd                       | Gordon                        | McClendon <sup>(Chamb)</sup>   | Shumate                      |
| Brannan                    | Grant                         | McCorquodale                   | Smith <sup>(Russell)</sup>   |
| Brewer                     | Gross                         | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Grouby                        | Merrill                        | Solomon                      |
| Cabiness                   | Guthrie                       | Murphy                         | Sullivan                     |
| Casey                      | Hain                          | Nichols                        | Taylor                       |
| Chambers                   | Hardy                         | Oakley                         | Thomas                       |
| Copeland                   | Hearn                         | Owens                          | Trimmier                     |
| Cornett                    | Hocklander                    | Perry                          | Turner                       |
| Daniel                     | Johnson <sup>(Hardaway)</sup> |                                |                              |

—65

**Nays:**

|          |           |         |        |
|----------|-----------|---------|--------|
| Messrs.: | Brooks    | Harris  | Martin |
| Ashworth | Cates     | Hawkins | Ramey  |
| Avery    | Gilchrist |         |        |

—9

And the Bill:

S. 41 (with amendment). To amend further Section 64 of Title 36, Code of Alabama 1940; providing for the issuance of learner permits to

persons between the ages of fifteen and sixteen years, authorizing such persons to operate motor vehicles under certain prescribed conditions.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

#### AMENDMENT TO S. B. 41

In Section 1, strike out paragraph (b) entirely and insert the following:

"(b) Any person not less than fifteen but under sixteen years of age may obtain a permit to learn to operate a motor vehicle upon application to the judge of probate of the county in which he or she resides, which permit shall entitle such person to operate a motor vehicle when he or she is accompanied by a parent or his or her legal guardian who is duly licensed in this state as a motor vehicle operator, or when accompanied by a licensed or certified driving instructor, who is actually occupying a seat beside the motor vehicle operator. The application for a learner's permit must be accompanied by payment of a fee of fifty cents, to be distributed as provided in section 61 of this title, as heretofore or hereafter amended; and the age of the applicant must be substantiated by the applicant filing with the judge of probate a certified copy of his or her birth certificate. A permit issued under this subsection shall be in such form as the director of public safety may prescribe; it shall expire on the day after the holder thereof becomes sixteen years of age; and when the holder subsequently applies for a driver license, the certificate thereof shall be prima facie evidence that the permit holder was fifteen years of age or older on the date of its issuance. Such a permit may be suspended or revoked in the same manner and for the same causes as a driver license, and may also be revoked for any violation of the terms and conditions on which it was issued. The judge of probate shall not issue such a permit to any person until the applicant has undergone the same examination that a person applying for a driver license is required by law to undergo, with the exception of the driving test, and has produced a certificate to that effect signed by the proper examining officer."

And the amendment was adopted.

Yeas 65; Nays 5.

#### Yeas:

|                 |                     |                    |                   |
|-----------------|---------------------|--------------------|-------------------|
| Messrs.:        | Faulk               | Johnston (Leonard) | Powell            |
| Adams (Houston) | Ferguson            | Jones (Monroe)     | Rast              |
| Albea           | Franklin            | Lee                | Rozelle           |
| Bailey          | Gilmer              | Locke              | Salter            |
| Barnett         | Glass               | Long (Lauderdale)  | Sessions          |
| Bevill          | Goldthwaite         | Long (Perry)       | Shumate           |
| Bishop          | Gordon              | McCorquodale       | Smith (St. Clair) |
| Boyd            | Grant               | McLendon (Bullock) | Solomon           |
| Brannan         | Gross               | Merrill            | Speaks            |
| Brewer          | Grouby              | Murphy             | Steagall          |
| Broadfoot       | Hain                | Nichols            | Sullivan          |
| Cabiness        | Hardy               | Oakley             | Taylor            |
| Camp            | Hearn               | Owens              | Thomas            |
| Chambers        | Hocklander          | Perry              | Trimmier          |
| Copeland        | Ingram              | Phillips           | Turner            |
| Daniel          | Johnson (Hardaway)  | Pierce             | Turnham           |
| Dodd            | Johnson (J. T. Tom) |                    |                   |

**Nays:** Messrs. Brooks, Cates, Hawkins, Martin and Ramey. —5

And said bill, S. 41, as thus amended, was read a third time at length and passed.

Yeas 67; Nays 6.

**Yeas:**

|                            |                                |                               |                                |
|----------------------------|--------------------------------|-------------------------------|--------------------------------|
| Messrs.:                   | Ferguson                       | Johnston <sup>(Leonard)</sup> | Powell                         |
| Adams <sup>(Houston)</sup> | Franklin                       | Jones <sup>(Monroe)</sup>     | Rast                           |
| Albea                      | Gilmer                         | Lee                           | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Glass                          | Locke                         | Rozelle                        |
| Barnett                    | Goldthwaite                    | Long <sup>(Lauderdale)</sup>  | Salter                         |
| Bevill                     | Goodwyn                        | Long <sup>(Perry)</sup>       | Sessions                       |
| Bishop                     | Gordon                         | McClendon <sup>(Chamb)</sup>  | Shumate                        |
| Boyd                       | Grant                          | McCorquodale                  | Smith <sup>(Russell)</sup>     |
| Brewer                     | Gross                          | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grouby                         | Merrill                       | Solomon                        |
| Cabiness                   | Hain                           | Murphy                        | Speaks                         |
| Camp                       | Hardy                          | Nichols                       | Steagall                       |
| Chambers                   | Hearn                          | Oakley                        | Sullivan                       |
| Copeland                   | Hocklander                     | Owens                         | Taylor                         |
| Daniel                     | Jenkins                        | Perry                         | Thomas                         |
| Dodd                       | Johnson <sup>(Hardaway)</sup>  | Phillips                      | Trimmier                       |
| Faulk                      | Johnson <sup>(J. T. Tom)</sup> | Pierce                        | Turner                         |

—67

**Nays:**

|          |        |         |       |
|----------|--------|---------|-------|
| Messrs.: | Cates  | Hawkins | Ramey |
| Avery    | Harris | Martin  | —6    |

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Smith (Russell) to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 277, was adopted.

And the Bill:

S. 277. To amend Section 14 of Act No. 207, S. 134, approved July 12, 1949 (Acts 1949, p. 242), the same being known as the "Alabama Coal Mine Safety Law of 1949", relating to "mine gases and quality of air"; to define certain terms used therein; and to provide further for reclassification of mines under certain circumstances.

Was read a third time at length and passed.

Yeas 79; Nays 0.

**Yeas:**

|                            |           |             |                                |
|----------------------------|-----------|-------------|--------------------------------|
| Mr. Speaker:               | Broadfoot | Faulk       | Hain                           |
| Adams <sup>(Houston)</sup> | Cabiness  | Ferguson    | Hardy                          |
| Albea                      | Callahan  | Franklin    | Harris                         |
| Ashworth                   | Camp      | Gilchrist   | Hawkins                        |
| Avery                      | Casey     | Gilmer      | Hearn                          |
| Bailey                     | Cates     | Glass       | Hocklander                     |
| Barnett                    | Chambers  | Goldthwaite | Ingram                         |
| Bevill                     | Copeland  | Grant       | Jenkins                        |
| Bishop                     | Daniel    | Gross       | Johnson <sup>(Hardaway)</sup>  |
| Brannan                    | Dodd      | Grouby      | Johnson <sup>(J. T. Tom)</sup> |
| Brewer                     | Edwards   | Guthrie     | Johnston <sup>(Leonard)</sup>  |

|                               |          |                                |          |
|-------------------------------|----------|--------------------------------|----------|
| Lee                           | Morrow   | Rast                           | Steagall |
| Locke                         | Nettles  | Reynolds <sup>(Chambers)</sup> | Sullivan |
| Long <sup>(Lauderdale)</sup>  | Nichols  | Rozelle                        | Taylor   |
| Long <sup>(Perry)</sup>       | Oakley   | Salter                         | Thomas   |
| McClendon <sup>(Chamb)</sup>  | Owens    | Shumate                        | Torbert  |
| McCorquodale                  | Perry    | Smith <sup>(Russell)</sup>     | Trimmier |
| McLendon <sup>(Bullock)</sup> | Phillips | Smith <sup>(St. Clair)</sup>   | Turner   |
| Martin                        | Pierce   | Solomon                        | Turnham  |
| Merrill                       | Ramey    | Speaks                         |          |

—79

## MOTION TO SUSPEND RULES LOST

The motion of Mr. Smith (Russell) to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 683, was lost.

Yeas 46; Nays 27.

## Yeas:

|                            |                                |                               |                                |
|----------------------------|--------------------------------|-------------------------------|--------------------------------|
| Mr. Speaker:               | Ferguson                       | McClendon <sup>(Chamb)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Adams <sup>(Houston)</sup> | Goodwyn                        | McCorquodale                  | Rozelle                        |
| Albea                      | Grant                          | McLendon <sup>(Bullock)</sup> | Shumate                        |
| Ashworth                   | Gross                          | Martin                        | Smith <sup>(Russell)</sup>     |
| Bailey                     | Grouby                         | Morrow                        | Solomon                        |
| Bevill                     | Guthrie                        | Nettles                       | Steagall                       |
| Cabiness                   | Hawkins                        | Perry                         | Thomas                         |
| Callahan                   | Hocklander                     | Phillips                      | Torbert                        |
| Cates                      | Johnson <sup>(Hardaway)</sup>  | Pierce                        | Trimmier                       |
| Chambers                   | Johnson <sup>(J. T. Tom)</sup> | Powell                        | Turner                         |
| Cornett                    | Jones <sup>(Covington)</sup>   | Rast                          | Turnham                        |
| Faulk                      | Lee                            |                               |                                |

—46

## Nays:

|           |          |                               |                              |
|-----------|----------|-------------------------------|------------------------------|
| Messrs.:  | Brooks   | Goldthwaite                   | Long <sup>(Lauderdale)</sup> |
| Avery     | Camp     | Hain                          | Long <sup>(Perry)</sup>      |
| Barnett   | Copeland | Hardy                         | Oakley                       |
| Bishop    | Daniel   | Harris                        | Owens                        |
| Boyd      | Dodd     | Jenkins                       | Ramey                        |
| Brewer    | Franklin | Johnston <sup>(Leonard)</sup> | Salter                       |
| Broadfoot | Gilmer   | Jones <sup>(Monroe)</sup>     | Speaks                       |

—27

## CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on th date and hours named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:50 P. M. On October 13, 1959

H. 594

H. 32

H. 133

H. 672

H. J. R. 71



H. J. R. 72

H. J. R. 74

H. 111

H. 625

H. 626

H. 696

H. 698

OAKLEY MELTON, JR.,  
Clerk.

## ADJOURNMENT

On motion of Mr. Cabiness the House adjourned until Friday,  
October 16, 1959, at ten o'clock A. M.

Yeas 45; Nays 38.

## Yeas:

|          |                     |                    |                     |
|----------|---------------------|--------------------|---------------------|
| Messrs.: | Dodd                | Johnston (Leonard) | Ramey               |
| Ashworth | Edwards             | Long (Lauderdale)  | Rast                |
| Avery    | Franklin            | Long (Perry)       | Reynolds (Chambers) |
| Barnett  | Gilmer              | McClendon (Chamb)  | Rozelle             |
| Bevill   | Glass               | McLendon (Bullock) | Salter              |
| Boyd     | Goldthwaite         | Meade              | Shumate             |
| Brooks   | Gross               | Merrill            | Smith (St. Clair)   |
| Cabiness | Grouby              | Nettles            | Solomon             |
| Camp     | Ingram              | Nichols            | Sullivan            |
| Casey    | Jenkins             | Owens              | Trimmier            |
| Chambers | Johnson (Hardaway)  | Phillips           | Turner              |
| Daniel   | Johnson (J. T. Tom) |                    |                     |

—45

## Nays:

|                 |                   |                |                 |
|-----------------|-------------------|----------------|-----------------|
| Mr. Speaker:    | Copeland          | Jones (Monroe) | Ray             |
| Adams (Houston) | Cornett           | Lee            | Self            |
| Albea           | Faulk             | Locke          | Smith (Russell) |
| Bailey          | Ferguson          | McCorquodale   | Speaks          |
| Bishop          | Guthrie           | Martin         | Steagall        |
| Brannan         | Hain              | Morrow         | Taylor          |
| Brewer          | Harris            | Perry          | Thomas          |
| Broadfoot       | Hawkins           | Pierce         | Torbert         |
| Callahan        | Hocklander        | Powell         | Turnham         |
| Cates           | Jones (Covington) |                |                 |

—38

## TWENTY-EIGHTH DAY

House of Representatives  
Montgomery, Alabama  
Friday, October 16, 1959

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by Dr. E. B. Paul, Assistant  
Pastor, St. James Methodist Church, Montgomery, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names:

|             |             |                                |                                |
|-------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker | Edwards     | Jenkins                        | Pierce                         |
| Albea       | Faulk       | Johnson <sup>(Hardaway)</sup>  | Powell                         |
| Ashworth    | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Avery       | Franklin    | Johnston <sup>(Leonard)</sup>  | Rast                           |
| Bailey      | Gilchrist   | Jones <sup>(Covington)</sup>   | Ray                            |
| Barnett     | Gilmer      | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Bassett     | Glass       | Lee                            | Roberts                        |
| Bevill      | Goldthwaite | Locke                          | Rogers                         |
| Bishop      | Goodwyn     | Long <sup>(Perry)</sup>        | Rozelle                        |
| Boyd        | Gordon      | McClendon <sup>(Chamb)</sup>   | Salter                         |
| Broadfoot   | Grant       | McLendon <sup>(Bullock)</sup>  | Self                           |
| Brooks      | Gross       | Martin                         | Sessions                       |
| Cabiness    | Grouby      | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Callahan    | Guthrie     | Morrow                         | Solomon                        |
| Camp        | Hain        | Murphy                         | Steagall                       |
| Cates       | Hanby       | Nichols                        | Sullivan                       |
| Chambers    | Hardy       | Oakley                         | Taylor                         |
| Cook        | Harris      | Oden                           | Thomas                         |
| Copeland    | Hawkins     | Owens                          | Trimmier                       |
| Cornett     | Hearn       | Perry                          | Turner                         |
| Daniel      | Hocklander  | Phillips                       | Turnham                        |
| Dickson     |             |                                |                                |

—85

A quorum was present.

## LEAVES OF ABSENCE

On motion of Mr. Ashworth leaves of absence were granted to Messrs. Franyon and Harvey because of personal illness.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-seventh legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

The motion of Mr. Ashworth to suspend the rules in order to dispense with the reading at length of the Journal of the House for the twenty-seventh legislative day was lost.

Yeas 31; Nays 30.

## Yeas:

|             |           |                               |          |
|-------------|-----------|-------------------------------|----------|
| Mr. Speaker | Cates     | Guthrie                       | Nichols  |
| Ashworth    | Cornett   | Hanby                         | Oden     |
| Bailey      | Edwards   | Hearn                         | Pierce   |
| Bevill      | Gilchrist | Hocklander                    | Ray      |
| Bishop      | Goodwyn   | Johnson <sup>(Hardaway)</sup> | Roberts  |
| Broadfoot   | Gordon    | Locke                         | Sessions |
| Callahan    | Gross     | Morrow                        | Turner   |
| Camp        | Grouby    | Murphy                        |          |

—31

**Nays:**

|          |             |                               |                              |
|----------|-------------|-------------------------------|------------------------------|
| Messrs.: | Daniel      | Jones <sup>(Monroe)</sup>     | Rogers                       |
| Avery    | Franklin    | Lee                           | Salter                       |
| Barnett  | Gilmer      | McClendon <sup>(Chamb)</sup>  | Smith <sup>(St. Clair)</sup> |
| Bassett  | Glass       | McLendon <sup>(Bullock)</sup> | Solomon                      |
| Boyd     | Goldthwaite | Martin                        | Sullivan                     |
| Brooks   | Hain        | Oakley                        | Taylor                       |
| Cabiness | Hardy       | Phillips                      | Thomas                       |
| Chambers | Jenkins     | Ramey                         |                              |

—30

## READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the twenty-seventh legislative day, and the reading commenced.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Ashworth to suspend the rules in order to take up for immediate consideration the third reading of uncontested local bills was adopted.

Yeas 48; Nays 7.

**Yeas:**

|           |             |                               |                              |
|-----------|-------------|-------------------------------|------------------------------|
| Messrs.:  | Daniel      | Hanby                         | Phillips                     |
| Ashworth  | Edwards     | Hardy                         | Pierce                       |
| Avery     | Franklin    | Hocklander                    | Ramey                        |
| Bailey    | Gilchrist   | Jenkins                       | Ray                          |
| Barnett   | Gilmer      | Lee                           | Roberts                      |
| Bassett   | Glass       | Locke                         | Rogers                       |
| Boyd      | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Broadfoot | Gordon      | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Brooks    | Gross       | Martin                        | Sullivan                     |
| Callahan  | Grouby      | Morrow                        | Taylor                       |
| Camp      | Guthrie     | Murphy                        | Thomas                       |
| Cates     | Hain        | Nichols                       | Turner                       |
| Chambers  |             |                               |                              |

—48

**Nays:**

|             |          |                               |                           |
|-------------|----------|-------------------------------|---------------------------|
| Mr. Speaker | Bishop   | Cornett                       | Jones <sup>(Monroe)</sup> |
| Bevill      | Cabiness | Johnson <sup>(Hardaway)</sup> |                           |

—7

## BILLS ON THIRD READING

H. 936. To authorize the court of county commissioners, board of revenue or other like governing body of Barbour County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Barbour County public highway and traffic fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

**Yeas:**

|             |         |           |          |
|-------------|---------|-----------|----------|
| Mr. Speaker | Barnett | Boyd      | Camp     |
| Ashworth    | Bassett | Broadfoot | Cates    |
| Avery       | Bevill  | Brooks    | Chambers |
| Bailey      | Bishop  | Cabiness  | Cornett  |

|           |                    |                    |                     |
|-----------|--------------------|--------------------|---------------------|
| Daniel    | Hanby              | McLendon (Bullock) | Reynolds (Chambers) |
| Edwards   | Hardy              | Martin             | Roberts             |
| Franklin  | Hearn              | Morrow             | Rogers              |
| Gilchrist | Hocklander         | Murphy             | Smith (St. Clair)   |
| Gilmer    | Jenkins            | Nichols            | Solomon             |
| Glass     | Johnson (Hardaway) | Oakley             | Steagall            |
| Goodwyn   | Johnston (Leonard) | Oden               | Sullivan            |
| Gordon    | Jones (Monroe)     | Phillips           | Taylor              |
| Gross     | Lee                | Pierce             | Thomas              |
| Grouby    | Locke              | Ramey              | Turner              |
| Guthrie   | Long (Perry)       | Ray                | Turnham             |
| Hain      | McClendon (Chamb)  |                    |                     |

—62

## And the Bill:

H. 937. To amend Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama entitled "An Act relating to Bibb County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 17 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 17 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959; so as to adopt by reference certain provisions of the said Act No. 100 and the said Article 11, as so amended; so as to make subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use,

storage or consumption of automotive vehicles, trailers, and semi-trailers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|             |             |                               |                              |
|-------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker | Daniel      | Hocklander                    | Owens                        |
| Ashworth    | Edwards     | Jenkins                       | Perry                        |
| Avery       | Faulk       | Johnson <sup>(Hardaway)</sup> | Phillips                     |
| Bailey      | Ferguson    | Johnston <sup>(Leonard)</sup> | Pierce                       |
| Barnett     | Franklin    | Jones <sup>(Covington)</sup>  | Ramey                        |
| Bassett     | Gilchrist   | Jones <sup>(Monroe)</sup>     | Ray                          |
| Bevill      | Gilmer      | Lee                           | Roberts                      |
| Bishop      | Glass       | Locke                         | Rogers                       |
| Boyd        | Goldthwaite | Long <sup>(Perry)</sup>       | Salter                       |
| Broadfoot   | Gordon      | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Brooks      | Gross       | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Cabiness    | Grouby      | Martin                        | Solomon                      |
| Camp        | Guthrie     | Morrow                        | Steagall                     |
| Cates       | Hain        | Murphy                        | Sullivan                     |
| Chambers    | Hanby       | Nichols                       | Taylor                       |
| Copeland    | Hardy       | Oakley                        | Thomas                       |
| Cornett     | Hearn       | Oden                          | Turner                       |

—68

**And the Bill:**

H. 938. To alter, rearrange and extend the boundaries and corporate limits of the Town of West Blocton, Bibb County, Alabama, so as to annex certain territory to the Town.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|             |             |                               |                              |
|-------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker | Daniel      | Hearn                         | Owens                        |
| Ashworth    | Edwards     | Hocklander                    | Perry                        |
| Avery       | Franklin    | Johnson <sup>(Hardaway)</sup> | Phillips                     |
| Bailey      | Gilchrist   | Johnston <sup>(Leonard)</sup> | Pierce                       |
| Barnett     | Gilmer      | Jones <sup>(Monroe)</sup>     | Ramey                        |
| Bassett     | Glass       | Lee                           | Ray                          |
| Bevill      | Goldthwaite | Long <sup>(Perry)</sup>       | Rogers                       |
| Bishop      | Goodwyn     | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Boyd        | Gordon      | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Broadfoot   | Gross       | Martin                        | Solomon                      |
| Brooks      | Grouby      | Merrill                       | Steagall                     |
| Cabiness    | Guthrie     | Morrow                        | Sullivan                     |
| Camp        | Hain        | Murphy                        | Taylor                       |
| Cates       | Hanby       | Nichols                       | Thomas                       |
| Chambers    | Hardy       | Oakley                        | Turner                       |
| Cornett     | Hawkins     | Oden                          | Turnham                      |

—64

**And the Bill:**

H. 944. To alter and rearrange the boundaries of the City of Eutaw, Greene County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

**Yeas:**

|             |             |                               |                                |
|-------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker | Edwards     | Jenkins                       | Perry                          |
| Albea       | Faulk       | Johnson <sup>(Hardaway)</sup> | Phillips                       |
| Ashworth    | Franklin    | Johnston <sup>(Leonard)</sup> | Pierce                         |
| Avery       | Gilchrist   | Jones <sup>(Covington)</sup>  | Ramey                          |
| Bailey      | Gilmer      | Jones <sup>(Monroe)</sup>     | Rast                           |
| Barnett     | Glass       | Lee                           | Ray                            |
| Bassett     | Goldthwaite | Locke                         | Reynolds <sup>(Chambers)</sup> |
| Bevill      | Goodwyn     | Long <sup>(Perry)</sup>       | Roberts                        |
| Bishop      | Gordon      | McClendon <sup>(Chamb)</sup>  | Rogers                         |
| Boyd        | Grant       | McLendon <sup>(Bullock)</sup> | Salter                         |
| Broadfoot   | Gross       | Martin                        | Sessions                       |
| Brooks      | Grouby      | Merrill                       | Smith <sup>(St. Clair)</sup>   |
| Cabiness    | Guthrie     | Morrow                        | Solomon                        |
| Camp        | Hain        | Murphy                        | Steagall                       |
| Cates       | Hanby       | Nichols                       | Sullivan                       |
| Chambers    | Hardy       | Oakley                        | Taylor                         |
| Copeland    | Hawkins     | Oden                          | Thomas                         |
| Cornett     | Hearn       | Owens                         | Turner                         |
| Daniel      |             |                               |                                |

—73

And the Bill:

H. 963. To amend Section 4 of the act approved August 16, 1955 establishing the law and equity court of Winston County (Act No. 242, H. 101, Acts of Alabama 1955, Vol. I, pp. 553, 555) so as to provide for the collection of trial fees in such court.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

**Yeas:**

|             |             |                               |                                |
|-------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker | Edwards     | Johnson <sup>(Hardaway)</sup> | Pierce                         |
| Albea       | Faulk       | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Avery       | Ferguson    | Jones <sup>(Covington)</sup>  | Rast                           |
| Bailey      | Franklin    | Jones <sup>(Monroe)</sup>     | Ray                            |
| Barnett     | Gilchrist   | Lee                           | Reynolds <sup>(Chambers)</sup> |
| Bassett     | Gilmer      | Locke                         | Roberts                        |
| Bevill      | Glass       | McClendon <sup>(Chamb)</sup>  | Rogers                         |
| Bishop      | Goldthwaite | Martin                        | Salter                         |
| Boyd        | Goodwyn     | Merrill                       | Sessions                       |
| Broadfoot   | Grant       | Morrow                        | Smith <sup>(St. Clair)</sup>   |
| Brooks      | Grouby      | Murphy                        | Solomon                        |
| Cabiness    | Guthrie     | Nichols                       | Steagall                       |
| Camp        | Hain        | Oakley                        | Sullivan                       |
| Cates       | Hanby       | Oden                          | Taylor                         |
| Chambers    | Hardy       | Owens                         | Thomas                         |
| Copeland    | Hawkins     | Perry                         | Turner                         |
| Cornett     | Hearn       | Phillips                      | Turnham                        |
| Daniel      | Jenkins     |                               |                                |

—70

And the Bill:

H. 964. To amend Section 2 of the act approved July 23, 1931 providing for a board of education for Winston County (Act No. 539, S. 253, Local Acts of Alabama 1931, pp. 257, 258) so as to provide further for the compensation of the members of said board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

**Yeas:**

|             |           |                               |                                |
|-------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker | Cornett   | Johnson <sup>(Hardaway)</sup> | Ramey                          |
| Albea       | Daniel    | Johnston <sup>(Leonard)</sup> | Rast                           |
| Ashworth    | Edwards   | Jones <sup>(Covington)</sup>  | Ray                            |
| Avery       | Franklin  | Lee                           | Reynolds <sup>(Chambers)</sup> |
| Bailey      | Gilchrist | Locke                         | Roberts                        |
| Barnett     | Gilmer    | Long <sup>(Perry)</sup>       | Rogers                         |
| Bassett     | Glass     | McClendon <sup>(Chamb)</sup>  | Salter                         |
| Bevill      | Goodwyn   | Martin                        | Sessions                       |
| Bishop      | Grant     | Merrill                       | Smith <sup>(St. Clair)</sup>   |
| Boyd        | Grouby    | Morrow                        | Solomon                        |
| Broadfoot   | Guthrie   | Murphy                        | Steagall                       |
| Brooks      | Hain      | Nichols                       | Sullivan                       |
| Cabiness    | Hanby     | Oakley                        | Taylor                         |
| Camp        | Hardy     | Oden                          | Thomas                         |
| Cates       | Hawkins   | Owens                         | Turner                         |
| Chambers    | Hearn     | Perry                         | Turnham                        |
| Copeland    | Jenkins   | Pierce                        |                                |

—67

**MOTIONS TO ADJOURN LOST**

Mr. Thomas moved that the House adjourn until Wednesday, October 21, 1959, at eleven o'clock A. M.

Mr. Edwards offered as a substitute motion, a motion that the House adjourn until Wednesday, October 21, at twelve o'clock, noon, and the motion was lost.

Yeas 27; Nays 41.

**Yeas:**

|          |                           |                                |                              |
|----------|---------------------------|--------------------------------|------------------------------|
| Messrs.: | Daniel                    | Lee                            | Smith <sup>(St. Clair)</sup> |
| Avery    | Gilmer                    | Long <sup>(Perry)</sup>        | Solomon                      |
| Barnett  | Grant                     | Martin                         | Steagall                     |
| Brooks   | Hain                      | Merrill                        | Sullivan                     |
| Cabiness | Hardy                     | Oakley                         | Taylor                       |
| Chambers | Jenkins                   | Ramey                          | Thomas                       |
| Cornett  | Jones <sup>(Monroe)</sup> | Reynolds <sup>(Chambers)</sup> | Turnham                      |

—27

**Nays:**

|             |             |                               |                              |
|-------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker | Callahan    | Goodwyn                       | Jones <sup>(Covington)</sup> |
| Albea       | Camp        | Gordon                        | Locke                        |
| Ashworth    | Cates       | Grouby                        | McClendon <sup>(Chamb)</sup> |
| Bailey      | Copeland    | Guthrie                       | Morrow                       |
| Bevill      | Edwards     | Hanby                         | Nichols                      |
| Bishop      | Faulk       | Hawkins                       | Oden                         |
| Boyd        | Franklin    | Hearn                         | Owens                        |
| Broadfoot   | Goldthwaite | Johnson <sup>(Hardaway)</sup> | Perry                        |

|          |         |        |          |
|----------|---------|--------|----------|
| Phillips | Ray     | Rogers | Sessions |
| Pierce   | Roberts | Salter | Turner   |
| Rast     |         |        |          |

—41

The question was then on the motion of Mr. Thomas that the House adjourn until Wednesday, October 21, 1959, at eleven o'clock A. M., and the motion was lost.

Yeas 28; Nays 39.

#### Yeas:

|          |                           |                               |                                |
|----------|---------------------------|-------------------------------|--------------------------------|
| Messrs.: | Dickson                   | Long <sup>(Perry)</sup>       | Reynolds <sup>(Chambers)</sup> |
| Avery    | Gilmer                    | McClendon <sup>(Chamb)</sup>  | Smith <sup>(St. Clair)</sup>   |
| Barnett  | Grant                     | McLendon <sup>(Bullock)</sup> | Solomon                        |
| Brooks   | Hardy                     | Martin                        | Steagall                       |
| Cabiness | Jenkins                   | Merrill                       | Sullivan                       |
| Chambers | Jones <sup>(Monroe)</sup> | Oakley                        | Taylor                         |
| Cornett  | Lee                       | Ramey                         | Thomas                         |
| Daniel   |                           |                               |                                |

—28

#### Nays:

|             |             |                               |          |
|-------------|-------------|-------------------------------|----------|
| Mr. Speaker | Cates       | Hanby                         | Phillips |
| Albea       | Copeland    | Hawkins                       | Pierce   |
| Ashworth    | Edwards     | Hearn                         | Rast     |
| Bailey      | Faulk       | Johnson <sup>(Hardaway)</sup> | Ray      |
| Bevill      | Franklin    | Jones <sup>(Covington)</sup>  | Roberts  |
| Bishop      | Goldthwaite | Locke                         | Salter   |
| Boyd        | Goodwyn     | Morrow                        | Sessions |
| Broadfoot   | Grouby      | Nichols                       | Turner   |
| Callahan    | Guthrie     | Owens                         | Turnham  |
| Camp        | Hain        | Perry                         |          |

—39

### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Phillips to suspend the rules in order to introduce a local bill out of order was adopted.

### INTRODUCTION OF BILL

The following local bill was introduced, and the reading commenced:

By Mr. Phillips (with notice and proof):

H. 985. To alter, rearrange and extend the boundaries and corporate limits of the town of Butler, Choctaw County, so as to incorporate within the town certain additional territory.

Notice and Proof H. 985:

### NOTICE

#### STATE OF ALABAMA COUNTY OF CHOCTAW

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:



A BILL  
TO BE ENTITLED  
AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the town of Butler, Choctaw County, so as to incorporate within the town certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Butler, Choctaw County, are hereby altered, rearranged, and extended so as to incorporate within the boundaries and corporate limits of said town the following described lands lying and being in Choctaw County, to wit:

Entire NW¼; W½ of NE¼; all in Section 17, Township 13 North, Range 2 West.

S½ of NW¼; W½ of SW¼; all in Section 13, Township 13 North, Range 3 West.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF CHOCTAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Matt L. Blount, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of the The Choctaw Advocate, a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 24, October 1, October 8, and October 15, all in the year 1959.

MATT L. BLOUNT.

Sworn to and subscribed before me October 15, 1959.

JANICE W. BLOUNT,  
Notary Public.

MOTION TO SUSPEND RULES LOST

The motion of Mr. Broadfoot to suspend the rules in order to dispense with reading the bill, H. 985, at length, was lost.

Yeas 40; Nays 21.

**Yeas:**

|             |           |           |         |
|-------------|-----------|-----------|---------|
| Mr. Speaker | Bevill    | Copeland  | Grant   |
| Albea       | Bishop    | Edwards   | Gross   |
| Ashworth    | Broadfoot | Faulk     | Grouby  |
| Avery       | Camp      | Gilchrist | Guthrie |
| Bailey      | Cates     | Goodwyn   | Hanby   |

|                    |                   |                     |          |
|--------------------|-------------------|---------------------|----------|
| Hawkins            | McClendon (Chamb) | Phillips            | Roberts  |
| Hearn              | Martin            | Pierce              | Rogers   |
| Jenkins            | Merrill           | Ramey               | Salter   |
| Johnson (Hardaway) | Morrow            | Ray                 | Sessions |
| Jones (Covington)  | Owens             | Reynolds (Chambers) | Turner   |

—40

**Nays:**

|          |             |                    |                    |
|----------|-------------|--------------------|--------------------|
| Messrs.: | Daniel      | Hardy              | McLendon (Bullock) |
| Barnett  | Dickson     | Johnston (Leonard) | Oakley             |
| Bassett  | Franklin    | Jones (Monroe)     | Steagall           |
| Brooks   | Gilmer      | Lee                | Taylor             |
| Cabiness | Goldthwaite | Long (Perry)       | Thomas             |
| Cornett  | Hain        |                    |                    |

—21

The reading of the bill, H. 985, was completed and said bill was referred to the standing committee on Local Legislation No. 1.

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Jones (Covington) to suspend the rules in order to introduce a local bill out of order was adopted.

Yeas 52; Nays 3.

**Yeas:**

|             |           |                    |                   |
|-------------|-----------|--------------------|-------------------|
| Mr. Speaker | Edwards   | Johnson (Hardaway) | Owens             |
| Albea       | Faulk     | Johnston (Leonard) | Perry             |
| Ashworth    | Gilchrist | Jones (Covington)  | Phillips          |
| Avery       | Glass     | Jones (Monroe)     | Pierce            |
| Bailey      | Goodwyn   | Lee                | Ramey             |
| Barnett     | Grant     | Locke              | Ray               |
| Bevill      | Gross     | Long (Perry)       | Rogers            |
| Camp        | Grouby    | McClendon (Chamb)  | Salter            |
| Cates       | Guthrie   | McLendon (Bullock) | Smith (St. Clair) |
| Chambers    | Hain      | Martin             | Steagall          |
| Copeland    | Hardy     | Merrill            | Thomas            |
| Daniel      | Hearn     | Murphy             | Trimmier          |
| Dickson     | Jenkins   | Oakley             | Turner            |

—52

**Nay:** Messrs. Bishop, Broadfoot and Cabiness.

—3

**INTRODUCTION OF BILL**

The following local bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Mr. Jones (Covington) (with notice and proof):

H. 986. To provide additional compensation or salary for the Official Court Reporter of the 22nd Judicial Circuit and providing for the payment thereof.

Local Legislation No. 1.

Notice and Proof H. 986:

**NOTICE OF A LOCAL BILL**

Notice is hereby given that a local bill in substantially the following form will be introduced in the present session of the Legislature:

A BILL  
TO BE ENTITLED  
AN ACT

To provide additional compensation or salary for the Official Court Reporter of the 22nd Judicial Circuit and providing for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The Official Court Reporter of the Twenty-second Judicial Circuit of Alabama appointed and holding office under the provisions of law applicable thereto shall, in addition to the salary fixed and provided to be paid to said Court Reporter under the provisions of Act No. 294, H. 212 (Acts of Alabama 1957, P. 376), receive as additional salary or compensation the sum of twenty-four hundred dollars per annum which shall be payable in monthly installments by Covington County out of its general fund unless otherwise ordered as hereinafter provided.

Section 2. The Board of Revenue or other governing body of Covington County may, in its discretion, from time to time pay, or order to be paid said additional salary or compensation or any part thereof from the fine and forfeiture fund of said county, provided however that such payments from said fund shall not be made when the balance in said fund shall have reached two thousand dollars or below, or if lawfully presented and outstanding claims against said fund will reduce the balance in said fund to two thousand dollars or below.

Section 3. In the event the Legislature of Alabama shall hereafter by general act or general act of local application provide for an increase of salary for Official Court Reporters which would result in an increase of salary, apart from the provisions of this act, as now authorized to be paid to the Official Court Reporter of Covington County, then in that event the additional salary or compensation herein authorized and fixed shall be abated or reduced by the amount of such increase.

Section 4. No provision of this act shall be construed as altering, amending or repealing Act No. 294, H. 212 (Acts of Alabama 1957, P. 376) except as herein specifically provided, but otherwise all laws or parts of laws, general, special, or local, which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COVINGTON COUNTY

Personally appeared before me, the undersigned authority Ed Dannelly, Editor of The Andalusia Star-News who being duly sworn, says that the attached Legal Notice of publication appeared in four successive issues of The Andalusia Star-News, a weekly newspaper published in said county, on the following dates: Sept. 24, Oct. 1, Oct. 8, Oct. 15, 1959.

This the 15th day of October, 1959.

ED DANNELLY.

Sworn to and subscribed before me this 15th day of October, 1959.

LORA JONES,  
Notary Public.

### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Bailey to suspend the rules in order to introduce a local bill and resolution out of order was adopted.

### INTRODUCTION OF BILL

The following local bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Messrs. Bailey, Pierce, Goodwyn and Goldthwaite (with notice and Proof):

H. 987. To alter, rearrange and extend the boundaries of the City of Montgomery, Alabama, so as to include within the corporate limits thereof certain additional territory in Sections 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 987:

### LEGAL NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama for passage of a law in substance as follows:

### A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, Alabama, so as to include within the corporate limits thereof certain additional territory in Sections 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City of Montgomery, Alabama, certain additional territory lying within the following described boundaries, to-wit:

Beginning at the common corner of Sections 27, 28, 33 and 34, all in Township 16 North, Range 18 East, thence North 00 degrees-16' East along the East line of Section 28 a distance of 816.4 feet; thence North 88 degrees-05' West a distance of 1092.5 feet; thence South 08 degrees-18' West a distance of 401.4 feet; thence North 84 degrees-53' West 598.75 feet to the East side of Fisk Road; thence West parallel with the South line of Section 28 to the West side of Fisk Road; thence North-easterly along the West line of Fisk Road and along the Northerly extension of the West line of Fisk Road to the North line of the Troy Highway; thence Easterly along the North line of the Troy Highway to its point of intersection with the East-West half section line of Section 27; thence East along said half section line to the center of Section 27; thence turning and running South along the North-South half section line of Section 27 to the Southeast corner of the SW $\frac{1}{4}$  of said Section 27; thence turning and running West along the South line of Section 27 to the Southwest corner thereof, the point of beginning.

Section 2. That this act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA  
MONTGOMERY COUNTY

Before me, T. A. Hardy, a Notary Public in and for said State and County, personally appeared Inez Woodson for The Advertiser Company, Inc., publishers of the Alabama Journal, a newspaper published in the City of Montgomery, County of Montgomery, and State of Alabama, who, being by me first duly sworn, deposes and says on oath that the attached is a true copy of a "Legal Notice" which appeared in the regular editions of said newspapers published in said City and County of Montgomery on Sept. 23, 30 and Oct. 7 and 14, 1959.

INEZ WOODSON.

Sworn to and subscribed before me, this the 14 day of October, 1959.

T. A. HARDY,  
Notary Public.

RESOLUTION

The following resolution was introduced:

By Mr. Bailey:

H. J. R. 77. RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the two houses of the Legislature of Alabama notice with great pleasure the fact that the spectacular 6th Annual South Alabama Fair is now underway at the Coliseum in Montgomery, and we warmly commend the members and officers of the Montgomery Kiwanis Club for their club's sponsorship of this splendid function, the profits of which enable the club to contribute enormously to the support of such youth agencies as the YMCA, YWCA, Boy Scouts, Girl Scouts, and many other worthwhile organizations. The South Alabama Fair is noted for its fine exhibits of agricultural and industrial products and activities, for the glitter and glamour of its midway, for the capital entertainment provided by its carnival and shows, and for the relaxation and enjoyment it affords all those who attend. The two houses extend their best wishes for a successful run for the Fair during the week of October 12-17, 1959.

On motion of Mr. Bailey the rules were suspended and H. J. R. 77 was adopted.

MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Cates to suspend the rules in order to introduce a local bill out of order was adopted.

INTRODUCTION OF BILL

The following local bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Mr. Cates (with notice and proof):

H. 988. To abolish the fine and forfeiture fund of Shelby County; to provide for the payment of all fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and for-

feiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Local Legislation No. 1.

Notice and Proof H. 988:

NOTICE  
A BILL  
TO BE ENTITLED  
AN ACT

To abolish the fine and forfeiture fund of Shelby County; to provide for the payment of all fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Be It Enacted by the Legislature of Alabama:

Section 1. Hereafter, all fines and forfeitures paid in, or for the use and benefit of, Shelby County in the manner prescribed by law shall be deposited into the general fund of said county, and the previously existing fine and forfeiture fund of the county is hereby abolished. Any balance remaining in said fine and forfeiture fund on the effective date of this act shall be transferred to the general fund of the county and all previously registered claims, or other proper claims, heretofore payable from the fine and forfeiture fund of the county shall thereupon become chargeable against and payable from the general fund of the county, subject to the conditions of this act.

Section 2. The claims of state witnesses, witnesses before the grand jury of the county, and of the officers of the court in criminal cases heretofore payable from the fine and forfeiture fund of Shelby County shall, upon the passage and approval of this act, hereafter be paid from the general fund of said county.

Section 3. All persons holding claims against the fine and forfeiture fund of Shelby County upon the effective date of this act shall present the same to the county treasurer or county depository, as the case may be, for registration within twelve months following the passage of such act, or the same will be barred, and all claims hereafter accruing against the general fund of the county which, but for the provisions of this act, would be payable from the previously existing fine and forfeiture fund of the county, shall be presented to the county treasurer or county depository, as the case may be, for registration within twelve months following the accrual of such claim, or the same will be barred.

Section 4. Any person who appears as a witness for the state in any criminal case, or in any proceeding before the grand jury of the county, and who procures a certificate of attendance signed by the clerk of the court or the foreman of the grand jury shall be entitled to have such certificate paid out of the general fund of the county immediately upon the presentation thereof in the same manner as jurors' certificates are paid, and all amounts subsequently received by such county from any source in the form of witness fees for witnesses paid in this manner shall be credited to the general fund of the county.

Section 5. All laws or parts of laws, local, special or general, and

particularly Act No. 61, Second Special Session 1959, approved August 12, 1959, are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF SHELBY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Luther Fowler, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Shelby County Reporter, a newspaper of general circulation published in Shelby County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 24, Oct. 1, 8, and 15, all in the year 1959.

LUTHER FOWLER.

Sworn to and subscribed before me Oct. 16, 1959.

CONRAD M. FOWLER,  
Judge of Probate.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Morrow to suspend the rules in order to introduce local bills out of order was adopted.

#### INTRODUCTION OF BILLS

The following local bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Messrs. Sessions, Morrow, Edwards, Rast, Perry, Locke and Hawkins (with notice and proof):

H. 989. To alter and extend the boundaries of the City of Birmingham, to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Local Legislation No. 2.

Notice and Proof H. 989:

#### NOTICE

Notice is hereby given of intention to apply at the current regular session of the Legislature of Alabama for introduction and passage of a bill, the substance of which as distinguished from detail is and will be in substance as distinguished from detail as follows:

#### A BILL TO BE ENTITLED AN ACT

To alter and extend the boundaries of the City of Birmingham to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Birmingham, in Jefferson County, State of Alabama, are, subject to the other provisions hereof hereby altered and extended so that said boundaries shall include within the corporate limits of said City all of the following described additional property not presently located in said City, to-wit:

Begin at the southwest corner of Section 20, Township 16 South, Range 1 West; thence north along the west line of said section to the northwest corner of Section 20, Township 16 South, Range 1 West; thence east along the north line of Section 20, Township 16 South, Range 1 West to the Northeast corner of said section; thence south along the east line of said Section 20, Township 16 South, Range 1 West to the southeast corner of said section; thence west along the south line of Section 20, Township 16 South, Range 1 West to the southwest corner of the southeast quarter of said section, said southwest corner being a point on the eastern city limit line of the City of Birmingham; thence follow the said city limit line as follows: 362.5 feet north from said quarter section corner; thence west and parallel with the south line of Section 20, Township 16 South, Range 1 West a distance of 362.7 feet; thence south 170 feet; thence northwest 563.0 feet; thence northeast 60.0 feet; thence northwest 222.6 feet to the southeast line of the Old Springville Road; thence southwest along the southeast line of the Old Springville Road to the west line of the southeast quarter of the southwest quarter of said section; thence south along said west line of said quarter-quarter section to the south line of Section 20, Township 16 South, Range 1 West; thence west along said south line of said section to the southwest corner of said section, said corner being the point of beginning.

Section 2. Upon the filing of a certified copy of a resolution of the Commission of the City of Birmingham said resolution stating the willingness of the City of Birmingham to the inclusion of the above described property within the corporate limits of said City, the Judge of Probate of Jefferson County, Alabama, shall make and enter an order upon the minutes of said court directing and ordering an election to be held by the qualified voters residing within the territory described, which is to be annexed to said City, said election to be held within 40 days from the entry of said order. Said election shall be held to determine whether or not a majority of the voters residing within the territory above described to be annexed to said City and who actually vote in said election favor the annexation to said City of said territory above described. Said judge shall give notice of the holding of said election by publication in a newspaper published within the City of Birmingham, which notice shall state the day on which such election is to be held, the voting place or places designated by the Chairman of the Board of Registrars of said County, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the City of Birmingham and such notice shall give a description of the territory proposed to be annexed and must state that a map of said territory is on file in the Office of the Judge of Probate of said County, open to the inspection of the public.

Section 3. The Chairman of the Board of Registrars of said County may designate as many places within the territory hereby proposed to be annexed to said City as he may determine necessary for the convenience of the voters and must designate the boundaries within which the voters must reside to vote at the respective voting places and the Election Commission of Jefferson County shall appoint three inspectors



of election, two clerks and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors.

Section 4. Each qualified voter who has resided within the boundaries of the territory hereby proposed to be annexed to said City for three months next preceding the election may vote at said election but must vote at the voting place designated by the Chairman of the Board of Registrars for voters in the territory in which he resides.

Section 5: Said election must be conducted in all respects as provided by the general election laws and under the same sanction and penalties, except as changed by the provisions of this Act, and except that an official ballot need not be provided. There shall be no voting by absentee ballot.

Section 6. Each voter may furnish his own ballot with the following words written or printed thereon: "For annexation", if he desires to vote in favor of annexing the territory to the City, or "Against annexation" if he desires to vote against annexing the territory to the City. It shall not be necessary for the ballot to be of any particular size, form or color.

Section 7. The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election at their respective voting places to the Judge of Probate of Jefferson County, at Birmingham, Alabama, and deliver the same to the returning officer, who must at once return the same to the Judge of Probate of Jefferson County, Birmingham, Alabama, and said Judge must canvass the returns as made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation" said Judge shall make and enter an order on the records of said Probate Court of Jefferson County, at Birmingham, Alabama, recording such fact, and from the time of the entry of said order this Act shall be fully effective and the boundaries of said City of Birmingham shall be as above set forth. If it appears that a majority of the votes cast at the election are "against annexation" the Judge of Probate shall make and enter an order on the records of said County recording such fact, and this act shall not be effective, and the boundaries of said City shall be and remain as they were before the passage of this Act.

Section 8. The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of a Justice of the Peace, making the City the contestee. The City of Birmingham shall pay all costs and expenses incident to the election, except such costs and expenses incurred in an unsuccessful contest of such election, in such event said unsuccessful contestant shall pay such costs and expenses.

Section 9. The Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said City of Birmingham shall pay all costs and expenses except in the case of a contest as herein provided.

Section 10. That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
County of Jefferson, ss:

On this 15 day of October A. D. one thousand nine hundred and fifty nine personally appeared before me, J. L. Roberts, a Notary Public in and for the County and State aforesaid J. B. Wilkerson, who being duly sworn according to law, declares that he is Bookkeeper of "The Birmingham News" and "The Birmingham Post Herald", newspapers published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in "The Birmingham Post Herald" on the following dates: Sept. 24, 1959; Oct. 1, 8, 15, 1959.

J. B. WILKERSON.

Subscribed and sworn to before me this 15 day of October A. D. 1959.

J. L. ROBERTS,  
Notary Public.

My Commission Expires Feb. 28, 1960.

By Messrs. Sessions, Locke, Edwards, Morrow, Perry, Rast and Hawkins (with notice and proof):

H. 990. TO AMEND SECTION 288 OF TITLE 62 OF THE CODE OF ALABAMA OF 1940.

Local Legislation No. 2.

Notice and Proof H. 990:

## NOTICE

Notice is hereby given of intention to apply at the next session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be the substance, as distinguished from detail of the following:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Board of Cosmetology as provided for under the Provisions of Section 285, 288 and 289 of Title 62 of the 1940 Code of Alabama as last amended; Section 285 providing the Board shall take into consideration the financial qualifications of the applicant and in no case shall the Board grant a certificate of approval to any applicant if the applicant fails to show sufficient financial worth and responsibility to properly conduct a school and fails to assure the Board that the applicant's financial resources from tuitions will be ample to maintain and operate the school and assure the graduation of students who are registered with and have paid their tuition to the school. Nothing contained in this chapter shall prevent any duly approved school teaching hair dressing and beauty culture from making a charge for student work done in the school to cover the costs of materials used. Section 288 providing that the members of each Board shall at least every six months hold an examination for the purpose of determining the qualifications of applicants to become cosmetologists. Said Board shall receive \$30.00

per diem when said Board is in session provided, however, that no member of such Board shall receive more than \$600.00 for such services in one year. Section 289 providing that each school shall pay an original license of \$200.00 and \$50.00 for each renewal thereafter.

### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Eleanor Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of The Birmingham Messenger Sept. 5, 12, 19, 26, 1959, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE,  
Publisher.

Sworn and subscribed to on this the 28th day of September, 1959.

SARA WHEELER,  
Notary Public.

By Messrs. Sessions, Morrow, Edwards, Rast, Perry, Locke and Hawkins:

H. 991. To repeal Act No. 430 of the 1957 Regular Session of the Legislature of Alabama, approved September 6, 1957 (Acts of Alabama Regular Session 1957, page 593) entitled "An Act, To Authorize, Regulate and Provide For the payment of supplemental benefits to certain beneficiaries of municipal employees' pension, relief or retirement systems in cities in this state having a population of three hundred thousand or more, according to the last or any subsequent federal decennial census".

Local Legislation No. 2.

By Messrs. Sessions, Morrow, Edwards, Rast, Perry, Locke and Hawkins (with notice and proof):

H. 992. To alter and extend the boundaries of the City of Birmingham to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Local Legislation No. 2.

Notice and Proof H. 992:

### NOTICE

Notice is hereby given of intention to apply at the current regular session of the Legislature of Alabama for introduction and passage of a bill, the substance of which as distinguished from detail is and will be in substance as distinguished from detail as follows:

### A BILL TO BE ENTITLED AN ACT

To alter and extend the boundaries of the City of Birmingham, to provide for an election to submit to the qualified voters of said territory

to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Birmingham, in the County of Jefferson, State of Alabama, are, subject to the other provisions hereof hereby altered and extended so that said boundaries shall include within the corporate limits of said City all of the following described additional property not presently located in said City, to-wit:

Begin at the southwest corner of Lot 1, McCombs Addition to Kilgough Springs as recorded in Map Book 49, page 86, in the Office of the Probate Judge, Jefferson County, Alabama. The said southwest corner of Lot 1 being a point on the west section line of Section 25, Township 16 South, Range 2 West; and on the present city limit line of the City of Birmingham; thence north along said west section line to the southwest corner of Section 24, Township 16 South, Range 2 West; thence east along the south line of Section 24, Township 16 South, Range 2 West, to the southeast corner of the southwest quarter of said section; thence north along the eastern line of the west one-half of Sections 24 and 13, Township 16 South, Range 2 West to the northeast corner of the southeast quarter of the southwest quarter of Section 13, Township 16 South, Range 2 West; thence west along the north line of the southeast quarter of the southwest quarter to the northwest corner of the southeast quarter of the southwest quarter; thence north along the west line of the northeast quarter of the southwest quarter and the southeast quarter of the northwest quarter of said section to the southwest corner of the northeast quarter of the northwest quarter; thence east along the south line of the northeast quarter of the northwest quarter to the southeast corner of said quarter-quarter section; thence north along the east line of the northeast quarter of the northwest quarter of said section, and along the west line of the southeast quarter of Section 12, Township 16 South, Range 2 West to the northwest corner of the southeast quarter of said section; thence east along the northern line of the southeast quarter of said section and the north line of the northwest quarter of the southwest quarter of Section 7, Township 16 South, Range 1 West to the southwest corner of the southeast quarter of the northwest quarter of said section; thence north along the west line of the southeast quarter of the northwest quarter of said section to the northwest corner of the southeast quarter of the northwest quarter of said section; thence east along the northern line of the southeast quarter of the northwest quarter and the southwest quarter of the northeast quarter and the southeast quarter of the northeast quarter of said section; thence continue east along the north line of the southwest quarter of the northwest quarter of Section 8, Township 16 South, Range 1 West to the northeast corner of the southwest quarter of the northwest quarter of said section; thence south along the east line of the southwest quarter of the northwest quarter of said section to the southwest corner of the southeast quarter of the northwest quarter of Section 8, Township 16 South, Range 1 West; thence east along the south line of the southeast quarter of the northwest quarter to the northeast corner of the northeast quarter of the southwest quarter of Section 8, Township 16 South, Range 1 West; thence south along the west line of the southeast quarter of Section 8, Township 16 South, Range 1 West; and the west line of the east half of Section 17, Township 16 South, Range 1 West, to the northwest corner of the northeast quarter of Section 20, Township 16 South, Range 1 West; thence west along the north line of Section 20, Township 16 South, Range 1 West to the northwest corner of said section; thence south along the west line of said section to the southwest corner of said Section 20 and the present city limits line of the City

of Birmingham; thence west along the said city limits line to the point of beginning.

Section 2. Upon the filing of a certified copy of a resolution of the Commission of the City of Birmingham said resolution stating the willingness of the said City of Birmingham to the inclusion of the above described property within the corporate limits of said City, the Judge of Probate of Jefferson County, Alabama, shall make and enter an order upon the minutes of said court directing and ordering an election to be held by the qualified voters residing within the territory described, which is to be annexed to said City, said election to be held within 40 days from the entry of said order. Said election shall be held to determine whether or not a majority of the voters residing within the territory above described to be annexed to said City and who actually vote in said election favor the annexation to said City of said territory above described. Said judge shall give notice of the holding of said election by publication in a newspaper published within the City of Birmingham, which notice shall state the day on which such election is to be held, the voting place or places designated by the Chairman of the Board of Registrars of said County, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the City of Birmingham and such notice shall give a description of the territory proposed to be annexed and must state that a map of said territory is on file in the Office of the Judge of Probate of said County, open to the inspection of the public.

Section 3. The Chairman of the Board of Registrars of said County may designate as many places within the territory hereby proposed to be annexed to said City as he may determine necessary for the convenience of the voters and must designate the boundaries within which the voters must reside to vote at the respective voting places and the Election Commission of Jefferson County shall appoint three inspectors of election, two clerks and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors.

Section 4. Each qualified voter who has resided within the boundaries of the territory hereby proposed to be annexed to said City for three months next preceding the election may vote at said election but must vote at the voting place designated by the Chairman of the Board of Registrars for voters in the territory in which he resides.

Section 5. Said election must be conducted in all respects as provided by the general election laws and under the same sanction and penalties, except as changed by the provisions of this Act, and except that an official ballot need not be provided. There shall be no voting by absentee ballot.

Section 6. Each voter may furnish his own ballot with the following words written thereon: "For annexation," if he desires to vote in favor of annexing the territory to the City, or "Against annexation" if he desires to vote against annexing the territory to the City. It shall not be necessary for the ballot to be of any particular size, form or color.

Section 7. The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election at their respective places to the Judge of Probate of Jefferson County, at Birmingham, Alabama, and deliver the same to the returning officer, who must at once return the same to the Judge of Probate of Jefferson County, Birmingham, Alabama, and said Judge must

canvass the returns as made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation" said Judge shall make and enter an order on the records of said Probate Court of Jefferson County, at Birmingham, Alabama, recording such fact, and from the time of the entry of said order this Act shall be fully effective and the boundaries of said City of Birmingham shall be as set forth. If it appears that a majority of the votes cast at the election are "against annexation" the Judge of Probate shall make and enter an order on the records of said County recording such fact, and this act shall not be effective, and the boundaries of said City shall be and remain as they were before the passage of this Act.

Section 8. The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of a Justice of the Peace, making the City the contestee. The City of Birmingham shall pay all cost and expenses incident to the election, except such costs and expenses incurred in an unsuccessful contest of such election, in such event said unsuccessful contestant shall pay such costs and expenses.

Section 9. The Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said City of Birmingham shall pay all costs and expenses except in the case of a contest as herein provided.

Section 10. That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
COUNTY OF JEFFERSON, ss:

On this 15 day of October A. D. one thousand nine hundred and Fifty Nine personally appeared before me, J. L. Roberts a Notary Public in and for the County and State aforesaid J. B. Wilkerson who being duly sworn according to law, declares that he is Bookkeeper of "The Birmingham News" and "The Birmingham Post Herald", newspapers published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in "The Birmingham Post Herald" on the following dates: Sept. 24, 1959, Oct. 1, 8, 15, 1959.

J. B. WILKERSON.

Subscribed and sworn to before me this 15 day of October A. D. 1959.

J. L. ROBERTS,  
Notary Public.

My Commission Expires Feb. 28, 1960.

By Messrs. Sessions, Morrow, Edwards, Rast, Perry, Locke and Hawkins:

H. 993. TO AMEND ACT NO. 502 OF THE LEGISLATURE OF ALABAMA OF 1923, APPROVED SEPTEMBER 29, 1923, (GENERAL

ACTS OF ALABAMA OF 1923, PAGE 663, ET SEQ.), AS RE-ENACTED BY ACT NO. 283 OF THE LEGISLATURE OF ALABAMA OF 1943, APPROVED JUNE 28, 1943, (GENERAL ACTS OF ALABAMA OF 1943, PAGE 241 ET SEQ.), AS HERETOFORE AMENDED.

### Local Legislation No. 2.

### MOTION TO SUSPEND RULES ADOPTED

Mr. Boyd moved to suspend the rules in order to allow the Standing Committee on Ways and Means to report the bill, H. 975.

Mr. Goodwyn offered as a substitute motion, a motion to suspend the rules in order to allow the Standing Committee on Ways and Means to report, and said motion was lost.

Yeas 28; Nays 34.

#### Yeas:

|             |            |                                |                                |
|-------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker | Faulk      | Johnson <sup>(Hardaway)</sup>  | Perry                          |
| Ashworth    | Franklin   | Johnson <sup>(J. T. Tom)</sup> | Pierce                         |
| Bassett     | Goodwyn    | Jones <sup>(Covington)</sup>   | Rast                           |
| Bevill      | Gordon     | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Boyd        | Gross      | McClendon <sup>(Chamb)</sup>   | Salter                         |
| Camp        | Grouby     | Nichols                        | Smith <sup>(St. Clair)</sup>   |
| Cates       | Hocklander | Owens                          | Turner                         |

—28

#### Nays:

|           |             |                              |          |
|-----------|-------------|------------------------------|----------|
| Messrs.:  | Copeland    | Jenkins                      | Ramey    |
| Albea     | Cornett     | Jones <sup>(Monroe)</sup>    | Rogers   |
| Avery     | Daniel      | Lee                          | Sessions |
| Barnett   | Dickson     | Long <sup>(Lauderdale)</sup> | Solomon  |
| Bishop    | Ferguson    | Long <sup>(Perry)</sup>      | Steagall |
| Broadfoot | Gilmer      | Martin                       | Taylor   |
| Brooks    | Goldthwaite | Merrill                      | Thomas   |
| Cabiness  | Grant       | Oakley                       | Turnham  |
| Callahan  | Hain        | Powell                       |          |

—34

The question was then on the motion of Mr. Boyd to suspend the rules in order to allow the Standing Committee on Ways and Means to report the bill, H. 975, and said motion was adopted.

Yeas 65; Nays 3.

#### Yeas:

|             |             |                                |                                |
|-------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker | Daniel      | Johnson <sup>(Hardaway)</sup>  | Owens                          |
| Albea       | Dickson     | Johnson <sup>(J. T. Tom)</sup> | Perry                          |
| Ashworth    | Edwards     | Johnston <sup>(Leonard)</sup>  | Phillips                       |
| Avery       | Faulk       | Jones <sup>(Covington)</sup>   | Pierce                         |
| Bailey      | Ferguson    | Jones <sup>(Monroe)</sup>      | Ramey                          |
| Barnett     | Franklin    | Lee                            | Rast                           |
| Bassett     | Glass       | Locke                          | Ray                            |
| Bevill      | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Bishop      | Goodwyn     | Long <sup>(Perry)</sup>        | Rogers                         |
| Boyd        | Gordon      | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Broadfoot   | Grant       | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Brooks      | Gross       | Merrill                        | Steagall                       |
| Cabiness    | Grouby      | Morrow                         | Taylor                         |
| Callahan    | Hawkins     | Murphy                         | Thomas                         |
| Cates       | Hocklander  | Nichols                        | Trimmier                       |
| Chambers    | Jenkins     | Oakley                         | Turner                         |
| Cornett     |             |                                |                                |

—65

**Nays:** Messrs. Copeland, Solomon and Turnham.

—3

#### REPORT OF STANDING COMMITTEE ON WAYS AND MEANS

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 975. To amend Section 33 of Act No. 100 enacted at the Second Special Session of the Legislature of Alabama of 1959, entitled "An Act to raise revenue: Levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented."

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Sessions to suspend the rules in order to introduce local bills out of order was adopted.

#### INTRODUCTION OF BILLS

The following local bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Messrs. Sessions, Perry, Edwards, Hawkins, Morrow, Locke and Rast:

H. 994. To establish a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief or retirement and relief system heretofore established or hereafter established under Act Number 929 of Legislature of Alabama of 1951, Approved September 12, 1951 (Acts of Alabama 1951, page 1579 et seq. as amended) and on whose account, or for whose benefit, the city by whom they are employed makes no contribution, or pays no tax, to the United States of America under the Federal Social Security Act; to provide certain disability benefits for such firemen and policemen and also certain benefits for the widows and children of any such firemen or policemen who dies; to make provision for a supplemental retirement benefit for such firemen and policemen, if and when said Act No. 929 is amended as stipulated in this act; to provide that from the funds of the system established by this act certain payments shall be made to the fund of the system established by said Act No. 929, subject to said Act No. 929 being amended so as to authorize the Board of Managers of the system created by said Act Number 929 to receive said payments; to establish a Board of Managers for the pension system hereby created and to provide for the method of selection of the said board and to define the power, authority and duties of the said Board of Managers; to provide for the actuarial study, investigation and report showing the probable ability or inability of the fund hereby created to meet the benefits provided for by the system created by this Act; to provide for paying from funds of the system expenses incurred in securing any such actuarial study, investigation and report; to provide that at least sixty days prior to the convening of the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to each member of the House of Representatives and of the Senate of the Legislature of Alabama residing in any county or Senatorial District wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey



shall give such opinion separately and severally with respect to each of the said benefits, and which said report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what change or changes he considers necessary; and to provide that the Board of Managers shall present to the members of the House of Representatives and the Senator designated above a similar actuarial report or survey at least once every four years sixty days prior to the convening of a Regular Session of the Legislature of Alabama.

Local Legislation No. 2.

By Messrs. Hawkins and Edwards:

H. 995. To provide for designating the 109th Evacuation Hospital building in Jefferson County, "Fort Mortimer H. Jordan."

Local Legislation No. 2.

By Messrs. Perry, Morrow, Edwards, Hawkins, Locke, Rast and Sessions:

H. 996. To authorize the incorporation in any county in this state having a population of 500,000 or more, according to the last or any succeeding Federal Census, of a health care authority as a public corporation for hospital purposes, including, among others, the making of provisions for medical and hospital aid to the indigent sick of such county; to provide a method of effecting the incorporation of such authority and electing the members of its board of directors and its officers; to specify the powers of such board of directors and the powers of such authority; to provide for the payment to such authority by the county in which it is organized of all revenue received and held by such county from any tax levied by the state for the benefit of the county for health and medical care of indigent residents of the county, and to authorize such county to allocate and pay other funds to such authority; to provide for the expenditure of the funds of such authority for any of its corporate purposes; to authorize the sale and issuance of securities by such authority for any of its purposes; to authorize such authority to provide the details of such securities and the pledge of revenues of the authority and the execution of mortgages or deeds of trust as security thereof; to provide that such securities shall constitute negotiable instruments; to provide that the properties and income of such authority, the securities issued by it and the interest payable thereon, and all mortgages and other instruments executed as security therefor shall be exempt from taxation; to authorize investment of fiduciary funds in securities by such authority; to require the making of annual reports and the submission of an annual budget to the governing body of such county; to provide the time and method of dissolution of such authority; to provide that the formation and dissolution of one or more such authorities shall not prevent the subsequent formation of another authority in the same county; and to authorize such county and any municipality therein to transfer to such authority projects and funds acquired or allocated for any of the purposes for which such authority shall have been organized.

Local Legislation No. 2.

MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Faulk to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 445, was adopted.

And the Bill:

H. 445. To re-enact and amend Section 112 of Title 13, Code of Alabama 1940, relating to a division of the State into judicial circuits.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 2.

**Yeas:**

|             |          |                               |                                |
|-------------|----------|-------------------------------|--------------------------------|
| Mr. Speaker | Daniel   | Hardy                         | Owens                          |
| Albea       | Dickson  | Hawkins                       | Perry                          |
| Ashworth    | Edwards  | Hearn                         | Phillips                       |
| Bailey      | Faulk    | Hocklander                    | Pierce                         |
| Barnett     | Ferguson | Johnson <sup>(Hardaway)</sup> | Ramey                          |
| Bassett     | Franklin | Jones <sup>(Covington)</sup>  | Rast                           |
| Bevill      | Gilmer   | Jones <sup>(Monroe)</sup>     | Ray                            |
| Bishop      | Glass    | Locke                         | Reynolds <sup>(Chambers)</sup> |
| Boyd        | Goodwyn  | Long <sup>(Perry)</sup>       | Rogers                         |
| Broadfoot   | Gordon   | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Brooks      | Grant    | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Cabiness    | Gross    | Merrill                       | Steagall                       |
| Callahan    | Grouby   | Morrow                        | Sullivan                       |
| Camp        | Guthrie  | Murphy                        | Taylor                         |
| Cates       | Hain     | Nichols                       | Trimmier                       |
| Copeland    | Hanby    | Oakley                        | Turnham                        |

—64

**Nays:** Messrs. McLendon (Bullock) and Powell.

—2

MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am herewith transmitting you a message from the Governor, relative to House Bill No. 803.

Respectfully submitted,

JOSEPH G. ROBERTSON,  
Executive Secretary.

OCTOBER 16, 1959

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which this bill originated, House Bill No. 803, with suggested executive amendments as follows:

Amend House Bill No. 803 by striking therefrom the following from Section 2 of said bill:

“(a) Upon every person, firm, or corporation (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of al-

coholic beverages of all kinds, the University of Alabama, and all other institutions of higher learning in the county, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within the county, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer on the gross sales of the entire business."

and substituting in lieu thereof the following:

"(a) Upon every person, firm, or corporation (including the University of Alabama, and all other institutions of higher learning in the county, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within the county, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer on the gross sales of the entire business."

Amend House Bill No. 803 further by adding the following:

"Section 2 (d). The sale of school lunches sold by all public and private schools in Tuscaloosa County, Alabama, is hereby expressly exempted."

If the said executive amendments suggested above are adopted, the objections to the bill will be removed.

Respectfully,

JOHN PATTERSON,  
Governor.

#### GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 803, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 74; Nays 0.

#### Yeas:

|             |          |         |         |
|-------------|----------|---------|---------|
| Mr. Speaker | Ashworth | Bailey  | Bassett |
| Albea       | Avery    | Barnett | Bevill  |

|           |                                |                               |                                |
|-----------|--------------------------------|-------------------------------|--------------------------------|
| Bishop    | Goldthwaite                    | Jones <sup>(Monroe)</sup>     | Phillips                       |
| Boyd      | Goodwyn                        | Lee                           | Pierce                         |
| Broadfoot | Gordon                         | Locke                         | Powell                         |
| Brooks    | Grant                          | Long <sup>(Lauderdale)</sup>  | Ramey                          |
| Cabiness  | Gross                          | Long <sup>(Perry)</sup>       | Rast                           |
| Callahan  | Grouby                         | McClendon <sup>(Chamb)</sup>  | Ray                            |
| Camp      | Guthrie                        | McLendon <sup>(Bullock)</sup> | Reynolds <sup>(Chambers)</sup> |
| Cates     | Hain                           | Martin                        | Rogers                         |
| Copeland  | Hardy                          | Merrill                       | Salter                         |
| Cornett   | Hawkins                        | Morrow                        | Sessions                       |
| Daniel    | Hearn                          | Murphy                        | Smith <sup>(St. Clair)</sup>   |
| Dickson   | Hocklander                     | Nichols                       | Steagall                       |
| Edwards   | Jenkins                        | Oakley                        | Sullivan                       |
| Faulk     | Johnson <sup>(Hardaway)</sup>  | Oden                          | Taylor                         |
| Ferguson  | Johnson <sup>(J. T. Tom)</sup> | Owens                         | Thomas                         |
| Franklin  | Johnston <sup>(Leonard)</sup>  | Perry                         | Trimmier                       |
| Gilmer    | Jones <sup>(Covington)</sup>   |                               |                                |

—74

Which was a majority of the whole number elected to the House.

And said bill:

H. 803. To amend Sections 1, 3, and 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County; altering, modifying, and changing the rates of tax provided for therein and extending the applicability of such taxes to certain sales and to the storage, use, or other consumption of certain property within Tuscaloosa County heretofore exempt, and redefining certain terms.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 73; Nays 0.

#### Yeas:

|             |             |                                |                                |
|-------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker | Dickson     | Jenkins                        | Oden                           |
| Albea       | Edwards     | Johnson <sup>(Hardaway)</sup>  | Owens                          |
| Ashworth    | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Perry                          |
| Avery       | Ferguson    | Johnston <sup>(Leonard)</sup>  | Phillips                       |
| Bailey      | Franklin    | Jones <sup>(Covington)</sup>   | Pierce                         |
| Barnett     | Gilmer      | Jones <sup>(Monroe)</sup>      | Powell                         |
| Bassett     | Goldthwaite | Lee                            | Ramey                          |
| Bevill      | Goodwyn     | Locke                          | Rast                           |
| Bishop      | Gordon      | Long <sup>(Lauderdale)</sup>   | Ray                            |
| Boyd        | Grant       | Long <sup>(Perry)</sup>        | Reynolds <sup>(Chambers)</sup> |
| Broadfoot   | Gross       | McClendon <sup>(Chamb)</sup>   | Rogers                         |
| Brooks      | Grouby      | McLendon <sup>(Bullock)</sup>  | Salter                         |
| Cabiness    | Guthrie     | Martin                         | Sessions                       |
| Callahan    | Hain        | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Camp        | Hardy       | Morrow                         | Sullivan                       |
| Cates       | Hawkins     | Murphy                         | Taylor                         |
| Copeland    | Hearn       | Nichols                        | Thomas                         |
| Cornett     | Hocklander  | Oakley                         | Trimmier                       |
| Daniel      |             |                                |                                |

—73

Which was a majority of the whole number elected to the House.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Broadfoot to suspend the rules in order to introduce a local bill out of order was adopted.

## INTRODUCTION OF BILL

The following local bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Mr. Broadfoot (with notice and proof):

H. 997. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Local Legislation No. 1.

Notice and Proof H. 997:

## LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Florence be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of the City of Florence all of the following additional adjacent territory in Lauderdale County, Alabama, situated, to-wit:

A tract or parcel of land lying and being in the East  $\frac{1}{2}$  of the Southwest Quarter of Section 31, Township 2 South, Range 10 West, Lauderdale County, Alabama, more particularly described as follows: Beginning at a point 25 feet West of and 30 feet South of the Northeast corner of said Southwest Quarter of Section 31, Township 2, South, Range 10 West, said point being on the South line of Hough Road; run thence along the said Hough Road West for a distance of 65 feet; run thence South 82 degrees and 57 minutes West for a distance of 86.32 feet to a point; run thence South 65 degrees and 15 minutes West for a distance of 621.83 feet to a point; run thence South 2381.35 feet to the existing City Limit line; run thence Eastwardly along the existing City Limit line for a distance of 714 feet; more or less, to a point, said point being the center line of Prairie Street (extended); run thence Northwardly for a distance of 2610 feet to the point of beginning. Said parcel being bounded on the West by Memorial Gardens Cemetery, on the North by Hough Road and on the East by Prairie Street, and on the South by the existing City Limits.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. H. Bowling, who, being by

me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the THE FLORENCE TIMES, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 23, September 30, October 7, and October 14, all in the year 1959.

D. H. BOWLING,  
Advertising Manager.

Sworn to and subscribed before me October 14, 1959.

JAMES C. STUTTS,  
Notary Public State-At-Large.

My Commission Expires June 29, 1963.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Albea to suspend the rules in order to introduce a local bill out of order was adopted.

#### INTRODUCTION OF BILL

The following local bill was introduced, read one time and referred to appropriate standing committee, as follows: :

By Messrs. Albea and Merrill (with notice and proof):

H. 998. To alter, extend and rearrange the boundary lines and corporate limits of the City of Piedmont in Calhoun County, so as to annex certain territory to the city.

Local Legislation No. 1.

Notice and Proof H. 998:

#### STATE OF ALABAMA COUNTY OF CALHOUN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To alter, extend and rearrange the boundary lines and corporate limits of the City of Piedmont in Calhoun County, so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Piedmont in Calhoun County, Alabama, are hereby altered, extended, and rearranged so that all of the lands hereinafter described not heretofore being embraced in the limits of such city and any and all other territory presently embraced therein will lie and be within the boundaries and corporate limits of such city:

Beginning at the southwest corner of the Southwest Quarter of Section 6, Township 13 South, Range 10 East, in Calhoun County, Alabama;

running thence north along the west line of said "Forty" to the northwest corner thereof; thence east along the north line of the said "Forty" and continuing east along the north line of the southeast quarter of the southwest quarter of Section 6, Township 13, Range 10, to the northeast corner of said "Forty;" thence south along the east line of said "Forty" to the northeast corner of the east one-half (E ½) of the northwest quarter and continuing south along the east line of the said east half (E ½) of the northwest quarter to the north boundary of the right-of-way of the Piedmont-Jacksonville Highway; thence with and along the said right-of-way westerly to a point where said highway right-of-way line intersects the Cherokee-Creek Indian boundary line, which is the south line of the east one-half (E ½) of the northwest quarter of said Section 6; thence north along the west line of said east one-half (E ½) of northwest quarter to the southeast corner of the southwest quarter of the southwest quarter of said Sec. 6, Township 13, Range 10 E.; thence west along the south line of the said quarter to the point of beginning.

All of the foregoing property being situated in Section 6, Township 13 South, Range 10 East and in Calhoun County, Alabama.

Also, fractional Lots Eighteen (18), Twenty-three (23) and Twenty-four (24) in fractional Section Thirty-one (31), Township Twelve (12) Range 10 (10) in Calhoun County, Alabama. There is excepted from the foregoing all the property lying within the present city limits of the City of Piedmont. There is also excepted a triangular strip of land containing two and one-half (2½) acres, more or less, situated on the south side of the Piedmont-Gadsden Highway out of the southwest corner of the said Lot 23.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Austin Johnson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Piedmont Journal, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 18, Sept. 25, Oct. 2, and Oct. 9, all in the year 1959.

AUSTIN JOHNSON.

Sworn to and subscribed before me 10-12-59.

ANTHONY F. TAYLOR,  
Notary Public.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Edwards to suspend the rules in order to introduce a local bill out of order was adopted.

## INTRODUCTION OF BILL

The following local bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Messrs. Edwards, Sessions, Morrow, Perry, Hawkins, Locke and Rast:

H. 999. To amend further Act No. 259, H. 530, approved June 24, 1943, an act providing for appeals to the circuit court in certain counties having a population of 400,000 or more, according to the last or any subsequent federal decennial census, from decisions of the board of equalization (General Acts, Regular Session 1943, p. 230), which is known as "The Expeditious and Economical Tax Appeals Act."

Local Legislation No. 2.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Steagall to suspend the rules in order to introduce a resolution out of order was adopted.

## RESOLUTION

The following resolution was introduced:

By Mr. Steagall:

H. J. R. 78. BE IT RESOLVED by the House of Representatives of the State of Alabama, the Senate concurring, that:

WHEREAS, on October 11, 1959, Judge Frank O. Deese, former Probate Judge of Dale County, Alabama, departed this life, leaving behind him a host of devoted friends acquired through the lifetime of service to his fellowman; and

WHEREAS, Judge Deese had served with distinction as a member of the House of Representatives of the State of Alabama from Dale County during the Kilby administration; and

WHEREAS, Judge Deese had served as Probate Judge of Dale County for eighteen (18) years during which period of time many progressive steps were accomplished for Dale County, all with distinction as a public servant; and

WHEREAS, Judge Deese, above all else, was an outstanding Christian gentleman who loved people and who was loved by all who knew him; and

WHEREAS, the people of Dale County and indeed all the people of Alabama, have suffered a great loss in the passing of this distinguished man;

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the State of Alabama deeply mourns the death of Judge Frank O. Deese, and in recognition of his many years of devoted and unselfish service to his fellowman adopts this resolution and directs that the resolution be spread upon the pages of the Journals of both Houses of the Legislature and that a duly executed copy hereof be forwarded to the following members of the family of Judge Deese: his widow, Mrs. Berta Martin Deese, Ozark; his daughter, Mrs. William B. Kingsley, Ozark; and his daughter Mrs. Jack C. Jones, Silver Springs, Maryland.



On motion of Mr. Steagall the rules were suspended and H. J. R. 78 was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Martin to suspend the rules in order to introduce a resolution out of order was adopted.

#### RESOLUTION

The following resolution was introduced:

By Messrs. Martin and Oakley:

H. J. R. 79. WHEREAS Samuel Cornelius Nettles, Senior, the father of our distinguished colleague from Wilcox County, departed this life on March 21, 1959; and

WHEREAS Mr. Nettles was a life-long resident of Alabama, having been born in Buena Vista, Alabama, in Monroe County, eighty years ago and residing at the time of his death in Arlington, Alabama; and

WHEREAS he was a leading merchant and had formerly engaged in the lumber business, was also a Methodist, Mason and Democrat; and

WHEREAS he was the father of six children, all of whom have made contributions to their respective communities; and

WHEREAS Mr. Nettles was an outstanding citizen, family man and christian; Now, Therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That this Legislature notes with profound regret the passing of Samuel Cornelius Nettles, Senior, and expresses sympathy to all the surviving members of his family.

BE IT FURTHER RESOLVED That the Clerk of the House be directed to transmit a copy of this Resolution to Mrs. Janie Nettles and to the sons and daughters of Mr. Nettles.

On motion of Mr. Martin the rules were suspended and H. J. R. 79 was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Bishop to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 213, out of order, was adopted.

And the Bill:

H. 213 (with amendment): To provide for the relief of Paul Co-burn.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. B. 213 by striking the figure \$3,000.00 where it appears in Section 1 and Section 2 of said bill and insert in lieu therefor the figure \$1,500.00.

And the amendment was adopted.

Yeas 68; Nays 0.

**Yeas:**

|             |             |                               |                                |
|-------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker | Dickson     | Jenkins                       | Phillips                       |
| Albea       | Edwards     | Johnson <sup>(Hardaway)</sup> | Pierce                         |
| Ashworth    | Faulk       | Johnston <sup>(Leonard)</sup> | Powell                         |
| Avery       | Ferguson    | Jones <sup>(Monroe)</sup>     | Ramey                          |
| Bailey      | Franklin    | Lee                           | Rast                           |
| Barnett     | Gilmer      | Locke                         | Ray                            |
| Bassett     | Glass       | Long <sup>(Perry)</sup>       | Reynolds <sup>(Chambers)</sup> |
| Bevill      | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Rogers                         |
| Bishop      | Gordon      | McLendon <sup>(Bullock)</sup> | Salter                         |
| Boyd        | Grant       | Martin                        | Sessions                       |
| Broadfoot   | Gross       | Merrill                       | Steagall                       |
| Cabiness    | Grouby      | Morrow                        | Sullivan                       |
| Callahan    | Guthrie     | Murphy                        | Taylor                         |
| Camp        | Hain        | Nichols                       | Thomas                         |
| Cates       | Hawkins     | Oakley                        | Trimmier                       |
| Copeland    | Hearn       | Oden                          | Turner                         |
| Daniel      | Hocklander  | Perry                         | Turnham                        |

—68

And said bill, H. 213, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

|             |                               |                               |                                |
|-------------|-------------------------------|-------------------------------|--------------------------------|
| Mr. Speaker | Franklin                      | Jones <sup>(Monroe)</sup>     | Pierce                         |
| Albea       | Gilmer                        | Lee                           | Powell                         |
| Avery       | Glass                         | Locke                         | Ramey                          |
| Bailey      | Goldthwaite                   | Long <sup>(Perry)</sup>       | Rast                           |
| Barnett     | Gordon                        | McClendon <sup>(Chamb)</sup>  | Ray                            |
| Bassett     | Grant                         | McLendon <sup>(Bullock)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bevill      | Gross                         | Martin                        | Rogers                         |
| Bishop      | Grouby                        | Merrill                       | Salter                         |
| Boyd        | Guthrie                       | Morrow                        | Sessions                       |
| Broadfoot   | Hain                          | Murphy                        | Steagall                       |
| Cabiness    | Hawkins                       | Nichols                       | Sullivan                       |
| Camp        | Hearn                         | Oakley                        | Taylor                         |
| Cates       | Hocklander                    | Oden                          | Thomas                         |
| Daniel      | Jenkins                       | Owens                         | Trimmier                       |
| Dickson     | Johnson <sup>(Hardaway)</sup> | Perry                         | Turner                         |
| Edwards     | Johnston <sup>(Leonard)</sup> | Phillips                      | Turnham                        |
| Ferguson    |                               |                               |                                |

—65

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Murphy to suspend the rules in order to introduce two local bills out of order was adopted.

**INTRODUCTION OF BILLS**

The following local bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Messrs. Murphy and Hocklander:

H. 1000. To propose and provide for the submission of an amend-

ment to the Constitution of Alabama amending Amendment XVIII to said constitution, which pertains to Mobile County and the issuance of bonds and the levy of an ad valorem tax by said county for certain specified purposes.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Murphy and Hocklander:

H. 1001. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County to issue its general obligation bonds not exceeding \$3,000,000 in principal amount for capital improvements in said county, including not exceeding \$1,000,000 principal amount for public school houses and not exceeding \$2,000,000 principal amount for public hospital buildings, said bonds to be secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said constitution, and authorizing the continued levy and collection of said tax for payment of bonds issued hereunder.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

### ADJOURNMENT

On motion of Mr. Thomas, and in accordance with House Joint Resolution No. 71 heretofore adopted, the House adjourned until Wednesday, October 21, 1959, at one o'clock P. M.

Yeas 53; Nays 19.

**Yeas:**

|          |                    |                    |                     |
|----------|--------------------|--------------------|---------------------|
| Messrs.: | Glass              | McClendon (Chamb)  | Rast                |
| Ashworth | Goldthwaite        | McLendon (Bullock) | Ray                 |
| Avery    | Grant              | Martin             | Reynolds (Chambers) |
| Barnett  | Gross              | Merrill            | Salter              |
| Bassett  | Grouby             | Morrow             | Sessions            |
| Boyd     | Hain               | Murphy             | Smith (St. Clair)   |
| Brooks   | Hardy              | Nichols            | Solomon             |
| Cabiness | Hawkins            | Oakley             | Steagall            |
| Cornett  | Jenkins            | Oden               | Sullivan            |
| Daniel   | Johnston (Leonard) | Owens              | Taylor              |
| Dickson  | Jones (Monroe)     | Perry              | Thomas              |
| Edwards  | Lee                | Phillips           | Trimmier            |
| Franklin | Locke              | Powell             | Turnham             |
| Gilmer   | Long (Perry)       |                    |                     |

—53

**Nays:**

|              |           |                    |                   |
|--------------|-----------|--------------------|-------------------|
| Mr. Speaker: | Broadfoot | Gordon             | Jones (Covington) |
| Albea        | Callahan  | Guthrie            | Pierce            |
| Bailey       | Cates     | Hanby              | Rogers            |
| Bevill       | Copeland  | Hocklander         | Turner            |
| Bishop       | Ferguson  | Johnson (Hardaway) |                   |

—19

### TWENTY-NINTH DAY

House of Representatives  
Montgomery, Alabama  
Wednesday, October 21, 1959

The House met pursuant to adjournment.

### PRAYER

The session was opened with prayer by Dr. J. R. White, Pastor, First Baptist Church, Montgomery, Alabama.

### ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Dickson     | Ingram                         | Pierce                       |
| Adams <sup>(Houston)</sup> | Dodd        | Jenkins                        | Powell                       |
| Albea                      | Edwards     | Johnson <sup>(Hardaway)</sup>  | Pruitt                       |
| Ashworth                   | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Avery                      | Ferguson    | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Bailey                     | Franklin    | Jones <sup>(Covington)</sup>   | Ray                          |
| Barnett                    | Gilchrist   | Lee                            | Roberts                      |
| Bassett                    | Gilmer      | Locke                          | Rogers                       |
| Bevill                     | Glass       | Long <sup>(Lauderdale)</sup>   | Rozelle                      |
| Bishop                     | Goldthwaite | Long <sup>(Perry)</sup>        | Salter                       |
| Boyd                       | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Self                         |
| Brannan                    | Gordon      | McCorquodale                   | Sessions                     |
| Brewer                     | Grant       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Britton                    | Gross       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Grouby      | Meade                          | Solomon                      |
| Brooks                     | Guthrie     | Merrill                        | Speaks                       |
| Cabiness                   | Hain        | Morrow                         | Steagall                     |
| Camp                       | Hankins     | Murphy                         | Sullivan                     |
| Casey                      | Hardy       | Nettles                        | Taylor                       |
| Cates                      | Harris      | Nichols                        | Thomas                       |
| Chambers                   | Harvey      | Oakley                         | Torbert                      |
| Cook                       | Hawkins     | Oden                           | Trimmier                     |
| Copeland                   | Hearn       | Owens                          | Turner                       |
| Cornett                    | Hocklander  | Perry                          | Turnham                      |
| Daniel                     |             |                                |                              |

—97

A quorum was present.

### LEAVES OF ABSENCE

On motion of Mr. Copeland leave of absence was granted to Mr. Hanby.

On motion of Mr. Ashworth leave of absence was granted to Mr. Branyon because of personal illness.

On motion of Mr. Ashworth leave of absence was granted to Mr. Callahan because of a death in his family.

### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Hocklander to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 975, was adopted.

Yeas 90; Nays 0.

### Yeas:

|                            |          |         |         |
|----------------------------|----------|---------|---------|
| Mr. Speaker:               | Ashworth | Barnett | Bishop  |
| Adams <sup>(Houston)</sup> | Avery    | Bassett | Boyd    |
| Albea                      | Bailey   | Bevill  | Brannan |

|             |                                |                               |                              |
|-------------|--------------------------------|-------------------------------|------------------------------|
| Brewer      | Goodwyn                        | Locke                         | Ray                          |
| Britton     | Gordon                         | Long <sup>(Perry)</sup>       | Roberts                      |
| Broadfoot   | Grant                          | McClendon <sup>(Chamb)</sup>  | Rogers                       |
| Brooks      | Gross                          | McCorquodale                  | Rozelle                      |
| Cabiness    | Grouby                         | McLendon <sup>(Bullock)</sup> | Salter                       |
| Camp        | Guthrie                        | Martin                        | Self                         |
| Casey       | Hain                           | Meade                         | Sessions                     |
| Cates       | Hankins                        | Merrill                       | Smith <sup>(Russell)</sup>   |
| Chambers    | Hardy                          | Morrow                        | Smith <sup>(St. Clair)</sup> |
| Cook        | Harris                         | Murphy                        | Solomon                      |
| Daniel      | Harvey                         | Nettles                       | Speaks                       |
| Dodd        | Hawkins                        | Nichols                       | Steagall                     |
| Edwards     | Hearn                          | Oakley                        | Sullivan                     |
| Faulk       | Hocklander                     | Oden                          | Taylor                       |
| Ferguson    | Ingram                         | Owens                         | Thomas                       |
| Franklin    | Jenkins                        | Perry                         | Torbert                      |
| Gilchrist   | Johnson <sup>(Hardaway)</sup>  | Pierce                        | Trimmier                     |
| Gilmer      | Johnson <sup>(J. T. Tom)</sup> | Powell                        | Turner                       |
| Glass       | Johnston <sup>(Leonard)</sup>  | Ramey                         | Turnham                      |
| Goldthwaite | Lee                            |                               |                              |

—90

And the Bill:

H. 975. To amend Section 33 of Act No. 100 enacted at the Second Special Session of the Legislature of Alabama of 1959, entitled "An Act to raise revenue: Levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Dodd        | Ingram                        | Pruitt                       |
| Adams <sup>(Houston)</sup> | Edwards     | Jenkins                       | Ramey                        |
| Albea                      | Faulk       | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Ashworth                   | Ferguson    | Johnston <sup>(Leonard)</sup> | Ray                          |
| Avery                      | Franklin    | Jones <sup>(Covington)</sup>  | Roberts                      |
| Bailey                     | Gilchrist   | Lee                           | Rogers                       |
| Barnett                    | Gilmer      | Locke                         | Rozelle                      |
| Bassett                    | Glass       | Long <sup>(Perry)</sup>       | Salter                       |
| Bishop                     | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Self                         |
| Boyd                       | Goodwyn     | McCorquodale                  | Sessions                     |
| Brannan                    | Gordon      | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>   |
| Brewer                     | Grant       | Martin                        | Smith <sup>(St. Clair)</sup> |
| Britton                    | Gross       | Meade                         | Solomon                      |
| Broadfoot                  | Grouby      | Merrill                       | Speaks                       |
| Brooks                     | Guthrie     | Morrow                        | Steagall                     |
| Cabiness                   | Hain        | Murphy                        | Sullivan                     |
| Camp                       | Hankins     | Nettles                       | Taylor                       |
| Casey                      | Hardy       | Nichols                       | Thomas                       |
| Cates                      | Harris      | Oakley                        | Torbert                      |
| Chambers                   | Harvey      | Oden                          | Trimmier                     |
| Cook                       | Hawkins     | Perry                         | Turner                       |
| Cornett                    | Hearn       | Pierce                        | Turnham                      |
| Daniel                     | Hocklander  | Powell                        |                              |

—91

## MOTION TO SUSPEND RULES LOST

The motion of Mr. Ashworth to suspend the rules in order to dispense with further reading of the Journal of the House for the twenty-seventh legislative day was lost.

Yeas 53; Nays 38.

## Yeas:

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker:               | Dodd      | Hearn                          | Oden                         |
| Adams <sup>(Houston)</sup> | Edwards   | Ingram                         | Perry                        |
| Albea                      | Faulk     | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Ashworth                   | Ferguson  | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Bailey                     | Gilchrist | Johnston <sup>(Leonard)</sup>  | Ray                          |
| Bishop                     | Goodwyn   | Jones <sup>(Covington)</sup>   | Roberts                      |
| Brannan                    | Gordon    | Locke                          | Rozelle                      |
| Brewer                     | Gross     | McClendon <sup>(Chamb)</sup>   | Self                         |
| Broadfoot                  | Grouby    | Meade                          | Sessions                     |
| Camp                       | Guthrie   | Merrill                        | Smith <sup>(Russell)</sup>   |
| Casey                      | Hankins   | Morrow                         | Smith <sup>(St. Clair)</sup> |
| Cates                      | Harris    | Murphy                         | Speaks                       |
| Cook                       | Hawkins   | Nichols                        | Turner                       |
| Copeland                   |           |                                |                              |

—53

## Nays:

|          |                         |                               |          |
|----------|-------------------------|-------------------------------|----------|
| Messrs.: | Gilmer                  | McCorquodale                  | Salter   |
| Avery    | Glass                   | McLendon <sup>(Bullock)</sup> | Solomon  |
| Barnett  | Goldthwaite             | Martin                        | Steagall |
| Bassett  | Grant                   | Nettles                       | Sullivan |
| Boyd     | Hain                    | Oakley                        | Taylor   |
| Britton  | Hardy                   | Owens                         | Thomas   |
| Brooks   | Harvey                  | Powell                        | Torbert  |
| Cabiness | Jenkins                 | Pruitt                        | Trimmier |
| Chambers | Lee                     | Ramey                         | Turnham  |
| Daniel   | Long <sup>(Perry)</sup> | Rogers                        |          |

—38

## READING OF JOURNAL CONTINUED

The Clerk proceeded to continue the reading of the Journal of the House for the twenty-seventh legislative day.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Broadfoot to suspend the rules in order to move that the Standing Committee on Local Legislation No. 1 be allowed to report the bill, H. 974, was adopted.

Yeas 80; Nays 0.

## Yeas:

|                            |           |             |         |
|----------------------------|-----------|-------------|---------|
| Mr. Speaker:               | Brannan   | Cornett     | Grant   |
| Adams <sup>(Houston)</sup> | Brewer    | Daniel      | Gross   |
| Albea                      | Britton   | Dodd        | Guthrie |
| Ashworth                   | Broadfoot | Edwards     | Hain    |
| Avery                      | Brooks    | Gilchrist   | Hankins |
| Bailey                     | Cabiness  | Gilmer      | Harris  |
| Barnett                    | Casey     | Glass       | Harvey  |
| Bassett                    | Cates     | Goldthwaite | Hawkins |
| Bishop                     | Chambers  | Goodwyn     | Hearn   |
| Boyd                       | Cook      | Gordon      | Ingram  |

|                     |         |                 |                   |
|---------------------|---------|-----------------|-------------------|
| Jenkins             | Merrill | Ramey           | Smith (St. Clair) |
| Johnson (Hardaway)  | Nettles | Rast            | Solomon           |
| Johnson (J. T. Tom) | Nichols | Ray             | Speaks            |
| Johnston (Leonard)  | Oakley  | Roberts         | Steagall          |
| Jones (Covington)   | Oden    | Rogers          | Sullivan          |
| Lee                 | Owens   | Rozelle         | Taylor            |
| Locke               | Perry   | Salter          | Thomas            |
| Long (Perry)        | Pierce  | Self            | Torbert           |
| Martin              | Powell  | Sessions        | Trimmier          |
| Meade               | Pruitt  | Smith (Russell) | Turner            |

—80

And the motion of Mr. Broadfoot that the Standing Committee on Local Legislation No. 1 be allowed to report the bill, H. 974, was adopted.

Yeas 87; Nays 0.

#### Yeas:

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Cornett     | Jenkins             | Powell            |
| Adams (Houston) | Daniel      | Johnson (Hardaway)  | Pruitt            |
| Albea           | Dodd        | Johnson (J. T. Tom) | Ramey             |
| Ashworth        | Edwards     | Johnston (Leonard)  | Rast              |
| Avery           | Faulk       | Jones (Covington)   | Ray               |
| Bailey          | Gilchrist   | Lee                 | Roberts           |
| Barnett         | Gilmer      | Locke               | Rogers            |
| Bassett         | Glass       | Long (Perry)        | Rozelle           |
| Bishop          | Goldthwaite | McClendon (Chamb)   | Salter            |
| Boyd            | Goodwyn     | McCorquodale        | Self              |
| Brannan         | Gordon      | McLendon (Bullock)  | Sessions          |
| Brewer          | Grant       | Martin              | Smith (Russell)   |
| Britton         | Gross       | Meade               | Smith (St. Clair) |
| Broadfoot       | Grouby      | Merrill             | Solomon           |
| Brooks          | Guthrie     | Morrow              | Speaks            |
| Cabiness        | Hain        | Nettles             | Steagall          |
| Camp            | Hankins     | Nichols             | Sullivan          |
| Casey           | Harris      | Oakley              | Taylor            |
| Cates           | Harvey      | Oden                | Thomas            |
| Chambers        | Hawkins     | Owens               | Trimmier          |
| Cook            | Hearn       | Perry               | Turner            |
| Copeland        | Ingram      | Pierce              |                   |

—87

#### REPORT OF STANDING COMMITTEE ON LOCAL LEGISLATION NO. 1

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 974. To amend Sections 1, 2, 3, 4, 7, 8, 10 and 12 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama, approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433) relative to privilege or license taxes and excise taxes in Lauderdale County and in the City of Florence, Lauderdale County.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Oden to suspend the rules in order to introduce a local bill out of order was adopted.

Yeas 80; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Messrs.:                   | Dodd        | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Adams <sup>(Houston)</sup> | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Albea                      | Faulk       | Johnston <sup>(Leonard)</sup>  | Pruitt                       |
| Avery                      | Gilchrist   | Jones <sup>(Covington)</sup>   | Ramey                        |
| Bailey                     | Gilmer      | Lee                            | Rast                         |
| Barnett                    | Glass       | Locke                          | Ray                          |
| Bassett                    | Goldthwaite | Long <sup>(Perry)</sup>        | Roberts                      |
| Bevill                     | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Rogers                       |
| Bishop                     | Gordon      | McCorquodale                   | Rozelle                      |
| Boyd                       | Grant       | McLendon <sup>(Bullock)</sup>  | Salter                       |
| Britton                    | Gross       | Martin                         | Self                         |
| Broadfoot                  | Grouby      | Meade                          | Sessions                     |
| Brooks                     | Guthrie     | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Hain        | Morrow                         | Solomon                      |
| Camp                       | Hankins     | Nettles                        | Speaks                       |
| Casey                      | Harris      | Nichols                        | Steagall                     |
| Cates                      | Hawkins     | Oakley                         | Sullivan                     |
| Cook                       | Hearn       | Oden                           | Taylor                       |
| Copeland                   | Ingram      | Owens                          | Trimmier                     |
| Cornett                    | Jenkins     | Perry                          | Turner                       |
| Daniel                     |             |                                |                              |

—80

**INTRODUCTION OF BILL**

The following local bill was introduced and its reading commenced.

**By Mr. Oden (with notice and proof):**

H. 1002. To re-establish the County Court of Franklin County in lieu of the Law and Equity Court of Franklin County; abolishing the Law and Equity Court; providing for the transfer of the cases pending therein to the court hereby established or to the circuit court; defining the jurisdiction of the court hereby established; providing it with officers; defining their powers, duties, salaries, compensation, term of office and the manner of their selection, appointment and election; regulating its procedure and process and the return of warrants thereto; and providing for appeals from the court hereby established.

Notice and Proof H. 1002:

**LEGAL NOTICE**

Notice of application of intention to apply for enactment of a local law affecting Franklin County.

**TO WHOM IT MAY CONCERN:**

Notice is hereby given in accordance with the provisions of Section 106 of the Constitution of Alabama of 1901 that a bill for a local law affecting Franklin County will be introduced at the current session of the Legislature, and application will be made for its enactment. The substance of such local law will be as follows:

To re-establish the county court of Franklin County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that the court shall not be a court of record; to provide that the clerk of the circuit court shall be ex officio clerk of the county court; to provide that the fees and compensation of said clerk for his duties as clerk of the county court shall be the same as



now allowed by law to the clerks of the circuit court in criminal cases, and shall be paid in like manner; to provide that the terms of the court shall be attended by the sheriff or his deputies; to provide that monthly terms of the court shall be held; to provide that a term of the court shall be held on the first Monday of every month, or on such other day of every month as the judge of said court may designate, at the county courthouse; to provide for a solicitor of the court and for his compensation; to provide for appeals to the circuit court of the county; to provide for the issuance of warrants of arrest by the judge of the court or the clerk of the court; to provide forms for process and for the execution of process; to prescribe procedures to be followed by the court; to abolish the law and equity court for Franklin County established by Act. 404, H. 808, approved September 28, 1923 (Local Acts 1923, pp. 272-280); to repeal said Act; to provide for the transfer of cases pending in the Franklin County law and equity court to the circuit court of Franklin County and to the county court established by this Act; and to repeal all conflicting laws.

STATE OF ALABAMA,  
FRANKLIN COUNTY.

Before me a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, co-owner and editor of the Franklin Co. Times, a newspaper published in said State and County, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin Co. Times for 4 consecutive weekly issues beginning with the issue of Oct. 1, 1959 and ending with the issue of Oct. 20, 1959.

CLAUDE E. SPARKS

Subscribed and sworn to before me, this the 20 day of October, 1959 at Russellville, Alabama.

RUTH B. LEOPARD  
Notary Public

My Commission Expires 7-29-61.

MOTION TO SUSPEND RULES LOST

The motion of Mr. Oden to suspend the rules in order to dispense with the reading at length of the bill, H. 1002, was lost.

Yeas 52; Nays 30.

Yeas:

|                            |           |                                |          |
|----------------------------|-----------|--------------------------------|----------|
| Mr. Speaker                | Copeland  | Hawkins                        | Perry    |
| Adams <sup>(Houston)</sup> | Cornett   | Hearn                          | Pierce   |
| Albea                      | Dodd      | Ingram                         | Powell   |
| Bailey                     | Edwards   | Johnson <sup>(Hardaway)</sup>  | Rast     |
| Bevill                     | Faulk     | Johnson <sup>(J. T. Tom)</sup> | Ray      |
| Bishop                     | Gilchrist | Jones <sup>(Covington)</sup>   | Roberts  |
| Boyd                       | Goodwyn   | Locke                          | Rogers   |
| Brewer                     | Gordon    | McClendon <sup>(Chamb)</sup>   | Rozelle  |
| Broadfoot                  | Gross     | Meade                          | Self     |
| Camp                       | Grouby    | Merrill                        | Sessions |
| Casey                      | Guthrie   | Morrow                         | Speaks   |
| Cates                      | Hankins   | Nichols                        | Steagall |
| Cook                       | Harris    | Oden                           | Turner   |

**Nays:**

|          |                               |                               |          |
|----------|-------------------------------|-------------------------------|----------|
| Messrs.: | Gilmer                        | Lee                           | Ramey    |
| Avery    | Glass                         | Long <sup>(Perry)</sup>       | Salter   |
| Barnett  | Goldthwaite                   | McCorquodale                  | Solomon  |
| Bassett  | Grant                         | McLendon <sup>(Bullock)</sup> | Sullivan |
| Britton  | Hain                          | Martin                        | Taylor   |
| Brooks   | Hardy                         | Nettles                       | Thomas   |
| Cabiness | Jenkins                       | Oakley                        | Trimmier |
| Daniel   | Johnston <sup>(Leonard)</sup> | Owens                         |          |

—30

The reading of the bill, H. 1002, was completed, and said bill was referred to the Standing Committee on Local Legislation No. 1.

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Oden to suspend the rules in order to introduce a local bill out of order was adopted.

Yeas 76; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Edwards     | Jenkins                        | Owens                        |
| Adams <sup>(Houston)</sup> | Faulk       | Johnson <sup>(Hardaway)</sup>  | Perry                        |
| Albea                      | Gilchrist   | Johnson <sup>(J. T. Tom)</sup> | Pierce                       |
| Ashworth                   | Gilmer      | Johnston <sup>(Leonard)</sup>  | Powell                       |
| Avery                      | Glass       | Jones <sup>(Covington)</sup>   | Ramey                        |
| Bailey                     | Goldthwaite | Lee                            | Rast                         |
| Bassett                    | Goodwyn     | Locke                          | Ray                          |
| Bevill                     | Crant       | Long <sup>(Perry)</sup>        | Roberts                      |
| Boyd                       | Gross       | McClendon <sup>(Chamb)</sup>   | Rogers                       |
| Brewer                     | Grouby      | McCorquodale                   | Rozelle                      |
| Brooks                     | Guthrie     | McLendon <sup>(Bullock)</sup>  | Self                         |
| Cabiness                   | Hain        | Martin                         | Sessions                     |
| Camp                       | Hankins     | Meade                          | Smith <sup>(St. Clair)</sup> |
| Casey                      | Hardy       | Merrill                        | Speaks                       |
| Cates                      | Harris      | Morrow                         | Steagall                     |
| Cook                       | Harvey      | Nettles                        | Sullivan                     |
| Copeland                   | Hawkins     | Nichols                        | Trimmier                     |
| Daniel                     | Hearn       | Oakley                         | Turner                       |
| Dodd                       | Ingram      | Oden                           | Turnham                      |

—76

**INTRODUCTION OF BILL**

The following local bill was introduced, and its reading commenced.

By Mr. Oden (with notice and proof):

H. 1003. To levy additional county privilege license and excise taxes for public school purposes in Franklin County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 216, H. 397, approved August 8, 1955 (Acts 1955, vol. I, pp. 523-525).

Notice and Proof H. 1003:

STATE OF ALABAMA  
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To levy additional county privilege license and excise taxes for public school purposes in Franklin County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 216, H. 397, approved August 8, 1955 (Acts 1955, vol. 1, pp. 523-525).

**Be It Enacted by the Legislature of Alabama:**

Section 1. All words, terms, and phrases that are defined in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, which levies a state sales tax, and in Article 11, Chapter 20, Code of Alabama 1940, as amended, shall, where used in this Act, have the meanings respectively ascribed to them in said Act No. 100 of August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

"State sales tax statutes" means Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, enacted at the Special Session of the Legislature of Alabama that convened June 24, 1959, which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100, heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said act and the incidence and collection of the tax imposed therein;

"State sales tax" means the tax imposed by the state sales tax statutes;

"State use tax statutes" means Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein;

"State use tax" means the tax imposed by the state use tax statutes;

"Registered seller" means the person registered with the state department of revenue pursuant to the state sales tax statutes;

"Month" means the calendar month;

"Quarterly period" means the period of three months ending on the last day of each March, June, September, and December;

"Fiscal year" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Section 2. Effective on the first day of the month succeeding the month during which this Act becomes a law, there is hereby levied in Franklin County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

1. Upon every person, firm, or corporation engaged or continuing within Franklin County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within Franklin County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Franklin County, an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm, or corporation engaged or continuing within Franklin County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one-half of one percent of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

4. Upon every person, firm or corporation engaged or continuing within Franklin County in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 3. An excise tax is hereby imposed on —

(a) The storage, use, or other consumption in Franklin County of tangible personal property purchased at retail, on or after the first day of the month next succeeding the month during which this Act shall become a law, for storage, use or other consumption in Franklin County, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Franklin County or in this state, except as provided in subsections (b) and (c) of this section; and

(b) The storage, use, or other consumption in Franklin County of any new or used automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use, or other consumption in Franklin County, at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the difference of the price of the new or used vehicle sold less a credit for the used vehicle taken in trade; and

(c) The storage, use, or other consumption in Franklin County of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of the month next succeeding the month during which this Act becomes a law, for storage, use, or other consumption in Franklin County, at the rate of one-half of one percent of the sales price of such machine or the parts, attachments, or replacements therefor.

There are exempted, however, from the provisions of this section and the tax imposed in this section the storage, use, or other consumption of property the storage, use, or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in Franklin County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person as herein provided; provided, however, that a receipt

from a registered seller given pursuant to Section 5 of this Act to the purchaser of any property to be used, stored, or consumed in Franklin County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. The taxes levied in Section 2 of this Act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the taxes levied in Section 3 of this Act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied in this Act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes herein levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business that are provided in Section 2 hereof to be used as a measurement of the tax levied in said Section 2, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 3 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 3 during the then preceding quarterly period; provided, however, that said report shall include also such other items of information pertinent to the said taxes in the amount thereof as the state department of revenue may require. Any person subject to the taxes levied in Section 2 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the governing body of Franklin County, or its designated agent, at reasonable times during business hours.

Section 5. Every registered seller making sales of tangible personal property for storage, use, or other consumption in Franklin County (which storage, use, or other consumption is not herein exempted from the tax imposed in Section 3 hereof) shall at the time of making such sale or, if the storage, use, or other consumption of such tangible personal property in Franklin County is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax imposed by Section 2 of this Act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 hereof, each registered seller shall file with the state department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department, showing the total sales of the tangible personal property sold by such registered seller, the storage, use or other consumption of which became subject to the tax imposed by Section 3 of this Act during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and

may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall omit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Franklin County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use, or other consumption of which is subject to the tax imposed by Section 3 of this Act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4.

Section 6. Each person engaging or continuing within Franklin County in a business subject to the taxes levied in Section 2 of this Act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in said Section 2; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 5 hereof to collect. It shall be unlawful for any person subject to the tax levied in said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed by Section 3 of this Act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. The taxes imposed by this Act shall constitute a debt due Franklin County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due this state shall apply fully to the collection of the taxes herein levied, and the state department of revenue, for the use and benefit of Franklin County shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax and the state use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this Act, and to otherwise enforce the provisions of this Act, including any litigation involving this Act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Franklin County.

Section 8. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state sales tax statutes, the

promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 2 hereof, shall apply to the tax levied in the said Section 2; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the State use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied in Section 3 hereof, shall apply to the tax levied in the said Section 3. The commissioner of revenue and the state department of revenue shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied in Section 2 and 3 hereof that are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable in this Act to the taxes herein levied and to the administration of this Act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. The state department of revenue shall charge Franklin County for collecting said special taxes herein levied a percentage of said taxes to be computed on the basis that the total cost of collecting the state sales and use taxes bears to the total of said state taxes collected for each fiscal year. A proportionate part of such charge may be deducted once each month from the special sales and use taxes collected before certifying the amount of special taxes due Franklin County. The commissioner of revenue shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Franklin County during the month immediately preceding the making of such certificate: Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Franklin County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Franklin County, in his official capacity, in an amount equal to three-fourths of the amount so certified by the commissioner of revenue as having been collected for the use of Franklin County, and the remainder shall be paid to the custodian of the public school funds of the City of Russellville.

Section 10. All revenue arising from the taxes herein levied shall be used exclusively for public school purposes within Franklin County.

Section 11. This Act supersedes Act. No. 216, H. 397, approved August 8, 1955 (Acts 1955, vol. I, pp. 523-525); provided, that rights and duties that matured, penalties that were incurred, and proceedings that were begun under said Act No. 216 before the effective date of this Act shall not be affected by this Act.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.



Section 13. This Act shall become effective on the first day of the month succeeding the month during which the Act shall be approved by the Governor or shall otherwise become a law.

STATE OF ALABAMA,  
FRANKLIN COUNTY.

Before me a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, co-owner and editor of the Franklin Co. Times, a newspaper published in said State and County, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin Co. Times for 4 consecutive weekly issues beginning with the issue of Sept. 17, 1959 and ending with the issue of Oct. 8, 1959.

CLAUDE E. SPARKS.

Subscribed and sworn to before me, this the 19 day of October, 1959 at Russellville, Alabama.

RUTH B. LEOPARD,  
Notary Public.

My commission expires 7-29-61.

MOTION TO SUSPEND RULES LOST

The motion of Mr. Oden to suspend the rules in order to dispense with the reading at length of the bill, H. 1003, was lost.

Yeas 48; Nays 28.

**Yeas:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Dodd      | Ingram                         | Perry                        |
| Adams <sup>(Houston)</sup> | Edwards   | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Albea                      | Faulk     | Johnson <sup>(J. T. Tom)</sup> | Ray                          |
| Ashworth                   | Gilchrist | Jones <sup>(Covington)</sup>   | Roberts                      |
| Bailey                     | Gordon    | Locke                          | Rozelle                      |
| Boyd                       | Gross     | McClendon <sup>(Chamb)</sup>   | Self                         |
| Brannan                    | Grouby    | Meade                          | Sessions                     |
| Brewer                     | Guthrie   | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Camp                       | Hankins   | Morrow                         | Speaks                       |
| Casey                      | Harris    | Nichols                        | Steagall                     |
| Cates                      | Hawkins   | Oden                           | Sullivan                     |
| Copeland                   | Hearn     | Owens                          | Turner                       |

—48

**Nays:**

|          |             |                               |          |
|----------|-------------|-------------------------------|----------|
| Messrs.: | Glass       | Long <sup>(Perry)</sup>       | Ramey    |
| Avery    | Goldthwaite | McCorquodale                  | Rogers   |
| Barnett  | Grant       | McLendon <sup>(Bullock)</sup> | Solomon  |
| Bassett  | Hain        | Martin                        | Taylor   |
| Britton  | Hardy       | Nettles                       | Thomas   |
| Cabiness | Harvey      | Oakley                        | Trimmier |
| Daniel   | Lee         | Powell                        | Turnham  |
| Gilmer   |             |                               |          |

—28

The reading of the bill, H. 1003, was completed, and said bill was referred to the Standing Committee on Local Legislation No. 1.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Oden to suspend the rules in order to introduce a local bill out of order was adopted.

Yeas 69; Nays 1.

## Yeas:

|                 |                    |                   |                   |
|-----------------|--------------------|-------------------|-------------------|
| Mr. Speaker     | Edwards            | Jones (Covington) | Pruitt            |
| Adams (Houston) | Faulk              | Locke             | Ramey             |
| Albea           | Gilchrist          | Long (Perry)      | Rast              |
| Avery           | Gilmer             | McClendon (Chamb) | Ray               |
| Bailey          | Glass              | McCorquodale      | Roberts           |
| Bassett         | Grant              | Martin            | Rogers            |
| Bishop          | Gross              | Meade             | Rozelle           |
| Boyd            | Guthrie            | Merrill           | Salter            |
| Brannan         | Hain               | Morrow            | Self              |
| Brewer          | Hankins            | Nettles           | Sessions          |
| Britton         | Hardy              | Nichols           | Smith (St. Clair) |
| Broadfoot       | Harris             | Oakley            | Solomon           |
| Brooks          | Hawkins            | Oden              | Speaks            |
| Cabiness        | Ingram             | Owens             | Steagall          |
| Camp            | Jenkins            | Perry             | Sullivan          |
| Chambers        | Johnson (Hardaway) | Pierce            | Taylor            |
| Daniel          | Johnston (Leonard) | Powell            | Turner            |
| Dodd            |                    |                   |                   |

—69

Nay: Mr. Copeland.

—1

## INTRODUCTION OF BILL

The following local bill was introduced, read one time and referred to appropriate standing committee, as follows: :

By Mr. Oden (with notice and proof):

H. 1004. Relating to Franklin County; fixing the compensation of members of the board of revenue, court of county commissioners, or other like governing body of Franklin County, and providing for the manner of payment thereof.

Local Legislation No. 1.

Notice and Proof H. 1004:

STATE OF ALABAMA

COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Franklin County; fixing the compensation of members of the board of revenue, court of county commissioners, or other like governing body of Franklin County, and providing for the manner of payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of revenue, court of county commissioners, or other like governing body of Franklin County shall receive a salary of one thousand eight hundred dollars (1,800) per annum, payable in equal monthly installments out of the general fund of the county. It is provided, however, that one-half of such compensation, in the discretion of the county governing body, may be paid from monies received from the special county tax levied for public buildings, roads, and bridges.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**STATE OF ALABAMA,  
FRANKLIN COUNTY.**

Before me a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, co-owner and editor of the Franklin Co. Times, a newspaper published in said State and County, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin Co. Times for 4 consecutive weekly issues beginning with the issue of Sept. 17, 1959 and ending with the issue of Oct. 8, 1959.

**CLAUDE E. SPARKS.**

Subscribed and sworn to before me, this the 19 day of October, 1959 at Russellville, Alabama.

**RUTH B. LEOPARD,  
Notary Public.**

My commission expires 7-29-61.

**MOTION IN WRITING**

Mr. Brewer offered the following Motion in Writing:

I move that the rules be suspended in order that the Constitution and Elections Committee may report out of order.

And the Motion in Writing was lost.

Yeas 45; Nays 45.

**Yeas:**

|             |           |                                |                            |
|-------------|-----------|--------------------------------|----------------------------|
| Mr. Speaker | Copeland  | Hearn                          | Oden                       |
| Albea       | Dodd      | Ingram                         | Owens                      |
| Ashworth    | Edwards   | Johnson <sup>(Hardaway)</sup>  | Perry                      |
| Bevill      | Gilchrist | Johnson <sup>(J. T. Tom)</sup> | Ray                        |
| Bishop      | Gordon    | Jones <sup>(Covington)</sup>   | Roberts                    |
| Brewer      | Gross     | Locke                          | Rozelle                    |
| Broadfoot   | Grouby    | Meade                          | Self                       |
| Cabiness    | Guthrie   | Merrill                        | Sessions                   |
| Camp        | Hankins   | Morrow                         | Smith <sup>(Russell)</sup> |
| Casey       | Harris    | Murphy                         | Speaks                     |
| Cates       | Hawkins   | Nichols                        | Turner                     |
| Cook        |           |                                |                            |

—45

**Nays:**

|          |         |         |         |
|----------|---------|---------|---------|
| Messrs.: | Bailey  | Bassett | Brannan |
| Avery    | Barnett | Boyd    | Britton |

|             |                               |         |                              |
|-------------|-------------------------------|---------|------------------------------|
| Brooks      | Hain                          | Martin  | Smith <sup>(St. Clair)</sup> |
| Chambers    | Hardy                         | Nettles | Solomon                      |
| Cornett     | Harvey                        | Oakley  | Steagall                     |
| Daniel      | Jenkins                       | Pierce  | Sullivan                     |
| Franklin    | Johnston <sup>(Leonard)</sup> | Powell  | Taylor                       |
| Gilmer      | Lee                           | Pruitt  | Thomas                       |
| Glass       | Long <sup>(Perry)</sup>       | Ramey   | Torbert                      |
| Goldthwaite | McClendon <sup>(Chamb)</sup>  | Rogers  | Trimmier                     |
| Goodwyn     | McCorquodale                  | Salter  | Turnham                      |
| Grant       | McLendon <sup>(Bullock)</sup> |         |                              |

—45

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Oden to suspend the rules in order to introduce a local bill out of order was adopted.

Yeas 88; Nays 0.

## Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cornett     | Ingram                         | Pruitt                       |
| Adams <sup>(Houston)</sup> | Daniel      | Jenkins                        | Ramey                        |
| Albea                      | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Ashworth                   | Edwards     | Johnston <sup>(Leonard)</sup>  | Ray                          |
| Avery                      | Faulk       | Jones <sup>(Covington)</sup>   | Roberts                      |
| Bailey                     | Franklin    | Lee                            | Rogers                       |
| Barnett                    | Gilchrist   | Locke                          | Rozelle                      |
| Bassett                    | Gilmer      | Long <sup>(Perry)</sup>        | Salter                       |
| Bevill                     | Glass       | McClendon <sup>(Chamb)</sup>   | Self                         |
| Bishop                     | Goldthwaite | McCorquodale                   | Sessions                     |
| Boyd                       | Gordon      | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Brannan                    | Grant       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Gross       | Meade                          | Solomon                      |
| Britton                    | Grouby      | Merrill                        | Speaks                       |
| Broadfoot                  | Guthrie     | Morrow                         | Steagall                     |
| Brooks                     | Hain        | Nettles                        | Sullivan                     |
| Cabiness                   | Hankins     | Oakley                         | Taylor                       |
| Camp                       | Hardy       | Oden                           | Thomas                       |
| Casey                      | Harris      | Owens                          | Torbert                      |
| Cates                      | Harvey      | Perry                          | Trimmier                     |
| Chambers                   | Hawkins     | Pierce                         | Turner                       |
| Cook                       | Hearn       | Powell                         | Turnham                      |

—88

## INTRODUCTION OF BILL

The following local bill was introduced, and its reading commenced.

By Mr. Oden (with notice and proof):

H. 1005. To amend further Section 1 of Act No. 201, approved July 13, 1951, entitled "An Act relating to Franklin County; authorizing the sheriff to appoint a deputy sheriff in addition to the deputies heretofore provided by law, fixing his compensation, and providing that the same shall be paid by the county", in relation to the amount of such deputy's compensation.

Notice and Proof H. 1005:

STATE OF ALABAMA  
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Section 1 of Act No. 201, approved July 13, 1951, entitled "An Act relating to Franklin County; authorizing the sheriff to appoint a deputy sheriff in addition to the deputies heretofore provided by law, fixing his compensation, and providing that the same shall be paid by the county", in relation to the amount of such deputy's compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 201, approved July 13, 1951, entitled "An Act relating to Franklin County; authorizing the sheriff to appoint a deputy sheriff in addition to the deputies heretofore provided by law, fixing his compensation, and providing that the same shall be paid by the county", as amended by an act approved August 5, 1953, is amended further to read as follows:

"Section 1. The Sheriff of Franklin County is hereby authorized to appoint a deputy in addition to the deputies heretofore authorized by law. Such deputy shall be a resident of Franklin County; and he shall be paid a salary of two hundred dollars (\$200) a month. The compensation of such deputy shall be paid by the county out of any funds in the county treasury not otherwise appropriated."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA,  
FRANKLIN COUNTY.

Before me a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, co-owner and editor of the Franklin Co. Times, a newspaper published in said State and County, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin Co. Times for 4 consecutive weekly issues beginning with the issue of Sept. 17, 1959 and ending with the issue of Oct. 8, 1959.

CLAUDE E. SPARKS.

Subscribed and sworn to before me, this the 19 day of October, 1959 at Russellville, Alabama.

RUTH B. LEOPARD,  
Notary Public.

My commission expires 7-29-61.

MOTION TO SUSPEND RULES LOST

The motion of Mr. Oden to suspend the rules in order to dispense with the reading at length of the bill, H. 1005, was lost.

Yeas 48; Nays 37.

**Yeas:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Cornett   | Hawkins                        | Oden                         |
| Adams <sup>(Houston)</sup> | Dodd      | Hearn                          | Perry                        |
| Albea                      | Edwards   | Ingram                         | Rast                         |
| Bevill                     | Faulk     | Johnson <sup>(Hardaway)</sup>  | Ray                          |
| Bishop                     | Franklin  | Johnson <sup>(J. T. Tom)</sup> | Rozelle                      |
| Brewer                     | Gilchrist | Johnston <sup>(Leonard)</sup>  | Self                         |
| Broadfoot                  | Gordon    | Jones <sup>(Covington)</sup>   | Sessions                     |
| Camp                       | Gross     | Locke                          | Smith <sup>(Russell)</sup>   |
| Casey                      | Grouby    | McClendon <sup>(Chamb)</sup>   | Smith <sup>(St. Clair)</sup> |
| Cates                      | Guthrie   | Meade                          | Speaks                       |
| Cook                       | Hankins   | Merrill                        | Steagall                     |
| Copeland                   | Harris    | Morrow                         | Turner                       |

—48

**Nays:**

|          |             |                               |          |
|----------|-------------|-------------------------------|----------|
| Messrs.: | Cabiness    | Long <sup>(Perry)</sup>       | Ramey    |
| Ashworth | Daniel      | McCorquodale                  | Rogers   |
| Avery    | Gilmer      | McLendon <sup>(Bullock)</sup> | Salter   |
| Bailey   | Glass       | Martin                        | Sullivan |
| Barnett  | Goldthwaite | Nettles                       | Taylor   |
| Bassett  | Grant       | Oakley                        | Thomas   |
| Boyd     | Hain        | Pierce                        | Torbert  |
| Brannan  | Harvey      | Powell                        | Trimmier |
| Britton  | Jenkins     | Pruitt                        | Turnham  |
| Brooks   | Lee         |                               |          |

—37

The reading of the bill, H. 1005, was completed, and said bill was referred to the Standing Committee on Local Legislation No. 1.

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Johnson (J. T. Tom) to suspend the rules in order to introduce a local bill out of order was adopted.

Yeas 78; Nays 1.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Cook      | Ingram                        | Pierce                       |
| Adams <sup>(Houston)</sup> | Copeland  | Jenkins                       | Powell                       |
| Albea                      | Cornett   | Johnson <sup>(Hardaway)</sup> | Pruitt                       |
| Ashworth                   | Daniel    | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Avery                      | Dodd      | Jones <sup>(Covington)</sup>  | Rast                         |
| Bailey                     | Edwards   | Lee                           | Ray                          |
| Barnett                    | Faulk     | Locke                         | Rogers                       |
| Bassett                    | Franklin  | Long <sup>(Perry)</sup>       | Rozelle                      |
| Bevill                     | Gilchrist | McClendon <sup>(Chamb)</sup>  | Salter                       |
| Bishop                     | Gilmer    | McCorquodale                  | Sessions                     |
| Boyd                       | Glass     | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>   |
| Brannan                    | Gordon    | Martin                        | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Grant     | Meade                         | Speaks                       |
| Britton                    | Gross     | Merrill                       | Steagall                     |
| Broadfoot                  | Grouby    | Morrow                        | Sullivan                     |
| Brooks                     | Guthrie   | Nettles                       | Thomas                       |
| Camp                       | Hain      | Oakley                        | Trimmier                     |
| Casey                      | Hardy     | Oden                          | Turner                       |
| Cates                      | Harvey    | Perry                         | Turnham                      |
| Chambers                   | Hawkins   |                               |                              |

—78

**Nay:** Mr. Self.

—1

## INTRODUCTION OF BILL

The following local bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Messrs. Adams (Tallapoosa) and Johnson (J. T. Tom) (with notice and proof):

H. 1006. Relating to Tallapoosa County: To impose extra, new and additional duties upon members of the Court of County Commissioners and to provide additional compensation for the performance of such duties.

## Local Legislation No. 1.

## Notice and Proof H. 1006:

Notice is hereby given that the following local bill will be introduced in the regular session of the Legislature of Alabama at the first opportunity:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Tallapoosa County: To impose extra, new and additional duties upon members of the Court of County Commissioners and to provide additional compensation for the performance of such duties.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other duties now imposed upon them by law, the following extra, new and additional duties are hereby imposed upon the members of the Court of County Commissioners of Tallapoosa County.

(a) The Court of County Commissioners shall hold regular meetings during the second and fourth weeks in each month of the year on a day to be determined, from time to time, by it, and at such other times as are now provided by law.

(b) Each members of the Court of County Commissioners shall make periodic inspections of all public roads and bridges in his district, shall superintend the construction and maintenance of all public roads and bridges in his district, and shall make such reports of his activities to the Court of County Commissioners from time to time, as are necessary to keep it informed as to the condition of the public roads and bridges in his district. The commissioners shall, at least once a year, inspect roads and bridges in each of the districts of the county.

Section 2. The probate judge shall assist members of the Court of County Commissioners in the performance of the duties hereby imposed to such extent as may be necessary, but the compensation of the probate judge shall remain as now fixed by law.

Section 3. Each member of the Court of County Commissioners shall receive a salary of three hundred and fifty dollars (\$350) per month, which shall be in lieu of all fees and allowances except mileage, as now allowed by law to commissioners. The additional compensation which the commissioners receive as a result of the provisions of this Act, over and above the compensation now provided by law, is hereby declared to be performance of the extra, new and additional duties hereby imposed upon them.

Section 4. The provisions of this Act are severable. If any part of this Act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 5. All laws and parts of laws, general, special or local, in conflict with the provisions of this Act are repealed.

Section 6. This Act shall become effective on the first day of the first month following its passage, and approval by the Governor, or its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

I, J. C. Henderson, Publisher, of the Alexander City Outlook publish-  
ed semi-weekly at Alexander City, Alabama, do solemnly swear that a  
copy of the notice, as per clipping attached, was published four times  
in the regular and entire issue of said newspaper and not in any sup-  
plement thereof, for four consecutive weeks, commencing with the  
issue dated September 11, 1959, and ending with the issue dated Sep-  
tember 29, 1959.

J. C. HENDERSON.

Subscribed and sworn before me this 10th day of October, 1959.

T. C. WOLSONCROFT,  
Notary Public.

My Commission Expires May 14, 1963.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Johnson (J. T. Tom) to suspend the rules in  
order to introduce a local bill out of order was adopted.

Yeas 72; Nays 0.

#### Yeas:

|                            |             |                                |                            |
|----------------------------|-------------|--------------------------------|----------------------------|
| Mr. Speaker                | Daniel      | Jenkins                        | Powell                     |
| Adams <sup>(Houston)</sup> | Dodd        | Johnson <sup>(Hardaway)</sup>  | Pruitt                     |
| Albea                      | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Ramey                      |
| Bailey                     | Franklin    | Johnston <sup>(Leonard)</sup>  | Rast                       |
| Barnett                    | Gilchrist   | Jones <sup>(Covington)</sup>   | Ray                        |
| Bassett                    | Gilmer      | Locke                          | Rogers                     |
| Bevill                     | Glass       | Long <sup>(Perry)</sup>        | Rozelle                    |
| Boyd                       | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Salter                     |
| Brannan                    | Gordon      | McCorquodale                   | Self                       |
| Brewer                     | Grant       | McLendon <sup>(Bullock)</sup>  | Sessions                   |
| Britton                    | Gross       | Martin                         | Smith <sup>(Russell)</sup> |
| Brooks                     | Grouby      | Meade                          | Speaks                     |
| Cabiness                   | Guthrie     | Merrill                        | Steagall                   |
| Camp                       | Hain        | Morrow                         | Sullivan                   |
| Casey                      | Hardy       | Nettles                        | Thomas                     |
| Cates                      | Hawkins     | Oakley                         | Torbert                    |
| Chambers                   | Hearn       | Perry                          | Turner                     |
| Cook                       | Ingram      | Pierce                         | Turnham                    |

—72

#### INTRODUCTION OF BILL

The following local bill was introduced, read one time and referred  
to appropriate standing committee, as follows:



By Mr. Johnson (J. T. Tom):

H. 1007. Proposing an amendment to the Constitution of Alabama relative to costs and charges of courts in, and the compensation of officers of Tallapoosa County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Johnson (J. T. Tom) to suspend the rules in order to introduce a bill out of order was adopted.

Yeas 59; Nays 10.

Yeas:

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Cook      | Johnson <sup>(Hardaway)</sup>  | Oden                         |
| Adams <sup>(Houston)</sup> | Cornett   | Johnson <sup>(J. T. Tom)</sup> | Perry                        |
| Albea                      | Daniel    | Johnston <sup>(Leonard)</sup>  | Pierce                       |
| Bailey                     | Franklin  | Lee                            | Powell                       |
| Barnett                    | Gilchrist | Locke                          | Rogers                       |
| Bassett                    | Gilmer    | Long <sup>(Perry)</sup>        | Rozelle                      |
| Bevill                     | Glass     | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Boyd                       | Gordon    | McCorquodale                   | Smith <sup>(St. Clair)</sup> |
| Brannan                    | Gross     | McLendon <sup>(Bullock)</sup>  | Solomon                      |
| Britton                    | Grouby    | Meade                          | Speaks                       |
| Brooks                     | Hain      | Merrill                        | Steagall                     |
| Camp                       | Hardy     | Morrow                         | Sullivan                     |
| Casey                      | Hearn     | Nettles                        | Thomas                       |
| Cates                      | Ingram    | Nichols                        | Torbert                      |
| Chambers                   | Jenkins   | Oakley                         |                              |

—59

Nays:

|          |           |                              |       |
|----------|-----------|------------------------------|-------|
| Messrs.: | Brewer    | Dodd                         | Ramey |
| Ashworth | Broadfoot | Jones <sup>(Covington)</sup> | Self  |
| Bishop   | Cabiness  | Martin                       |       |

—10

INTRODUCTION OF BILL

The following bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Mr. Johnson (J. T. Tom):

H. 1008. To designate as a felony the offense of armed resistance to lawful arrest and prescribe the punishment therefor.

Judiciary.

MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Johnson (J. T. Tom) to suspend the rules in order to introduce a local bill out of order was adopted.

Yeas 61; Nays 3.

Yeas:

|                            |         |         |          |
|----------------------------|---------|---------|----------|
| Mr. Speaker:               | Avery   | Boyd    | Brooks   |
| Adams <sup>(Houston)</sup> | Barnett | Brannan | Cabiness |
| Albea                      | Bevill  | Britton | Casey    |

|          |                     |                   |                   |
|----------|---------------------|-------------------|-------------------|
| Cates    | Hain                | Long (Perry)      | Ramey             |
| Chambers | Hardy               | McClendon (Chamb) | Rast              |
| Cook     | Hawkins             | Martin            | Rozelle           |
| Cornett  | Hearn               | Meade             | Sessions          |
| Daniel   | Ingram              | Merrill           | Smith (Russell)   |
| Edwards  | Jenkins             | Morrow            | Smith (St. Clair) |
| Faulk    | Johnson (Hardaway)  | Nettles           | Solomon           |
| Franklin | Johnson (J. T. Tom) | Oakley            | Speaks            |
| Gilmer   | Johnston (Leonard)  | Perry             | Steagall          |
| Glass    | Jones (Covington)   | Pierce            | Sullivan          |
| Grant    | Lee                 | Powell            | Taylor            |
| Grouby   | Locke               | Pruitt            | Thomas            |
| Guthrie  |                     |                   |                   |

—61

**Nays:** Messrs. Brewer, Broadfoot and Dodd.

—3

### INTRODUCTION OF BILL

The following local bill was introduced, and its reading commenced.

By Mr. Adams (Tallapoosa) (with notice and proof):

H. 1009. Relating to Tallapoosa County; abolishing the County Court of Tallapoosa County, and establishing in lieu thereof a court of record to be known as the "Court of Common Pleas of Tallapoosa County;" defining the court's jurisdiction and powers; providing for its officers, and their powers, duties, and compensation; providing for the holding of the terms and sessions of the court; providing for the rules and procedure of the court; and providing for the transfer of all cases pending in the County Court of Tallapoosa County, the juvenile court, and all cases of desertion and non-support to the Court of Common Pleas of Tallapoosa County.

Notice and Proof H. 1009:

### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF TALLAPOOSA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Tallapoosa County; abolishing the County Court of Tallapoosa County, and establishing in lieu thereof a court of record to be known as the "Court of Common Pleas of Tallapoosa County;" defining the court's jurisdiction and powers; providing for its officers, and their powers, duties, and compensation; providing for the holding of the terms and sessions of the court; providing for the rules and procedure of the court, and providing for the transfer of all cases pending in the County Court of Tallapoosa County, the juvenile court, and all cases of desertion and non-support and all cases involving domestic relations pending in the probate court, to the Court of Common Pleas of Tallapoosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in Tallapoosa County, Alabama, a court of record to be known as the "Court of Common Pleas of Tallapoosa County," which court shall have and exercise civil and criminal jurisdiction as hereinafter provided.

Section 2. The court shall have civil jurisdiction in all civil matters of which justices of the peace of Tallapoosa County have jurisdiction under the general laws of the State of Alabama, and in which the amount involved does not exceed one hundred dollars (\$100.00), concurrently with the several justices of the peace in the county; and in addition thereto, the court shall have jurisdiction, concurrently with the circuit court of Tallapoosa County, Alabama, of all matters, suits and actions at law which are in amount more than the jurisdiction of the justices of the peace, and less than the sum of five hundred dollars (\$500.00), and when the value of the property sued for in a suit in detinue is less than five hundred dollars (\$500.00); provided, however, that the court shall not have and exercise civil jurisdiction of actions of libel, slander, assault and battery or ejectment, or actions in the nature of ejectment; and the court shall have original jurisdiction, concurrently with the circuit court of Tallapoosa County, Alabama, of all misdemeanors committed in Tallapoosa County, Alabama; and it shall have preliminary jurisdiction of all felonies. This court shall have jurisdiction of all matters, suits, and actions cognizable before a juvenile court; of all cases of desertion and non-support arising under the provisions of Article 3, Chapter 4, Title 34, Code of Alabama (1940); and of all cases involving domestic relations. The territorial jurisdiction of the court shall be coextensive with the boundaries of Tallapoosa County, Alabama.

Section 3. The judge of the court shall have been a resident in and a qualified elector of Tallapoosa County for at least five years at the time of his appointment or election, and shall reside in the county during his continuance in office. He shall be at least 25 years of age, and shall be learned in the law and admitted to the practice of law in this State for the past three years. He shall not during his term of office act as attorney in any case or matter that has previously been in or is in this court, but may practice in all other matters and all other courts. Immediately upon the passage and approval of this act, or upon its otherwise becoming a law, the Governor shall appoint the judge of the court created by this act. The person so nominated and appointed shall hold office as judge of the court created herein until the first Monday after the second Tuesday in January 1965, and until his successor is elected and qualified, and shall perform the duties and receive the compensation herein provided for the judge of this court.

Section 4. The term of office of the judge of this court, who shall be elected by the qualified electors of Tallapoosa County, Alabama, at the general election for state and county officers in the year 1964, and every six years thereafter, shall be for six years from the first Monday after the second Tuesday in January 1965, and until his successor is elected or appointed and qualified. Upon the passage and approval of this act, or upon its otherwise becoming a law, the Governor shall issue commission to the person whom he has appointed judge of the Court of Common Pleas of Tallapoosa County, as herein provided; and after the election of the judge of this court as herein provided the Governor shall likewise issue to him a commission as such judge. Before entering upon the duties of his office, the judge of this court shall take the oath of office in the form required by law to be taken by judges of the circuit court of this State and he shall be removed from office for the same causes and in the same manner as is now or may be hereafter provided for removal of circuit judges. In the event of a

vacancy caused by the resignation, removal, or death of the judge, or for other causes, the Governor shall fill the office by appointment, and the person so appointed shall hold office as provided for in Section 158 of the Constitution of this State. In case the judge of the court is unable at any time to discharge the duties of his office by reason of sickness, disqualifications, or other causes, the judge shall make, or cause to be made by the clerk thereof, an order, when the facts warrant it, setting forth the reasons of his inability to sit in the court, and the order shall be spread on the minutes of the court. Thereupon, the clerk of this court shall designate and appoint in writing, which appointment shall be spread on the minutes of this court, some practicing attorney of the county who is learned in the law, as special judge thereof, and the person so designated and appointed shall perform all of the duties and exercise all of the powers and authority of the judge of this court, and shall hold the office until the regular judge thereof shall resume his duties; the special judge shall receive for his compensation five dollars for each day he serves as such judge of this court, payable in the same manner and from the same funds as the compensation of the regular judge is paid. The regular judge of this court shall have authority to administer oaths and take acknowledgments and affidavits in all cases, and to solemnize marriages the same as circuit judges of this State.

Section 5. The judge of this court shall receive a salary of Four thousand, two hundred dollars, (\$4,200.00) per annum, payable in equal monthly installments out of the general fund of Tallapoosa County, Alabama, upon the warrant of the probate judge of Tallapoosa County, Alabama, which he is hereby authorized and directed to issue monthly, and the warrants shall be preferred claims against the general fund.

Section 6. The clerk of the circuit court of Tallapoosa County, Alabama, shall be clerk of the Court of Common Pleas of Tallapoosa County, hereby established, and he shall keep a civil and criminal docket of all cases brought before the court, and all of the minutes and records as are now required by law to be kept by clerks of the circuit courts, and he shall have authority to issue all necessary summons and complaints as to all cases filed in the court, and all other civil and criminal process which clerks of the circuit courts are now required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all cases in the court. It shall be the duty of the clerk to tax and collect in each civil case in the Court of Common Pleas of Tallapoosa County the same costs and fees for services of the solicitor, the clerk, the sheriff, and the witnesses as are allowed in county courts, and he shall disburse such fees in the manner required by law for the disbursement of fees in the county courts, except as may be hereinafter provided. The clerk shall tax and collect in each criminal case the same costs and fees for services of the solicitor, the clerk, the sheriff, and the witnesses as are allowed in circuit courts, and he shall disburse such fees in the manner required by law for the disbursement of fees in circuit courts, except as may be hereinafter provided. It shall also be his duty to collect, or receive from the sheriff, all fines and forfeitures in the court, which, together with the solicitor's fees taxed and collected in the court, he shall pay into the general fund of the county. The clerk shall tax in each civil case, a trial fee of two dollars, and shall tax in all criminal cases a trial fee as hereinafter provided to be collected as all other costs are collected, and when collected, paid into and become a part of the general fund of the county. The court costs and fees in all prosecutions in the Court of Common Pleas of Tallapoosa County for violations of the prohibition laws, for carrying a concealed weapon, and for petit larceny or offenses punishable like petit larceny, adultery, and assault with a weapon,

shall be the same as those prescribed for county courts by the general laws of the State, except that the trial tax in such cases shall be three dollars. The court costs and fees for misdemeanors other than violation of the prohibition laws, carrying a concealed weapon, petit larceny or offenses punishable like petit larceny, adultery, and assault with a weapon, in bastardy proceedings, in peace proceedings, and in preliminary examinations shall be the same as those prescribed for justices of the peace courts by the general laws of the State; provided, that in all such cases the trial tax shall be one dollar and no solicitors' fee shall be taxed as a part of the cost. Witness fees taxed and collected in civil cases shall be retained by the clerk and paid over to the witnesses entitled to the fees; provided, however, that witnesses shall have the first five days after their attendance upon the court in any case therein pending, to prove their attendance and to be issued a witness certificate, and, failing therein, no costs shall be taxed on account of the attendance of such witnesses; and provided further, that in case civil witness certificates are not presented to the clerk for payment within 90 days after the payment of the costs in the cases in which the certificates were issued, the witness fee shall revert to the general fund of the county and shall be paid by the clerk into the county treasury for the use of the general fund, and the clerk shall pay over to the county treasurer all such reverted fees in his hands on the first Monday in each month. State witness fees in criminal cases shall be taxed, collected, paid into and disbursed from the general fund of Tallapoosa County, Alabama. Each witness attending court in civil cases shall be entitled to seventy-five cents per day and five cents per mile actually travelled by the most direct route in going to court and returning home, and the fees shall be taxed as a part of the costs, to be collected and disposed of as herein provided. The clerk shall attend upon the sessions of the court at such hours as are designated by the judge thereof and shall perform such other duties as may be prescribed by the judge of the court and by this act, either in person or by deputy. The clerk shall issue certificates of judgments of the court, in the same form as is now provided by law for issuance of certificates of judgments from the circuit courts, for which he shall be allowed the same fees as are now allowed in the circuit courts. The owner of any judgment rendered by the court may file in the office of the judge of probate of any county in this State such certificate of judgment issued by the clerk as hereinabove provided, under the same procedure and in the same manner as is now or may hereafter be provided for filing certificates of judgments rendered by the circuit courts of this State; and when so filed such judgments shall be a lien in the county where filed on all property of the defendant which is subject to levy and sale under execution. The filing of such certificate of judgment shall be notice to all persons of the existence of the lien thereby created. The lien shall continue for ten years from the date of the judgment and no insolvency proceedings or declaration of insolvency shall affect or impair the lien, except bankruptcy proceedings instituted within four months after the filing of the certificate, provided by law. Executions may be issued at any time within ten years from the date of the judgment, whether execution has been previously issued or not. The clerk of the court, before entering into the duties of his office, shall give bond in such penal sum as may be prescribed by the court of county commissioners of Tallapoosa County, Alabama, payable and conditioned as are official bonds required of clerks of the circuit courts, to be taken and approved by the judge of probate of Tallapoosa County, and recorded in the probate office of Tallapoosa County, Alabama, and upon the bonds there shall be the same liabilities and remedies as upon bonds of the clerks of the circuit court of this State. The premium on the bond or bonds shall be paid out of the general fund of the county. The clerk shall receive the

same fees, allowances, commissions and costs as are now allowed by law to clerks of the circuit courts of this State, as his compensation. The clerk shall receive a fee of one dollar for each writ of arrest issued by him, to be taxed and collected as other costs are taxed and collected.

Section 7. The sheriff of Tallapoosa County shall, in person, or by deputy, be required to attend upon the court and to preserve order and execute all writs or process issued therefrom, and to perform such other duties in all respects as he is required by law to perform in the circuit court of Tallapoosa County; and for such services of attending the court the sheriff shall receive the sum of six dollars per day payable out of the general fund on warrant of the probate judge; and for all services rendered by him, other than attendance upon the court hereinabove provided for, he shall receive the same costs and fees as are allowed by law for similar services performed and done in the circuit courts.

Section 8. The deputy solicitor for Tallapoosa County shall prosecute for the State all criminal cases in the court created by this act. The salary of the deputy solicitor for Tallapoosa County shall be the salary now provided, or which may hereafter be provided, by the general laws of this State for deputy solicitors in counties where circuit or county court is held at more than one place in the county, to be paid out of the general fund of the county, in equal monthly installments on the warrant of the probate judge. Such warrants shall be preferred claims against the general fund.

Section 9. The court, at the discretion of the judge, shall be open any day during the week, except Sunday, for the trial of cases coming within the jurisdiction of the court. However, on one day of each week there shall be held a session of the court in the town of Alexander City, on two days of each month there shall be held a session of the court in the town of Dadeville, and on two days of each month there shall be held a session of the court in the town of Carrville, in order to facilitate the handling, trial and disposition of cases arising in those places and the surrounding areas. And in the aforesaid Courts held in Alexander City shall be tried all actions within the jurisdiction of this Court which arise on the west side of the Tallapoosa River in Tallapoosa County, Alabama; and in the aforesaid Courts held in Carrville shall be tried all actions within the jurisdiction of this Court which arise in Beats 10, 12 and 13 in Tallapoosa County, Alabama; and in the aforesaid Courts held in Dadeville shall be tried all actions within the jurisdiction of this Court which arise on the east side of the Tallapoosa River in Tallapoosa County, except those arising in Beats 10, 12 and 13 in Tallapoosa County.

Section 10.a All prosecutions or misdemeanors may be instituted in the Court by making affidavit before the deputy solicitor or the sheriff, and the writ on the affidavit shall be issued by the clerk; and in all preliminary proceedings in prosecutions for felonies begun in the court the same may be instituted by affidavit before the deputy solicitor or the sheriff, and the writ thereon shall be issued by the judge or the clerk. When the defendant is arrested on affidavit and warrant charging a misdemeanor the case shall go to the docket for trial and be tried as though the defendant has been indicted by a grand jury, except as hereinafter provided. The defendant shall not be put upon trial in any cause within five days of his arrest, except with his consent. The judge of the court shall have the right and authority to issue all processes returnable into his court that are not especially provided to be issued by the clerk of the court, but he shall not prepare any summons and complaints, garnishments, detinue attachments, papers or other rights of processes issuing out of the court.

b. All warrants issued in Tallapoosa County for misdemeanors for violations of the rules of the road and other misdemeanors defined or provided for in the Code of Alabama, 1940, Title 36, shall be returnable to the court of Common Pleas and shall be there tried. In each rule of the road case docketed there shall be imposed and collected as other costs in said case a docketing tax of two dollars (\$2.00), which shall be paid into the county treasury.

Section 11. The clerk of the court may appoint a deputy or deputies of the court, who shall hold office at the will of the clerk and receive such portion of the fees in this act provided for the clerk as the clerk of the court may designate. Any such deputy so appointed by the clerk shall have the right in the name of the clerk to file papers and to do all things herein provided to be done by the clerk.

Section 12. All criminal cases in the court shall be tried by the judge thereof without a jury, and the accused shall not have the right to demand a trial by jury, but in all trials of criminal cases in the court, the judge shall determine both the law and the facts without the intervention of a jury, and in cases of conviction the defendant shall have the right to appeal to the circuit court as provided for in Section 326 of Title 13 of the Code of Alabama (1940), except that appeal bonds shall be approved by the clerk of the court, and a jury trial may there be had on the demand of the defendant, made at the time of taking the appeal.

Section 13. A party aggrieved or desiring to bring a charge of misdemeanor before this court may make affidavit in writing, before the deputy solicitor or the sheriff, that he has probable cause for believing and does believe that an offense (designate the misdemeanor by name, or by some other phrase which in common parlance designates it) has been committed on the person, or property, or as the case may be, of A. B. (naming the person injured, or as the case may be). Upon application to the judge or the clerk for a warrant of arrest, the judge or clerk of the court shall examine the affiant under oath, and other witnesses if he so desires, touching the offense charged in the affidavit, and if the judge or clerk has probable cause for believing that the offense alleged in the affidavit has been committed he shall issue his warrant of arrest as hereinabove provided. When there is an objection to the validity or sufficiency of any affidavit, complaint, or warrant pending in this court or when a defect appears in any of same the solicitor or other person prosecuting for the State, shall have the right to amend any or all of the papers to which the objection is directed, or where such defect appears; or the solicitor may instead of amending the papers, make a brief statement of the cause of complaint signed by him, which may be substantially in the form provided in Section 259 of Title 15 of the Code of Alabama (1940), and may be amended as herein provided. Thereupon the court shall proceed to try the case either upon the original papers, or the original as amended, or upon the statement or statements filed by the solicitor or other person prosecuting for the State.

Section 14. All proceedings in the court as to judgment for fine and costs, confession of judgment and executions thereon, sentence to jail and—or hard labor for fines and costs and as additional punishment, bail, conditional judgments, forfeitures, judgments, final and alias warrants of arrest, shall be the same in the Court of Common Pleas of Tallapoosa County as are now, or may hereafter be, provided for by law in the circuit courts; and conditional judgments may be set aside therein, reduced or made absolute, and the same orders and

judgments may be made and taken in such matters as could be made or taken in the circuit courts; and the same procedure shall be followed, except as otherwise provided by this act.

Section 15. The trial of all criminal appeals from this court in the circuit court shall be de novo, and without any indictment or presentment by the grand jury; but the solicitor shall make a brief statement of the cause of complaint signed by him, in substantially the form prescribed by Section 259 of Title 15 of the Code of Alabama (1940) or the trial may proceed upon the original affidavit or complaint; on the trial of such appeal the court shall be governed by the same rules as to evidence, practice, find of the jury, and punishment as if the case had originated in that court.

Section 16. All general laws relating to misdemeanors, now in force or that may hereafter be enacted, shall apply to and extend to this court, unless the contrary be expressly provided or limited by the law so enacted.

Section 17. In all civil actions in this court, the pleadings and process and the time for filing pleadings shall conform to and be governed by the statute and rules obtaining in the circuit court of Tallapoosa County, Alabama, except the issuance, levy and collection of executions from this court shall be controlled by the laws now applicable to justice courts of this State.

Section 18. In all civil matters in this court the trial shall in all respects be governed by the same rule of pleading, evidence, procedure and practice as now prevail or govern in the circuit courts of this State except as hereinafter provided. A party litigant after being served with statutory interrogatories shall be required to answer the interrogatories within thirty days, and upon his failure to do so shall be subject to the same pains and penalties as are now provided by law for failure to answer interrogatories propounded in the circuit court. Any party desiring to appeal from any judgment rendered in this court, except from judgments for the possession of real estate, may give security for the cost of the appeal in the form of an appeal bond in an amount to be fixed and approved by the clerk; provided that if the party appealing desires to have the judgment superseded, when the judgment is for the payment of money or for the recovery or possession of personal property he may do so by giving a supersedeas bond with good and sufficient security and surety in such an amount as herein provided payable to the adverse party and approved by the clerk with the condition that if he fail in the appeal he will pay such judgment as the circuit court may render in the premises and all such cost and damages as any party aggrieved may sustain by reason of the wrongful appeal and suspension of the execution of the judgment, which appeal bond and security or surety for court cost and supersedeas bonds must be filed with and approved by the clerk within ten days from the date of the rendition of said judgment. The supersedeas bond shall be in an amount double the amount of the judgment and costs of court, if for a judgment for the payment of money; and in an amount double the value of the personal property recovered in the suit and court costs, if for a judgment for the recovery of or possession of personal property. Any party desiring to appeal from any judgment rendered in this court for the possession of real estate may do so and the appeal shall be governed in all respects, including time allowed within which to take the appeal, amount and condition of appeal bond, and in all other respects, by the general laws of this State relating to appeals in such cases from judgments of justice of the peace courts. Notice of all appeals in civil cases from this court shall



be given the adverse party in such manner and for such time as is prescribed by the general laws of this State relating to notice of appeals from judgments rendered in justice of the peace courts.

Section 19. All civil cases in this court shall be tried by the judge of the court without the intervention of a jury, the judge shall determine both the law and the facts; and either party shall have the right to appeal to the circuit court as hereinabove provided, and on appeal either party may demand a trial by jury on the trial in the circuit court, and the trial in the circuit court shall be de novo.

Section 20. Final judgments rendered in civil causes in such court shall after the expiration of ten days from their rendition be taken and deemed to have passed beyond the control of the court, as if such term of the court at which said judgments were rendered had ended, provided, however, that nothing herein contained shall prevent the parties from filing a motion to vacate, set aside or modify such judgment or grant a new trial or rehearing within ten days or change or destroy the office of motion for a new trial or rehearing, when so made. Such motion shall be filed with clerk of the court and called to the attention of the court, and the court may thereupon hear the motion or make an order continuing the motion or hearing at a future day, which motion shall be heard and determined within thirty days from the date of rendering the judgment.

Section 21. The judge of this court shall have the power to impose fines and sentence to hard labor upon convictions in misdemeanor cases, and to punish for contempt by fine not to exceed, \$50.00, and imprisonment in the county jail not to exceed five days, either or both, the same as judges of the circuit courts of this State. The judge of this court shall also have power to issue, hear, and determine writs of habeas corpus; and the procedure, practice, and rules of the circuit courts of Alabama relating to such writs as are now, or which hereafter may be, provided by law, shall prevail in the Court of Common Pleas of Tallapoosa County. The judge shall have the same power relating to such writs as is now, or hereafter may be, conferred upon the judges of the circuit courts of Alabama; and such power shall extend to all cases where the judges of the circuit courts have authority to issue such writs.

Section 22. The judge of the court shall keep an office in the court house of the county, or in such other suitable place in Tallapoosa County as the court of county commissioners may provide; and it shall be the duty of the court of county commissioners to provide an office for the judge, and to furnish and supply the office with the necessary fixtures, stationary, stamps, telephone, lights, heat, and other necessary supplies for the judge of this court; and it shall be the duty of the court of county commissioners and they are hereby directed and authorized, to supply the clerk of the court the necessary minute books, dockets, blank forms, record books and such other books, records and blank forms as are reasonably necessary to the dispatch of the business of this court.

Section 23. The County Court of Tallapoosa County is hereby abolished.

Section 24. All cases and causes now pending in the county court and the juvenile court of Tallapoosa County, and all cases of desertion and non-support and all cases involving domestic relations pending in the probate court, together with the records pertaining to such pending cases, are hereby transferred to the Court of Common Pleas of Tallapoosa County, and the Court of Common Pleas of Tallapoosa County,

shall, immediately upon the passage and approval of this act or upon its otherwise becoming a law, assume complete jurisdiction over all of such pending cases, and shall have the same power and control over the same as if they had been originally filed in the Court of Common Pleas of Tallapoosa County, and the clerk of this court shall enter on the appropriate dockets of this court all cases now pending in the county court and the juvenile court of Tallapoosa County, and all cases of desertion and non support and all cases involving domestic relations pending in the probate court. And all judgments heretofore rendered by such courts in the cases hereinabove provided shall be the same and shall have the same force and effect as if they had been rendered by the Court of Common Pleas of Tallapoosa County, and the Court of Common Pleas of Tallapoosa County shall have the same power and control over such judgments and shall issue executions thereon and all other appropriate processes thereon the same and as fully and completely as if such judgments had been originally rendered in the Court of Common Pleas of Tallapoosa County; all of such executions and other processes issued on such judgments heretofore rendered by such courts shall be issued by the clerk of the Court of Common Pleas of Tallapoosa County.

Section 25. If, for any reason, any section, clause, or provision of this act, shall be declared to be invalid or unconstitutional it shall not be held to affect any other section, clause or provision, but the same shall remain in full force and effect.

Section 26. All laws and parts of laws, whether local, general, or special, in so far as they conflict with the provisions of this act are hereby repealed.

Section 27. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF TALLAPOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared H. Clay Pless, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Dadeville Record, a newspaper of general circulation published in Tallapoosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 3, Sept. 10, Sept. 17, and Sept. 24, all in the year 1959.

H. CLAY PLESS.

Sworn to and subscribed before me Oct. 15, 1959.

CHAS. R. ADAIR, JR.,  
Notary Public.

#### MOTION TO SUSPEND RULES LOST

The motion of Mr. Roberts to suspend the rules in order to dispense with the reading at length of the bill, H. 1009, was lost.

Yeas 55; Nays 29.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker:               | Dodd      | Hawkins                       | Pierce                       |
| Adams <sup>(Houston)</sup> | Edwards   | Hearn                         | Rast                         |
| Albea                      | Faulk     | Johnson <sup>(Hardaway)</sup> | Ray                          |
| Bailey                     | Ferguson  | Jones <sup>(Covington)</sup>  | Roberts                      |
| Bevill                     | Franklin  | Locke                         | Rogers                       |
| Bishop                     | Gilchrist | McClendon <sup>(Chamb)</sup>  | Rozelle                      |
| Brannan                    | Gordon    | Meade                         | Self                         |
| Brewer                     | Gross     | Merrill                       | Sessions                     |
| Broadfoot                  | Grouby    | Morrow                        | Smith <sup>(Russell)</sup>   |
| Camp                       | Guthrie   | Murphy                        | Smith <sup>(St. Clair)</sup> |
| Casey                      | Hain      | Nichols                       | Speaks                       |
| Cates                      | Hankins   | Oden                          | Steagall                     |
| Copeland                   | Hardy     | Owens                         | Turner                       |
| Cornett                    | Harris    | Perry                         |                              |

—55

**Nays:**

|          |             |                               |         |
|----------|-------------|-------------------------------|---------|
| Messrs.: | Daniel      | Johnston <sup>(Leonard)</sup> | Oakley  |
| Avery    | Dickson     | Lee                           | Powell  |
| Barnett  | Gilmer      | Long <sup>(Perry)</sup>       | Pruitt  |
| Bassett  | Glass       | McCorquodale                  | Ramey   |
| Britton  | Goldthwaite | McLendon <sup>(Bullock)</sup> | Taylor  |
| Brooks   | Grant       | Martin                        | Thomas  |
| Cabiness | Harvey      | Nettles                       | Turnham |
| Chambers | Jenkins     |                               |         |

—29

The reading of the bill, H. 1009, was completed, and said bill was referred to the Standing Committee on Local Legislation No. 1.

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Boyd to suspend the rules in order to introduce a bill out of order was adopted.

Yeas 56; Nays 1.

**Yeas:**

|                            |                               |                               |                              |
|----------------------------|-------------------------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Ferguson                      | Jones <sup>(Covington)</sup>  | Powell                       |
| Adams <sup>(Houston)</sup> | Franklin                      | Lee                           | Ramey                        |
| Albea                      | Gilmer                        | Locke                         | Rast                         |
| Avery                      | Glass                         | Long <sup>(Perry)</sup>       | Ray                          |
| Barnett                    | Gordon                        | McClendon <sup>(Chamb)</sup>  | Rogers                       |
| Brannan                    | Grant                         | McCorquodale                  | Sessions                     |
| Camp                       | Grouby                        | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Casey                      | Guthrie                       | Martin                        | Solomon                      |
| Cates                      | Hain                          | Merrill                       | Speaks                       |
| Chambers                   | Hardy                         | Morrow                        | Sullivan                     |
| Cornett                    | Harvey                        | Nettles                       | Taylor                       |
| Daniel                     | Hawkins                       | Oakley                        | Thomas                       |
| Dickson                    | Jenkins                       | Perry                         | Trimmier                     |
| Faulk                      | Johnston <sup>(Leonard)</sup> | Pierce                        | Turner                       |

—56

**Nay:** Mr. Brewer.

—1

**INTRODUCTION OF BILL**

The following bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Messrs. Boyd and Bassett:

H. 1010. For the relief of L. B. Kilpatrick, contractor,: To make an appropriation of State Highway Departments funds to compensate such contractor for certain construction work done on Alabama Highway Projects, S-522(2) Shelby County, \$16,323.51; Coffee County S-886, S-887, S-888, S-889, \$3,419.03. Total \$19,742.54.

Ways and Means.

### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Thomas to suspend the rules in order to move that the Standing Committee on Local Legislation No. 1, and the Standing Committee on Local Legislation No. 2 be allowed to report, and that the call of counties be made for the introduction of local bills, was adopted.

Yeas 78; Nays 0.

#### Yeas:

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Daniel      | Hawkins                       | Powell                       |
| Adams <sup>(Houston)</sup> | Dickson     | Hocklander                    | Ramey                        |
| Albea                      | Dodd        | Jenkins                       | Rast                         |
| Ashworth                   | Edwards     | Jones <sup>(Covington)</sup>  | Roberts                      |
| Avery                      | Faulk       | Lee                           | Rogers                       |
| Bailey                     | Ferguson    | Locke                         | Rozelle                      |
| Barnett                    | Franklin    | Long <sup>(Lauderdale)</sup>  | Salter                       |
| Bassett                    | Gilchrist   | Long <sup>(Perry)</sup>       | Self                         |
| Bevill                     | Gilmer      | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Bishop                     | Glass       | McCorquodale                  | Smith <sup>(St. Clair)</sup> |
| Boyd                       | Goldthwaite | McLendon <sup>(Bullock)</sup> | Speaks                       |
| Brannan                    | Grant       | Martin                        | Steagall                     |
| Brewer                     | Gross       | Meade                         | Sullivan                     |
| Britton                    | Grouby      | Merrill                       | Taylor                       |
| Brooks                     | Guthrie     | Morrow                        | Thomas                       |
| Cabiness                   | Hain        | Nettles                       | Torbert                      |
| Camp                       | Hankins     | Oakley                        | Trimmier                     |
| Casey                      | Hardy       | Perry                         | Turner                       |
| Cates                      | Harris      | Pierce                        | Turnham                      |
| Cornett                    | Harvey      |                               |                              |

—78

And the motion of Mr. Thomas that the Standing Committee on Local Legislation No. 1, and the Standing Committee on Local Legislation No. 2 be allowed to report, and that the call of counties be made for the introduction of local bills, was adopted.

Yeas 69; Nays 5.

#### Yeas:

|                            |           |             |                               |
|----------------------------|-----------|-------------|-------------------------------|
| Mr. Speaker:               | Brooks    | Goldthwaite | Johnston <sup>(Leonard)</sup> |
| Adams <sup>(Houston)</sup> | Cates     | Grant       | Jones <sup>(Covington)</sup>  |
| Albea                      | Daniel    | Gross       | Lee                           |
| Avery                      | Dickson   | Grouby      | Locke                         |
| Bailey                     | Dodd      | Guthrie     | Long <sup>(Perry)</sup>       |
| Barnett                    | Edwards   | Hain        | McClendon <sup>(Chamb)</sup>  |
| Bassett                    | Faulk     | Hardy       | McCorquodale                  |
| Bevill                     | Franklin  | Harvey      | McLendon <sup>(Bullock)</sup> |
| Boyd                       | Gilchrist | Hawkins     | Martin                        |
| Brannan                    | Gilmer    | Hocklander  | Merrill                       |
| Britton                    | Glass     | Jenkins     | Morrow                        |

|         |         |                              |          |
|---------|---------|------------------------------|----------|
| Nettles | Ramey   | Self                         | Taylor   |
| Nichols | Rast    | Sessions                     | Thomas   |
| Oakley  | Roberts | Smith <sup>(St. Clair)</sup> | Torbert  |
| Perry   | Rogers  | Speaks                       | Trimmier |
| Pierce  | Rozelle | Steagall                     | Turner   |
| Powell  | Salter  | Sullivan                     | Turnham  |
| Pruitt  |         |                              |          |

—69

**Nays:** Messrs. Brewer, Broadfoot, Cabiness, Copeland and Ferguson. —5

#### REPORT OF STANDING COMMITTEE ON LOCAL LEGISLATION NO. 1

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 965. Relating to Butler County; authorizing the governing body of the county to furnish fuel and necessary equipment for the preparation and storing of food for prisoners held in The Butler County Jail by the Sheriff.

H. 966. For the relief of The United Telephone & Telegraph Co., and to authorize and direct The Court of County Commissioners of Butler County, Alabama, to pay to the said United Telephone & Telegraph Co., the sum of FOUR HUNDRED FORTY DOLLARS AND THIRTY-EIGHT CENTS (\$440.38) for damages to telephone lines owned by the said United Telephone & Telegraph Co.

H. 970. To apply only in Chilton and Shelby Counties: To require railroads to install and maintain flashing electric signals or other similar warning devices at every intersection of their tracks with a federal or state highway or a county road where there is a grade crossing in either Chilton or Shelby County, when requested to do so by the state highway department or the county governing body; and to prescribe penalties.

H. 972. To further amend Section Two of Act No. 538, Local Acts of the Legislature, 1939, approved September 16, 1939, which said Section Two was amended by Act No. 651 of the Legislature of 1947, approved October 9, 1947, which said Act No. 538 established in Geneva County, Alabama, a Court of Record to be known as the "Inferior Court of Geneva County"; and to provide that said Court have limited equity jurisdiction and to provide for a Register of said Court and a stenographer for the Judge of said Court and fix her salary.

H. 973. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

S. 389. To regulate the duties and compensation of certain deputy sheriffs for Bullock County.

S. 398. To authorize and empower the board of revenue, court of county commissioners, or other like governing body of Talladega County to provide an annual allowance to the sheriff of Talladega County for the purchase of equipment and for the purchase of uniforms for the personnel of the sheriff's department.

H. 850. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

H. 923. To provide for the creation of the Tri-County Regional Planning Commission with jurisdiction in Morgan, Lawrence and Limestone Counties, to provide for its composition, organization, rules, procedure, appropriations, membership, terms of office, powers and duties, and for the adoption of a regional plan by such commission.

H. 941. Relating to Clarke County; creating the office of Second Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Second Special Deputy.

H. 942. To amend Section 2 of Act No. 64, S. 11, approved April 13, 1955, entitled "An Act relating to Clarke County; creating the office of Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Special Deputy," (Acts of the 1955 second extraordinary session, Vol. 1, Page 175.)

H. 968. Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties.

H. 971. To prohibit the taking of fish from the public waters of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, with hoop and fyke nets, seines, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines; repealing conflicting laws.

H. 980. To alter, rearrange and describe the boundary lines and corporate limits of the city of Alexander City, Tallapoosa County, Alabama.

H. 985. To alter, rearrange and extend the boundaries and corporate limits of the town of Butler, Choctaw County, so as to incorporate within the town certain additional territory.

H. 986. To provide additional compensation or salary for the Official Court Reporter of the 22nd Judicial Circuit and providing for the payment thereof.

H. 987. To alter, rearrange and extend the boundaries of the City of Montgomery, Alabama, so as to include within the corporate limits thereof certain additional territory in Sections 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

H. 988. To abolish the fine and forfeiture fund of Shelby County; to provide for the payment of all fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

H. 997. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

H. 998. To alter, extend and rearrange the boundary lines and corporate limits of the City of Piedmont in Calhoun County, so as to annex certain territory to the city.

S. 258. Relating to the operation of school buses in Marion County; providing that the County Board of Education of Marion County shall employ no person as a school bus driver unless such person is twenty-five years of age and requiring the County Board of Education to pay school bus drivers a prescribed minimum salary.

S. 259. To allow the Sheriff of Marion County, Alabama, one additional deputy sheriff in addition to those now provided by law, and to authorize the governing body of Marion County to pay the salary of the same; to fix the salary of said additional deputy and to make same payable out of the general funds of Marion County, in monthly installments; to authorize the Sheriff's supervision and control of said additional deputy and to provide for the appointment of the same.

S. 267. To amend further Section 1 of Act No. 691, S. 284, approved September 5, 1951 (Acts of Alabama, 1951, p. 1192), entitled "An Act to fix the compensation of court reporters, and providing for the payment thereof," in relation to the compensation of the court reporters of the Twenty-third Judicial Circuit.

S. 338. Relating to Marion County: To provide for the appointment and compensation of clerical assistance for certain county officers.

S. 339. For the relief of Lee Other Harris; authorizing and directing the board of revenue, court of county commissioners, or other like governing body of Marion County to make an appropriation from the county treasury to compensate Lee Other Harris for certain damages.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 358 (with amendment). To authorize the governing body of DeKalb County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 366. To provide an additional expense allowance to the judge of the Twenty-fifth Judicial Circuit of Alabama.

S. 399. To extend, alter and rearrange the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama.

Mr. Perry, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 982. To amend Section 799, Title 37, of the 1940 Code of Alabama, as heretofore amended.

H. 983. To amend Section 1 of Act Number 65 H. 138 approved April 5, 1956, (Acts of Alabama Special Session 1956, page 357 entitled, "To provide that the Recorder's Court of any city having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census trying any person for violation of an ordinance of such city making it unlawful to engage in or conduct a lottery, to possess lottery paraphernalia, to possess gaming paraphernalia, to engage in bookmaking, to accept bets on horse racing or other sporting events, to conduct a house of prostitution, to possess, sell, give away or display obscene pictures, prints, drawings or literature, or to molest children shall upon the conviction of such person, have the power and authority to impose a fine not exceeding three hundred dollars upon such person and to sentence him to hard labor upon the streets or public works, or in the workhouse or house of corrections of such city for not exceeding six months; to provide that the Act shall be cumulative and the power and authority hereby granted to any such Recorder's Court shall be in addition to any power and authority which such court may have under any other law either general or local.

H. 989. To alter and extend the boundaries of the City of Birmingham, to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

H. 990. To amend Section 288 of Title 62 of the Code of Alabama of 1940.

H. 991. To repeal Act No. 430 of the 1957 Regular Session of the Legislature of Alabama, approved September 6, 1957 (Acts of Alabama Regular Session 1957, page 593) entitled "An Act, To Authorize, Regulate and Provide For the payment of supplemental benefits to certain beneficiaries of municipal employees' pension, relief or retirement systems in cities in this state having a population of three hundred thousand or more, according to the last or any subsequent federal decennial census".

H. 992. To alter and extend the boundaries of the City of Birmingham to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

H. 993. To amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923, (General Acts of Alabama of 1923, page 663, et seq.), as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, page 241 et seq.), as heretofore amended.

H. 994. To establish a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief or retirement and relief system heretofore established or hereafter established under Act Number 929 of Legislature of Alabama of 1951, Approved September 12, 1951 (Acts of Alabama 1951, page 1579 et seq.



as amended) and on whose account, or for whose benefit, the city by whom they are employed makes no contribution, or pays no tax, to the United States of America under the Federal Social Security Act; to provide certain disability benefits for such firemen and policemen and also certain benefits for the widows and children of any such firemen or policemen who die; to make provision for a supplemental retirement benefit for such firemen and policemen, if and when said Act No. 929 is amended as stipulated in this act; to provide that from the funds of the system established by this act certain payments shall be made to the fund of the system established by said Act No. 929, subject to said Act No. 929 being amended so as to authorize the Board of Managers of the system created by said Act Number 929 to receive said payments; to establish a Board of Managers for the pension system hereby created and to provide for the method of selection of the said board and to define the power, authority and duties of the said Board of Managers; to provide for the actuarial study, investigation and report showing the probable ability or inability of the fund hereby created to meet the benefits provided for by the system created by this Act; to provide for paying from funds of the system expenses incurred in securing any such actuarial study, investigation and report; to provide that at least sixty days prior to the convening of the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to each member of the House of Representatives and of the Senate of the Legislature of Alabama residing in any county or Senatorial District wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall give such opinion separately and severally with respect to each of the said benefits, and which said report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what change or changes he considers necessary; and to provide that the Board of Managers shall present to the members of the House of Representatives and the Senator designated above a similar actuarial report or survey at least once every four years sixty days prior to the convening of a Regular Session of the Legislature of Alabama.

H. 995. To provide for designating the 109th Evacuation Hospital building in Jefferson County, "Fort Mortimer H. Jordan."

H. 996. To authorize the incorporation in any county in this state having a population of 500,000 or more, according to the last or any succeeding Federal Census, of a health care authority as a public corporation for hospital purposes, including, among others, the making of provisions for medical and hospital aid to the indigent sick of such county; to provide a method of effecting the incorporation of such authority and electing the members of its board of directors and its officers; to specify the powers of such board of directors and the powers of such authority; to provide for the payment to such authority by the county in which it is organized of all revenue received and held by such county from any tax levied by the state for the benefit of the county for health and medical care of indigent residents of the county, and to authorize such county to allocate and pay other funds to such authority; to provide for the expenditure of the funds of such authority for any of its corporate purposes; to authorize the sale and issuance of securities by such authority for any of its purposes; to authorize such authority to provide the details of such securities and the pledge of revenues of the authority and the execution of mortgages or deeds of trust as security thereof; to provide that such securities shall constitute negotiable instruments; to provide that the properties and income of such authority, the securities

issued by it and the interest payable thereon, and all mortgages and other instruments executed as security therefor shall be exempt from taxation; to authorize investment of fiduciary funds in securities by such authority; to require the making of annual reports and the submission of an annual budget to the governing body of such county; to provide the time and method of dissolution of such authority; to provide that the formation and dissolution of one or more such authorities shall not prevent the subsequent formation of another authority in the same county; and to authorize such county and any municipality therein to transfer to such authority projects and funds acquired or allocated for any of the purposes for which such authority shall have been organized.

H. 999. To amend further Act No. 259, H. 530, approved June 24, 1943, an act providing for appeals to the circuit court in certain counties having a population of 400,000 or more, according to the last or any subsequent federal decennial census, from decisions of the board of equalization (General Acts, Regular Session 1943, p. 230), which is known as "The Expeditious and Economical Tax Appeals Act."

### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Brannan (with notice and proof):

H. 1011. To amend Section 2 as amended of an act in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and provide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund including the salary of the deputy by this Act payable out of such fund to the general fund of the county, and to fix the amount of such deputy sheriff's salary payable from such fund and the time and manner of the payment thereof, and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of office of the sheriff appointing such deputy, approved May 28, 1931, reported, Local Acts Alabama 1931, pages 83-84.

Local Legislation No. 1.

Notice and Proof H. 1011:

### LEGAL NOTICE

#### AN ACT

To amend Section 2 as amended of an act in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and provide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of

such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund including the salary of the deputy by this Act payable out of such fund to the general fund of the county, and to fix the amount of such deputy sheriff's salary payable from such fund and the time and manner of the payment thereof, and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of office of the sheriff appointing such deputy, approved May 28, 1931, reported, Local Acts Alabama 1931, pages 83-84.

**Be It Enacted by the Legislature of Alabama:**

Section 1. That Section 2 of an act, entitled an act, in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and provide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund and including the salary of the deputy by this act payable out of such fund, to the general fund of the county, and to fix the amount of such deputy sheriff's salary payable from such fund and the time and manner of the payment thereof and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of the office of the Sheriff appointing such deputy, approved May 28, 1931 reported, Local Acts Alabama, 1931, pages 83-84, be amended to read as follows:

"Section 2. That any surplus now in or that hereafter accumulates in the Fine and Forfeiture Fund of Baldwin County, after the payments of all other claims and demands now or hereafter chargeable against such fund, not less than \$7,200.00 and not more than \$14,400.00 a year is hereby appropriated to the payment of the salaries of deputy sheriffs not to exceed three in addition to and other than the deputy sheriff whose salary is paid out of the general fund of Baldwin County, such additional deputy sheriff's salaries to be paid in monthly installments of not less than \$200.00 and not more than \$400.00 to each deputy. The amount to be fixed by the county commissioners of Baldwin County; provided that if during any calendar year the surplus of such Fine and Forfeiture Fund shall not be sufficient to pay the salaries of such deputy sheriffs, any surplus thereafter accumulating in said fund in the succeeding year or years shall be applied to any deficiency in such salaries for the previous calendar year or years, but only for the term to which the sheriff appointing such deputies is elected or appointed, and that no deficiency in such Fine and Forfeiture Fund accruing under any sheriff's administration shall be chargeable against any sur-

plus of such fund accumulating subsequent to the term of such sheriff in whose administration such deficiency occurs. The deputy's salaries herein provided for shall be paid by warrant drawn on such fund in the same manner as other claims or paid out of the said fund."

Section 2. That all laws or parts of laws, general, local, or special in conflict herewith are repealed.

Section 3. This act shall go into effect immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of An Act was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Aug. 27, 1959 Vol. 71 No. 33

Date of 2nd publication Sept. 3, 1959 Vol. 71 No. 34

Date of 3rd publication Sept. 10, 1959 Vol. 71 No. 35

Date of 4th publication Sept. 17, 1959 Vol. 71 No. 36

Subscribed and sworn before the undersigned this 14th day of Oct., 1959.

DOROTHY MARTIN  
Notary Public, Baldwin County.

E. R. MORRISSETTE, JR.  
Editor.

By Messrs. Thomas and Lee (with notice and proof):

H. 1012. To provide for the recording of conveyances in Barbour County, and to repeal Sections 2, 3, 4 and 5 of Act No. 270, approved February 12, 1879, Acts of Alabama 1878-79, pages 295 and 296.

Local Legislation No. 1.

Notice and Proof H. 1012:

STATE OF ALABAMA  
COUNTY OF BARBOUR

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of recording deeds, mortgages, deeds of trust, bills of sale, contracts or other instruments, purporting to convey any right, title, easement or interest in any real estate or personal property, and all assignments of mortgages, deeds of trust, or other securities for debt, or extension agreements with respect thereto, when

executed in accordance with law, shall be admitted to record in the respective offices of the Judge of Probate of Barbour County as hereinafter set out.

Section 2. For the purposes of this Act, Barbour County shall be composed of two divisions, separated by a line beginning on the South boundary of said county on the Range line between Range 27 and Range 28 from thence running North along said Range line to the intersection of said Range line with the Township line between Township 11 and Township 12, thence West along said Township line to intersection of said Township line with Range line between Range 26 and Range 27, thence North along said Range line 3 miles to corner where Section 13 and 24, Township 12, Range 26, and Sections 18 and 19, Township 12, Range 27 meet in a point; thence West along section lines 3 miles to Southeast corner of Bullock County.

Section 3. All instruments of the character listed in Section 1 hereof, relating to property situated North and East of said division line described in Section 2 hereof shall be recorded in the office of the Judge of Probate of Barbour County at Eufaula; all such instruments relating to property situated South and West of said line described in Section 2 hereof shall be recorded in the office of the Judge of Probate of Barbour County at Clayton. All such instruments relating to property situated in both divisions of the county shall be recorded in both offices of the Judge of Probate of Barbour County.

Section 4. The filing as provided in this Act of any instrument which may legally be admitted to record shall operate as notice of the contents of such conveyance or instrument; and the filing of such instrument other than as herein provided shall not operate as notice of the same.

Section 5. Sections 2, 3, 4, and 5 of Act No. 270, approved February 12, 1879, Acts of Alabama 1878-79, pages 295 and 296, are hereby repealed.

Section 6. This Act shall become effective on January 1, 1960.

Section 7. All laws, or parts of laws, in conflict herewith are repealed.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF BARBOUR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joel P. Smith, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Eufaula Tribune, a newspaper of general circulation published in Barbour County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 29, Oct. 6, Oct. 13, and Oct. 20, all in the year 1959.

JOEL P. SMITH.

Sworn to and subscribed before me Oct. 20, 1959.

MRS. J. M. SMITH,  
Notary Public.

By Mr. Bishop (with notice and proof):

H. 1013. To amend further Section 5 of Act No. 32, H. 162, approved June 27, 1947 (Local Acts of Alabama, 1947, p. 25), entitled "An Act To establish a Law and Equity Court for Colbert County, Alabama; to define its jurisdiction and powers; to provide for its officers, their appointment, election, terms of office, powers, duties and compensations; to provide that said court shall be open at all times for the trial of causes and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court, and the Juvenile Court; and to give the said court juvenile and domestic jurisdiction; and to abolish the County Court of Colbert County, Alabama," by providing further for the compensation of the judge of the Colbert Law and Equity Court.

Local Legislation No. 1.

Notice and Proof H. 1013:

#### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF COLBERT

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To amend further Section 5 of Act No. 32, H. 162, approved June 27, 1947 (Local Acts of Alabama, 1947, p. 25), entitled "An Act To establish a Law and Equity Court for Colbert County, Alabama; to define its jurisdiction and powers; to provide for its officers, their appointment, election, terms of office, powers, duties and compensations; to provide that said court shall be open at all times for the trial of causes and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court, and the Juvenile Court; and to give the said court juvenile and domestic jurisdiction; and to abolish the County Court of Colbert County, Alabama," by providing further for the compensation of the judge of the Colbert Law and Equity Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 32, H. 162, approved June 27, 1947 (Local Acts of Alabama, 1947, p. 25), as amended, entitled "An Act To establish a Law and Equity Court for Colbert County, Alabama; to define its jurisdiction and powers; to provide for its officers, their appointment, election, terms of office, powers, duties and compensations; to provide that said court shall be open at all times for the trial of causes and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court, and the Juvenile Court; and to give the said court juvenile and domestic jurisdiction; and to abolish the County Court of Colbert County, Alabama," is amended further to read as follows:

"Section 5. The judge of the Colbert Law and Equity Court shall receive a salary of nine thousand five hundred dollars (\$9,500) per annum, payable in equal monthly installments out of the county treasury at the end of each month, his signed receipt being required."

Section 2. The provisions of this Act shall become operative only if approved by a majority of the qualified electors of Colbert County, voting in a referendum to be held on the date of the first county-wide primary, general, or special election held after the passage of this Act. The governing body of Colbert County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election, the question shall be stated substantially as follows: "Shall the provisions of Act No. \_\_\_\_\_ of the 1959 Regular Session of the Legislature, which fixes the compensation of the judge of the Colbert Law and Equity Court, be adopted? Yes ( ) No ( )." If a majority of the votes cast in the election are "Yes," the provisions of this Act shall become effective upon the expiration of the term of the incumbent judge of the Colbert Law and Equity Court in accordance with the provisions of Amendment XCII of the Constitution of Alabama. If the majority are "No," this Act shall have no effect. The judge of probate of Colbert County shall certify the results of the election to the Secretary of State within 30 days after the returns thereof are canvassed.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF COLBERT

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. L. Meeks, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Standard & Times, a newspaper of general circulation published in Colbert County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 25, Oct. 2, Oct. 9, and Oct. 16, all in the year 1959.

J. L. MEEKS, JR.

Sworn to and subscribed before me October 16, 1959.

JAMES A. ROBERTS,  
Notary Public, State-at-Large.

My Commission Expires Oct. 9, 1962.

By Mr. Hankins (with notice and proof):

H. 1014. To regulate further payment of compensation to deputy sheriffs by Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to pay the compensation of deputy sheriffs from the county public highway and traffic fund.

Local Legislation No. 1.

Notice and Proof H. 1014:

#### THE STATE OF ALABAMA LAMAR COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To regulate further payment of compensation to deputy sheriffs by Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to pay the compensation of deputy sheriffs from the county public highway and traffic fund.

Be It Enacted by the Legislature of Alabama:

Section 1. It being the duty of the chief deputy sheriff and other deputy sheriffs of Lamar County to enforce state traffic and motor vehicle laws, the court of county commissioners, board of revenue, or other like governing body of said county may, in its discretion, provide for payment of the compensation of the chief deputy sheriff of the county and any other deputy sheriffs whose compensation is paid by the county according to law, in whole or in part from the county public highway and traffic fund.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF LAMAR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack Hankins, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Lamar Democrat, a newspaper of general circulation published in Lamar County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 24, Oct. 1, Oct. 8, and Oct. 15, all in the year 1959.

JACK HANKINS.

Sworn to and subscribed before me October 21, 1959.

DAVID R. ARCHER,  
Notary Public, State at Large.

By Mr. Self (with notice and proof):

H. 1015. Directing the court of county commissioners, board of revenue, or like governing body of Marion County to provide for the installation and use of voting machines in that county:

Local Legislation No. 1.

Notice and Proof H. 1015:

STATE OF ALABAMA  
COUNTY OF MARION



NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Directing the court of county commissioners, board of revenue or like governing body of Marion County to provide for the installation and use of voting machines in that county:

Be It Enacted by the Legislature of Alabama:

Section 1. After this act takes effect the court of county commissioners, board of revenue, or like governing body of Marion County shall provide for the installation and use of voting machines within the county. Such governing body may designate the election precincts within which voting machines shall be used and the precincts within which paper ballots shall continue to be used, and may adjust the boundaries of the election precincts or election districts within the county in order to make the most effective and practical use of voting machines. Upon the installation of voting machines in any election precinct, the machines must be used for registering or recording and computing the vote at all general, special, or primary elections thereafter held in such precinct.

Section 2. The provisions of this act shall only become effective if the act is approved by a majority of the qualified electors of Marion County voting in a referendum election to be held for that purpose. The referendum election shall be held on the same day as the first county-wide primary, general, or special election that is held at least sixty days after the date of this enactment. The governing body of Marion County shall order and provide for holding the referendum election on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. \_\_\_\_\_, approved \_\_\_\_\_, 1959, which provides for the installation and use of voting machines in Marion County, be approved? Yes ( ) No ( )." If a majority of the votes cast at the election are "Yes" the provisions of this act shall become effective immediately. If a majority of the votes cast at the election are "No" the act shall have no further effect.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MARION

Before me, the undersigned authority in and for said County in said State, this day personally appeared Walter D. Haney, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Manager-Editor of the Marion County News-Journal, a newspaper of general circulation published in Marion County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 24, October 1, October 8, and October 15, all in the year 1959.

WALTER D. HANEY.

Sworn to and subscribed before me October 19, 1959.

RUBY W. SELF,  
Notary Public.

By Mr. Harris (with notice and proof):

H. 1016. To amend Act No. 31, H. 256, approved June 17, 1957 (Acts of Alabama 1957, p. 77), entitled "An Act relating to the construction, maintenance and repair of the county roads and bridges of DeKalb County; providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department, and relieving the county and officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials to the State Highway Department of certain funds, including DeKalb County's proportionate share of the state gasoline tax, the county one-cent tax on gasoline, state motor vehicle license taxes allocated to the county, and also for the transfer of supplies, equipment, machinery and materials used in the construction, maintenance and repair of county roads and bridges; and repealing conflicting laws."

Local Legislation No. 1.

Notice and Proof H. 1016:

STATE OF ALABAMA  
COUNTY OF DEKALB

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act No. 31, H 256, approved June 17, 1957 (Acts of Alabama 1957), entitled "An Act relating to the construction, maintenance and repair of the county roads and bridges of DeKalb County, providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department, and relieving the county and officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials to the State Highway Department of certain funds, including DeKalb County's proportionate share of the state gasoline tax, the county one-cent tax on gasoline, state motor vehicles license taxes allocated to the county, and also for the transfer of supplies, equipment, machinery and materials used in the construction, maintenance and repair of county roads and bridges; and repealing conflicting laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 31, H 256, approved June 17, 1957 (Acts of Alabama 1957) entitled "An Act relating to the construction, maintenance and repair of the county roads and bridges of DeKalb County; providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department, and relieving the county and its officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials to the State Highway Department of certain funds, including DeKalb County's proportionate share of the state gasoline tax, the county one-cent tax on gasoline, state motor vehicle license taxes allocated to the county, and also for the transfer of supplies, equipment, machinery and materials used in the construction, maintenance and repair of county roads and bridges; and repealing conflicting laws", is amended to read as follows:

Section 5. Personnel shall be employed by the State Highway Department in the administration of this Act subject to the following conditions:

(a) Appointing Authority for all persons employed in DeKalb County in the administration of this Act shall be vested in a Board consisting of the State Highway Director, the State Representative and the State Senator representing DeKalb County. The Members of the Appointing Board shall serve without compensation and action shall be by majority vote. The State Highway Director shall be the Secretary of the Board and shall use the powers of his office in carrying out the directives of the Appointing Board.

(b) Persons now employed by DeKalb County for road and bridge work may be continued in the service by the State Highway Department, in its discretion until January 1, 1958 without regard to the State Merit System Act or rules and regulations promulgated under its authority. All persons employed by the Department in the administration of this Act on January 1, 1958 shall be brought under and covered by the State Merit System Law without examination and on a permanent Status, subject to the provisions of this Act.

(c) The engineering personnel employed by DeKalb County on the effective date of this Act shall be covered by the State Merit System Law, without examination, and on a permanent status, subject to the provisions of this Act, provided however, that the Resident Engineer, in charge of the operation in DeKalb County in the administration of this Act, shall serve, in this particular capacity, at the pleasure of the Appointing Board, provided for herein, and not otherwise, and provisions of the State Merit System Act notwithstanding.

(d) The State Highway Department may in its discretion employ or continue to employ personnel in the administration of this Act without regard to the provisions of the State Merit System Law until January 1, 1962, provided however, that all persons employed by the State Highway Department in the Administration of this Act on January 1, 1962 shall be brought under and covered by the State Merit System Law without examination and on a permanent status.

(e) The classification of all persons receiving State Merit System Status by virtue of this Act and without examination, shall be subject to review and reclassification by the Appointing Board prior to January 1, 1962.

(f) In certifying personnel to be appointed in the classified service, in the administration of this Act, the State Personnel Board shall select from its eligibility rosters persons residing in DeKalb County if such are available".

Section 2. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

#### PUBLISHER'S CERTIFICATE

#### STATE OF ALABAMA COUNTY OF DEKALB

Personally appeared before the undersigned, a Notary Public, within and for said County and State, Doward N. Jones, publisher of The Fort Payne Journal, a newspaper published at Fort Payne, County of DeKalb, State of Alabama, who being duly sworn, states on oath

that the notice, a true copy of which is hereto annexed, was published in said newspaper in its issues of June 9, 16, 23, and 30, 1959.

DOWARD JONES  
Publisher.

Sworn to and subscribed before me this 6 day of July, 1959.

BEMA IGOU  
Notary Public.

My commission expires January 16, 1962.

By Mr. Oden (with notice and proof):

H. 1017. To amend further Act No. 404, H. 808, approved September 28, 1923, the act which established the Law and Equity Court of Franklin County (Local Acts 1923, p. 272) in relation to the compensation of the judge, and the compensation and duties of the solicitor of said court.

Local Legislation No. 1.

Notice and Proof H. 1017:

STATE OF ALABAMA  
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Act No. 404, H. 808, approved September 28, 1923, the act which established the Law and Equity Court of Franklin County (Local Acts 1923, p. 272) in relation to the compensation of the judge, and the compensation and duties of the solicitor of said court.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 6 and 8 of Act No. 404, H. 808, approved September 28, 1923, the act that established the Law and Equity Court of Franklin County (Local Acts 1923, p. 272), as amended, are amended further to read as follows:

"Section 6: That the judge of said court shall receive a salary of seven thousand two hundred dollars per annum, payable six hundred dollars a month, out of the general fund of the county treasury at the end of each month, payable on warrants drawn by said judge, and that there shall be taxed as a trial fee the sum of \$5.00 in all cases, that goes upon the docket, in said court where the amount involved is more than \$100.00, and in actions of ejectment, unlawful detainer, forcible entry, and trials of the right of property, and in all criminal cases, and three dollars in all other cases to be taxed and collected as a part of the costs and said fee shall be taxed not only in all cases where there is a conviction for criminal offenses, but also in each case where the prosecutor is taxed with the costs. Said trial fee in all cases shall be paid by the clerk of said court into the county treasury for the benefit of the general fund.

"Section 8: There shall be a solicitor of and for said Law and Equity Court of Franklin County, who shall prosecute for the State all causes

in said court; and for so doing he shall receive a salary of three thousand dollars per annum, payable two hundred fifty dollars a month, out of the county treasury, on warrant drawn in the manner prescribed by law. A solicitor shall be elected at the general election in 1960, and every four years thereafter, to hold office from the first Monday after the second Tuesday in January next following his election, and until his successor is elected and qualified. The solicitor shall be a qualified elector of Franklin County, shall be learned in the law, and shall not defend any person charged with crime in any of the criminal courts of Franklin County. In the absence of the solicitor the judge of the court may appoint a special deputy solicitor to represent the State in cases that the solicitor for said court is required to represent the state in, who shall receive for his compensation five dollars for each day or fractional part thereof, for the time actually appointed.

"In addition to his other duties, the solicitor, when not otherwise engaged in the performance of his official duties, and when requested to do so by the circuit solicitor, shall assist the circuit solicitor in the prosecution of criminal cases in the circuit court of said county. Also, he shall, when requested so to do by the judge of said court, carefully read and check the transcript of evidence in criminal cases appealed from the Law and Equity Court to the Court of Appeals or to the Supreme Court of Alabama and call to the attention of the trial judge any error or discrepancy that may appear in the transcript of evidence. He shall attend all hearings in the court on any application for probation and furnish the trial judge all information in his possession concerning the application for probation, and shall also, when requested so to do by the circuit solicitor of the circuit including Franklin County, attend hearings before the circuit judge on application for probation in the circuit court of Franklin County, and furnish the circuit judge hearing such application with all information in his possession concerning the application for probation."

Section 2. This Act supersedes Act No. 120, S. 168, approved April 15, 1936 (General and Local Acts. Extra Session 1936, p. 69) and Act No. 571, H. 919, approved August 30, 1951 (Acts of Alabama, Special Sessions 1950, Organizational, Special, and Regular Sessions 1951, Vol. II, p. 1010).

Section 3. This Act shall take effect upon the expiration of the terms of office of the incumbent judge and solicitor of the Law and Equity Court of Franklin County.

STATE OF ALABAMA,  
FRANKLIN COUNTY.

Before me a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, co-owner and editor of the Franklin Co. Times, a newspaper published in said State and County, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin Co. Times for 4 consecutive weekly issues beginning with the issue of Sept. 17, 1959 and ending with the issue of Oct. 8, 1959.

CLAUDE E. SPARKS.

Subscribed and sworn to before me, this the 19th day of Oct., 1959, at Russellville, Alabama.

RUTH B. LEOPARD,  
Notary Public.

My commission expires 7-29-61.

By Mr. Oden (with notice and proof):

H. 1018. Relating to Franklin County; creating a court of record to be known as the Franklin County Law and Equity Court; defining its jurisdiction and powers; prescribing the practice and procedure to be followed therein; providing for officers of the court, their appointment, election, qualifications, terms of office, powers, duties, and compensation, and especially providing for a solicitor and a court reporter for the court; fixing the costs and charges to be charged and collected in such court, including a trial tax and solicitor's fees; abolishing the Law and Equity Court of Franklin County which was established by Act No. 404, H. 808, approved September 28, 1923 (Local Acts of Alabama, 1923, page 272), and providing for the transfer of cases pending therein to the court hereby established; authorizing the transfer of cases from the circuit court of Franklin County, under certain circumstances, to the court hereby established and from this court to the circuit court.

Local Legislation No. 1.

Notice and Proof H. 1018:

### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Franklin County; creating a court of record to be known as the Franklin County Law and Equity Court; defining its jurisdiction and powers; prescribing the practice and procedure to be followed therein; providing for officers of the court, their appointment, election, qualifications, terms of office, powers, duties, and compensation, and especially providing for a solicitor and a court reporter for the court; fixing the costs and charges to be charged and collected in such court, including a trial tax and solicitor's fees; abolishing the Law and Equity Court of Franklin County which was established by Act No. 404, H. 808, approved September 28, 1923 (Local Acts of Alabama, 1923, page 272), and providing for the transfer of cases pending therein to the court hereby established; authorizing the transfer of cases from the circuit of Franklin County, under certain circumstances, to the court hereby established and from this court to the circuit court.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established in and for Franklin County a court of record, which shall be called The Franklin County Court of Law and Equity and which shall have and exercise the following jurisdiction, powers, and authority:

(A) Exclusive and original jurisdiction of all juvenile and non-support cases arising in said county under Titles 13 and 34 of the Code of Alabama 1940 and the powers therein conferred on probate courts;

(B) Unlimited jurisdiction, concurrent with the circuit court of such county in all civil and equity matters, including the power and authority

to grant divorces, either limited or absolute, to award alimony and effect property settlement in connection with such divorces, and to determine the custody of children;

(C) Criminal jurisdiction, concurrent with the circuit court of Franklin County except that this court shall not draw or empanel grand juries and it shall have final jurisdiction of felonies only when the indictment therefor by the grand jury is made returnable to this court or when such cases are transferred thereto by the circuit court of Franklin County after indictment;

(D) Jurisdiction, concurrent with the justices of the peace in all matters whatsoever.

Section 2. Immediately after this Act becomes effective the Governor shall appoint a judge for the Franklin County Law and Equity Court. The term of office of this judge shall begin immediately upon his appointment and qualification, and shall continue until the first Monday after the second Tuesday in January 1961 or until his successor is elected and qualified. At the general election in 1960 a successor to the judge so appointed shall be elected by the qualified electors of Franklin County, whose term shall begin on the first Monday after the second Tuesday in January next after his election and he shall hold office until the first Monday after the second Tuesday in January 1965, and until his successor has been elected and qualified. At the general election in 1964, and every six years thereafter, a judge shall be elected for such court by the qualified voters of Franklin County; and the judge so elected shall hold office for six years commencing on the first Monday after the second Tuesday in January after his election and until his successor has been elected and qualified. Before entering upon the duties of his office the judge of said court shall take and subscribe to the oath required by law to be taken by the judges of the circuit courts of Alabama.

The judge shall be a qualified elector of Franklin County, not less than twenty-five (25) years of age, and shall be learned in the law. He shall receive a salary of seven thousand two hundred dollars (\$7,200) per year, payable six hundred dollars (\$600) per month, out of the general fund of the county treasury at the end of each month, on warrants drawn by him.

Section 3. Vacancies in the office of judge of said court shall be filled in the manner prescribed in Section 158 of the Constitution of Alabama of 1901. The judge of this court may be removed from office in the manner and for the same causes now provided by law for the removal of circuit judges.

Section 4. The clerk of the circuit court of Franklin County shall be ex officio clerk of the court hereby established, and shall have the same powers, discharge the same duties, and be subject to the same pains and penalties with regard to the duties of this office as the clerks of the circuit courts. He shall be entitled to the same fees in cases where the amount involved is more than \$50.00 as are now, or may hereafter be, allowed to circuit clerks, and in cases where the amount involved is \$50.00 or less the same fees as are now, or may hereafter be, allowed justices of the peace; and these fees shall be collected as such fees are collected in the circuit court.

Section 5. The register of the circuit court of Franklin County shall be ex officio the register of the court hereby established, and he shall have the same powers and discharge the same duties relative to

equitable matters in this court as the register of the circuit court in equity and shall be subject to the same pains and penalties with regard to the duties of the office. He shall be entitled to the same fees as are now, or may hereafter be, allowed to registers of the circuit courts in equity, which shall be collected as such fees are collected in the circuit courts.

Section 6. There shall be taxed and collected as a part of the cost, in all cases docketed in said court the following trial fees: In actions of ejectment, unlawful detainer, forcible entry, and trials of the right of property, in civil and equitable cases where the amount involved is more than one hundred dollars (\$100), and in all criminal cases, five dollars (\$5.00); in all other cases, three dollars (\$3.00). The fee shall be taxed in each case where there is a conviction for a criminal offense, and also in each case where the prosecutor is taxed with the costs. Trial fees in all cases shall be paid by the clerk of the court into the general fund in the county treasury.

Section 7. There shall be a solicitor of and for the court, hereby created, who shall be a qualified elector of Franklin County and learned in the law. He shall prosecute for the State all causes in this court, shall attend sessions of the grand juries of the circuit court of the county, and, when requested so to do by the judge of this court, shall read and check the transcript of evidence in criminal cases appealed from this court to the Court of Appeals or to the Supreme Court and call to the attention of the trial judge any error or discrepancy that may appear in the transcript. He shall also attend all hearings on application for probation in the court hereby established, and furnish the trial judge all information in his possession concerning the application for probation. Upon request of the circuit solicitor of the circuit including Franklin County, the solicitor of this court shall attend all hearings on applications for probation in the circuit court of Franklin County, and furnish the circuit judge hearing such application all information in his possession concerning the application for probation. For the performance of the duties hereby imposed the solicitor shall receive a salary of two thousand, one hundred dollars, per annum, payable in equal monthly installments of one hundred seventy-five dollars (\$175) out of the county treasury on warrant drawn by the judge of the court.

Should the solicitor, for any reason be absent or temporarily unable to perform the duties hereby imposed on him, the judge may appoint a special deputy solicitor to represent the State in those cases in which such a solicitor is needed. A special deputy solicitor shall receive five dollars (\$5.00) for each day or fraction thereof on which he performs any of the duties of such office.

The person elected and currently serving as solicitor for the Law and Equity Court, created by Act No. 404, H. 808, approved September 28, 1923 (Local Acts of Alabama, 1923, page 272), which is abolished by this Act, shall be the first solicitor of and for the Franklin County Law and Equity Court hereby established; and he shall serve as such solicitor until the expiration of the term for which he was elected solicitor of the abolished court and until his successor has been elected. At the general election next prior to the expiration of his term, and every four years thereafter, a solicitor of and for the court hereby established shall be elected by the qualified electors of Franklin County for a four year term, beginning on the first Tuesday after the second Monday in January following his election.

The solicitor shall not defend any person charged with a criminal offense in any court of Franklin County during the time that he holds the office of solicitor of the court hereby established.



Section 8. The court shall be held at the courthouse of Franklin County, and shall be open at all times for the trial of cases and the transaction of business. In case of sickness or disqualification of the judge of said court, the law applicable to the appointment and service of special judges in the circuit courts shall apply. The judge of the court shall be subject to the same penalties for failure to attend upon the court as circuit judges of this State. The judge of the court shall keep an office in the courthouse of Franklin County or at such other suitable place as the board of revenue, court of county commissioners, or other governing body of the county provides. The county governing body shall also provide the furnishings, fixtures, stationary, and other supplies needed by the judge in the performance of his duties and for the proper functioning of the court.

Section 9. The judge of this court may determine and fix the time for holding the sessions of the court for the trial of all cases, civil, criminal or equity.

Section 10. Each and every indictment returned by a grand jury of Franklin County, against persons charged with the commission of a misdemeanor, shall, immediately after this Act becomes law, be transferred by the clerk of the circuit court to the Franklin County Law and Equity Court. Thereupon the jurisdiction of this court shall attach to said cause, and the jurisdiction of the circuit court therein shall cease. The clerk shall immediately issue capiases against the parties so charged with a misdemeanor, returnable to the Franklin County Law and Equity Court.

Section 11. Any criminal case or any civil case, in law or in equity, now pending, or hereafter commenced in the circuit court of Franklin County may, by agreement of the parties thereto, be transferred from the circuit court to the court hereby established, and further proceedings therein shall be had as if such suit, action or proceeding had been instituted in the latter court.

Section 12. The sheriff of Franklin County shall in person, or by deputy, or deputies, appointed by him subject to approval by the judge of the court, be required to attend upon the court established by this Act and preserve order. He shall execute all writs of process, and perform such other duties in this court in all respects as in the circuit courts of this State. For his services in attending this court the sheriff or his deputies shall not receive any compensation; however, he shall receive the same fees for executing the processes of this court as provided for by law for the execution of similar processes in the circuit court or in the courts of justices of the peace, and such fees shall be collected in the same manner as is now, or may hereafter be, provided by law.

Section 13. The procedure, practice and rules governing the circuit courts of Alabama shall in all things apply to and govern the procedure and practice in the court established by this Act, except as herein otherwise provided.

Section 14. The judge of the court shall adopt a seal for the law side of the court, which shall be kept in the custody and control of the clerk of said court. He shall also adopt a seal for the equity side of the court, and this seal shall be kept in the custody and control of the register of the court.

Section 15. In all civil causes at law in this court the issue and question of fact shall be tried by the judge of the court without the intervention of a jury, unless a jury trial be demanded in writing by

the plaintiff at the commencement of the suit, or by the defendant or any other party occupying the position of defendant within thirty days after the perfection of service on him. If the plaintiff desires a trial by jury he shall endorse in writing his demand therefor on the summons and complaint, attachment or other process, or paper filed by him for the purpose of instituting the suit, or he may file a separate written demand therefore with the clerk of the court at the commencement of the suit. If the defendant or other person occupying the position of defendant desires a trial by jury, he shall, within thirty days after the perfection of service on him, endorse demand therefor upon his initial pleading or within such time file such demand in the form of a separate written instrument.

In all causes in this court brought by appeal or certiorari from judgments of justices of the peace or other inferior courts, the issue and questions of fact shall be tried by the judge of the court without the intervention of a jury, unless a demand for a trial by jury be made in writing and filed in the cause by the party appealing or petitioning for certiorari within ten days after taking the appeal or petitioning for certiorari or by the opposite party within ten days after he has been served with notice of the appeal or certiorari. The failure to demand in writing a jury trial as herein provided shall be deemed and held a waiver of the right of a trial by jury. A demand for a trial by jury shall not be withdrawn without the consent of the opposite party.

Section 16. The issue and questions of fact in all criminal causes in this court, unless a jury trial is mandatory under the general law, shall be tried by the judge of the court without the intervention of a jury, except when a trial by jury is demanded in writing by the defendant, and such written demand filed with the clerk of the court on or before the first sounding of the cause, if the cause is sounded within thirty days after the indictment and arrest of the defendant, or, if the cause is brought to this court by appeal, within thirty days after the defendant has appealed. If such cause is not sounded within thirty days after the defendant has appealed or been indicted and arrested or taken into custody, then such written demand must be filed with the clerk within thirty days after the defendant has appealed or been indicted and arrested or taken into custody. A failure to demand in writing a trial by jury as herein provided shall be held and deemed to be a waiver by the defendant of the right to a trial by jury.

Section 17. Either party to a civil cause or the defendant in a criminal cause on appeal from a judgment of this court without a jury may, in his assignment of errors, present for review the conclusions and judgement of this court on the evidence; and the Court of Appeals or the Supreme Court shall review the same without any presumption in favor of the court below. If there be error the appellate court shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for such further proceedings in the lower court as the Court of Appeals or the Supreme Court may deem right.

Section 18. The judge of the court shall draw the petit jurors, for the trial of those cases in which a jury has been demanded in said court, in the same way and manner prescribed by law for drawing petit juries in cases to be tried before a jury in the several circuit courts of Alabama.

Section 19. Prosecutions for misdemeanors committed in Franklin County may be instituted in this court by making an affidavit before the judge or clerk of the court. The writ on said affidavit shall be is-

sued by the clerk of the court, and when the defendant is arrested on the affidavit, the case shall go on the docket for trial and be tried as though the defendant had been indicted by a grand jury.

Section 20. The judge of the court shall have power to issue search warrants, writs of habeas corpus, prohibition certiorari, quo warranto, and all other special and extraordinary writs.

Section 21. It shall be the duty of the clerk of the court to keep a record upon which shall be recorded all affidavits made before the judge or clerk of the court, and if any of said affidavits should be lost or destroyed, a certified copy of this record shall be used the same as if the defendant had been indicted, and for recording each of these affidavits the clerk shall receive a fee of twenty-five cents to be taxed as costs in case the defendant is convicted.

Section 22. The Supreme Court and Court of Appeals of this State shall have appellate and supervisory jurisdiction over the court, hereby established, and the judge thereof, which may be exercised in the same manner that such jurisdiction may be exercised over the circuit courts of the State and the judges thereof; and appeals may be taken from the orders and judgments of this court to the Supreme Court and to the Court of Appeals in the same manner, and within the same time, as appeals are now taken from the orders and judgments of the circuit courts of the State.

Section 23. The venue in any case in this court shall be changed to another county under the same orders and regulations that govern changes of venue in circuit courts.

Section 24. Witnesses attending upon the court, hereby established, shall be entitled to, and shall be paid, the same fees as witnesses in the circuit courts of Franklin County, Alabama.

Section 25. The judge of this court shall secure the services of a competent shorthand reporter to attend the sittings and terms of this court and to perform the duties of an official court reporter in all the cases tried herein. During the time he is actually engaged in said reporting and in transcribing reports of cases for the court or for the attorney's the reporter is an officer of this court. He shall receive a salary of two thousand one hundred dollars per annum, payable in twelve equal installments at the end of each month from the county general fund on the warrant of the presiding officer of the county governing body upon certification by the judge of this court, that the service has been rendered by the reporter. The judge may remove the reporter from office at his pleasure. In addition to the compensation herein provided for the reporter he shall be entitled to tax and collect from the litigant or his attorneys for whom he is making a transcript of the evidence the sum of fifteen cents per hundred words for the original copy of the transcript, and five cents per hundred words for each carbon copy thereof. When any such transcript is made by the reporter he must append thereto a certificate attesting to the correctness of the same as such official reporter.

Section 26. In all cases in this court which are reported by such reporter there shall be taxed and collected as a part of the costs of the case a fee of \$3.00 for each day or fraction thereof, that such reporter is engaged in reporting the case. This fee shall be collected and paid by the clerk into the treasury of Franklin County.

Section 27. When any litigant desires to appeal a case tried in this court, he or his attorney shall give written notice to the judge of

this court, to the opposite party in the suit or his attorney, and to the court reporter who reported the trial of the cause, that he desires to and is appealing the cause. Thereupon the court reporter shall immediately transcribe in full on transcript paper, making an original and two carbon copies thereof, all of the proceedings in the cause. The transcript, with his official certificate appended thereto shall be filed with the clerk of this court; and the reporter shall give written notice to the parties to the cause, or to their attorneys of record, and to the trial judge that the transcript of the evidence and proceedings has been filed with the clerk of the court.

When so filed the transcript shall constitute a part of the record of the cause. If either party to the cause being appealed is of the opinion that the reporter's transcript of the evidence and proceedings is incorrect, he shall immediately in writing notify the opposite party, or his attorney of record, and the trial judge of this fact, and state the corrections which he thinks should be made in the transcript. Thereupon the trial judge shall hear the parties to this cause or their attorneys and shall pass upon such objections and suggested corrections. The transcript as corrected and approved by the trial judge shall be filed with the clerk of the court who shall immediately proceed to prepare the transcript of the cause for transmission to the appellate court as now provided by law. If a litigant who files objections to a reporter's transcript of the evidence and other proceedings is still dissatisfied with the same after it has been approved by the trial judge, he shall in an assignment of errors present his objections for review in the appellate court in the manner provided by law.

Section 28. If an appeal is sought from a judgment in this court in a cause which was reported by a reporter who afterward dies or is otherwise inaccessible or unable to make and file a transcript of the evidence and proceedings in said cause, then the party appealing may prepare and file with the clerk of this court, what in his opinion, is a correct record or transcript of the proceedings in the cause. He shall notify the trial judge and the opposing party, or his attorney of record, that he has filed such a record or transcript. Thereupon said parties or their attorneys, together with the trial judge, shall have a hearing, and if possible, agree upon the record. If they cannot agree the judge shall file such record of the cause as in his opinion is correct, and such record shall constitute the record of the cause; provided, however, nothing herein shall prevent a review and further correction thereof by the Supreme Court or Court of Appeals in the manner provided by law.

Section 29. The clerk and the register with the approval of the judge of the court are hereby authorized to purchase all necessary furnishings, records, stationery, and supplies for the equipment and maintenance of said court; and the cost thereof shall be paid out of the county treasury, in the same way and manner as is now, or may hereafter be, provided by law for paying for similar furnishings, records, stationery and supplies for the circuit courts of Alabama.

Section 30. On convictions, the same solicitor's fee shall be taxed against the defendant and collected in the same way as provided by law for the taxing and collecting of solicitor's fees in the circuit courts of Alabama; and when collected such fees shall be paid into the treasury of Franklin County, Alabama.

Section 31. Grand juries shall not be drawn, empanelled or organized by this court.

Section 32. The Law and Equity Court of Franklin County, established by Act No. 404, H. 808, approved September 28, 1923 (Local Acts of Alabama, 1923, page 272) is hereby abolished; and all cases pending in that court shall immediately be transferred to and become pending on the docket of the Franklin County Law and Equity Court, hereby established, as though originally brought in this court. All judgments heretofore rendered by the abolished Law and Equity Court shall continue in force and effect and shall be enforced by the Franklin County Law and Equity Court hereby established. All duties, powers and functions heretofore delegated to or required of the court hereby abolished shall hereafter be delegated to and required of the court hereby established.

Section 33. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 34. All laws, local and general, in conflict with this Act are hereby repealed.

Section 35. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA,  
FRANKLIN COUNTY.

Before me, a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, co-owner and editor of the Franklin Co. Times, a newspaper published in said State and County, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin Co. Times for 4 consecutive weekly issues beginning with the issue of June 11, 1959, and ending with the issue of July 2, 1959.

CLAUDE E. SPARKS.

Subscribed and sworn to before me, this the 19 day of October, 1959 at Russellville, Alabama.

RUTH B. LEOPARD,  
Notary Public.

My commission expires 7-29-61.

By Messrs. Sessions, Perry, Locke, Edwards, Morrow, Hawkins and Rast:

H. 1019. To apply in and only in counties in Alabama now having or which may hereafter have a population of 500,000 or more, according to the last or any future federal census; to further provide the manner of entering payment or satisfaction on the margin of the record of the mortgage or deed of trust or other lien; to authorize and empower the Judge of Probate to delegate the authority and power to any clerk of such probate court to enter on the margin of the record the payment or satisfaction of the mortgage, deed of trust, or other lien, where the judge of probate is named in any power of attorney instrument duly recorded, authorizing such entry of satisfaction, and to sign or stamp the name of such judge as attorney in fact to such marginal satisfaction record; and to authorize the collection of a fee of fifty cents for each such entry on the margin of each such document record.

Local Legislation No. 2.

By Messrs. Perry, Morrow, Locke, Edwards, Rast, Sessions and Hawkins:

H. 1020. TO PROVIDE THAT IN ANY COUNTY OF THE STATE HAVING A POPULATION OF 500,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, ANY PERSON WHO, IN PAYMENT OF ANY PRIVILEGE OR LICENSE TAX DUE THE STATE OR THE COUNTY, ISSUES A WORTHLESS CHECK, OR A CHECK WHICH IS NOT PAID BY THE BANK UPON WHICH IT IS DRAWN SHALL BE SUBJECT TO A PENALTY, AND TO PROVIDE THAT ANY LICENSE PROCURED BY OR THROUGH SUCH CHECK SHALL BE VOID AND THAT NO OTHER BUSINESS LICENSE SHALL BE ISSUED TO THE PERSON DRAWING SUCH CHECK UNTIL THE SAID PENALTY HAS BEEN PAID.

Local Legislation No. 2.

By Messrs. Sessions, Perry, Locke, Edwards, Morrow, Hawkins and Rast:

H. 1021. To authorize the probate judges of all counties having a population of not less than 500,000 inhabitants, according to the last or any subsequent federal decennial census, to destroy or otherwise dispose of certain papers and documents filed for record in his office under certain conditions.

Local Legislation No. 2.

By Messrs. Sessions, Perry, Locke, Edwards, Morrow, Hawkins and Rast:

H. 1022. To authorize and empower the Judge of Probate and the Chief Clerk of the Probate Court to install and maintain improved systems of indexing in all probate courts in counties having a population of not less than 500,000 inhabitants according to the last or any subsequent federal census; to authorize the indexing of all estates and other cases in alphabetical order and to use card or strip indexes; and to authorize direct and reverse index of all real property instruments, and direct and reverse index of all personal property instruments and miscellaneous instruments, in alphabetical order; and to authorize the use of card or strip indexes in the office of the judge of probate in such counties; and to authorize the county commission or like governing body to approve of the purchase of all equipment, files and supplies necessary to install and maintain such index systems.

Local Legislation No. 2.

By Messrs. Sessions, Perry, Locke, Edwards, Morrow, Hawkins and Rast:

H. 1023. To further regulate the Probate Court and office of Judge of Probate in counties having a population of 500,000 or more according to the last or any subsequent federal census; to authorize and empower the judge of probate in any such county to delegate and assign duties, ministerial functions and authority to the chief clerk and other clerks and personnel of such probate court and its divisions and offices; to delegate and assign to, and invest in, the chief clerk of such probate court the title, duties and power of clerk of the probate court of such county, and to further prescribe the powers, duties and authority of such (chief clerk as) clerk and register of such probate court; to authorize the appointment of deputy clerks-registers in each office of such probate court from the personnel in such offices.

Local Legislation No. 2.

By Messrs. Locke, Perry, Morrow, Edwards, Rast, Sessions and Hawkins (with notice and proof):

H. 1024. To levy a license tax in Jefferson County, Alabama, on persons and others engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail; to provide that the tax be measured by the kind and quantity of such beverages so sold; to provide for the payment of such tax, the making of records and reports, and the maintaining of records with respect thereto; to provide for the collection and distribution of said tax, and the enforcement of the provisions of this act; to provide that the County Commission of Jefferson County, Alabama, shall have authority to adopt ordinances, rules and regulations pertaining to the collection of the tax, and the making of reports and maintaining of records with respect thereto, and providing that such ordinances, rules, and regulations shall have the force and effect of law; to provide that the tax imposed shall constitute a debt to the county and may be collected by civil suit in addition to all other methods provided by law; to provide penalties for the violation of the provisions of this act; to provide that the tax, together with interest and penalties with respect thereto, shall constitute, and be secured by, a lien upon the property of any person from whom the tax is due; to require any person or others engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit from the Department of Revenue of Jefferson County, and to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from the tax, less the cost of collection shall be used solely to care for indigent sick and injured persons, including the necessary facilities therefor, who are bona fide residents of the county. In the event that other taxes are levied for these purposes, then such tax shall be used for the construction and operation of an outpatient clinic.

Local Legislation No. 2.

Notice and Proof H. 1024:

TO WHOM IT MAY CONCERN:

Notice is hereby given in accordance with Section 106 of the Constitution of Alabama that a local law relating to Jefferson County will be introduced in the Legislature of Alabama and application for its enactment will be made at the current session. The substance of such law will be as follows:

To levy a license tax on persons and others engaging in selling alcoholic, spirituous, vinous or fermented liquor, except malt or brewed beverages at retail, such tax to be measured by the kind and quantity of such liquors so sold; to provide for payment of such tax, the making of records and reports and maintaining of records with respect thereto, the collection of said tax, and the enforcement of the provisions of the Act; to provide that the governing body of the county shall have authority to adopt ordinances, rules, and regulations pertaining to the collection of the tax and the making of reports and maintaining of records with respect thereto, and providing that such ordinances, rules, and regulations shall have the force and effect of law; to provide that the tax imposed shall constitute a debt due the county and may be collected by civil suit, in addition to all other methods provided by law; to provide that the tax, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom the tax is due; to provide that the revenues derived by the county from the tax, less the cost of collection, shall be used solely to provide facilities to care for, and to care for indigent sick and injured persons who are bona

fide residents of the county; or in the event that other taxes are levied for such purposes, then for the construction and operation of an out-patient clinic.

### AFFIDAVIT OF PUBLICATION

#### STATE OF ALABAMA, COUNTY OF JEFFERSON

On this 9 day of October A.D. one thousand nine hundred and 59 personally appeared before me, J. L. Roberts, a Notary Public in and for the County and State aforesaid Kenneth Street who being duly sworn according to law, declares that he is bookkeeper of "The Birmingham News" and "The Birmingham Post Herald", newspapers published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in "The Birmingham Post Herald" on the following dates: Sept. 18, 25; Oct. 2, 9, 1959.

KENNETH STREET

Subscribed and sworn to before me this 9 day of October A.D. 1959.

J. L. ROBERTS,  
Notary Public.

My Commission Expires Feb. 28, 1960.

By Messrs. Sessions, Perry, Edwards, Hawkins, Rast, Morrow and Locke (with notice and proof):

H. 1025. Relating to Jefferson County, Alabama; to provide for levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, such tax to be measured by the gross receipts or gross proceeds of such businesses; to provide for levying an excise tax on the storage, use or other consumption in said County of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the license tax; specifying property the use, storage or other consumption of which is exempt from the excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of said taxes, and the enforcement of the provisions of this Act; making applicable to the taxes herein levied and adopting certain provisions of Act No. 100, H.B. 94, approved August 18, 1959, effective October 1, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, as amended; providing for the filing of reports with and the payment of tax to the Director of the Department of Revenue of Jefferson County, Alabama, and providing for the enforcement of this Act by said Director of Revenue of Jefferson County, Alabama; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said sales price or admission fee; providing for the use of the revenues from said taxes; providing for referenda or elections of the qualified electors for making the taxes applicable to said county; and providing for the termination of the taxes imposed subject to referenda or elections of the qualified electors of said county.

Local Legislation No. 2.

Notice and Proof H. 1025:



## TO WHOM IT MAY CONCERN:

Notice is hereby given in accordance with Section 106 of the Constitution that a local law relating to Jefferson County will be introduced in the Legislature of Alabama and application for its enactment will be made at the current session. The substance of such law will be as follows:

To levy or authorize the levy of a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in the county, the tax to be measured by the gross receipts or gross proceeds of such businesses; and an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in the county; to specify sales and transactions that will be exempt from the measurement of the license tax, and to specify property, the use, storage or other consumption of which will be exempt from the excise tax; to provide for payment of said taxes, the making of reports and maintaining of records with respect thereto, the collection of the taxes, and the enforcement of the provisions of the Act; to make applicable to the taxes levied, and to include or to adopt certain of the provisions of Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, as amended, the state sales tax and use tax statutes, respectively; to provide that the commissioner of revenue and the state department of revenue shall have all powers and duties respecting such taxes to be levied and the collection thereof as they have under said Act. No. 100 and said Article 11, as amended, with respect to the state sales tax and the state use tax; to provide for collection of the excise tax by sellers registered under the state sales and use taxes statutes; to provide that the license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the admission fee; and to provide for the use of the revenues from said taxes; and to provide for referenda or elections of the qualified electors of such county in respect of such tax.

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
COUNTY OF JEFFERSON,

On this 15th day of October A.D. one thousand nine hundred and 59 personally appeared before me, J. L. Roberts, a Notary Public in and for the County and State aforesaid Howard E. Hunsinger who being duly sworn according to law, declares that he is Bookkeeper of "The Birmingham News" and "The Birmingham Post Herald", newspapers published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in "The Birmingham Post Herald" on the following dates: Sept 23, 30, 1959; Oct. 7, 14, 1959.

HOWARD E. HUNSINGER

Subscribed and sworn to before me this 15th day of October A. D. 1959.

J. L. ROBERTS  
Notary Public.

My Commission Expires Feb. 28, 1960.

By Messrs. Adams (Houston), Solomon and Chambers (with notice and proof):

H. 1026. To further regulate the office of Circuit Solicitor of the 20th Judicial Circuit of Alabama; creating special funds for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in each county of said Circuit and to provide for supplies, books, fixtures and facilities for use by or in the Office of Circuit Judge, Circuit Solicitor or in the Courtroom of each county in said Circuit.

Local Legislation No. 1.

Notice and Proof H. 1026:

### AN ACT

A bill to be entitled an act to further regulate the office of Circuit Solicitor of the 20th Judicial Circuit of Alabama; creating special funds for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in each county of said Circuit and to provide for supplies, books, fixtures, and facilities for use by or in the office of Circuit Judge, Circuit Solicitor or in the Courtroom of each county in said Circuit.

#### Be It Enacted by the Legislature of Alabama:

Section 1: All Solicitors' fees imposed by the Circuit Court and hereafter collected in the Twentieth Judicial Circuit of Alabama, under the provisions of Section 85 of Title 11, Code of Alabama, 1940, as amended, shall be paid into the County Treasury of the County where the fee is imposed to be used and expended as provided in Section Two hereof.

Section 2: The Circuit Solicitor and the Circuit Judge of the Twentieth Judicial Circuit are hereby authorized to requisition expenditures against said fund of the respective Counties composing said Circuit for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in the Court House of each County in said Circuit, and also for supplies, books, fixtures and facilities for use by or in the office of Circuit Judge, Circuit Solicitor or in the Courtroom of each county in said circuit.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4: All laws and parts of laws in conflict herewith are hereby repealed.

Section 5: This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF HOUSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Carl W. Coggins, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor-Manager of the The Houston Herald, a newspaper of general circulation published in Houston County, Alabama, and that the attached notice was published in said newspaper once a week for

four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 25, Oct. 2, Oct. 9, and Oct. 16, all in the year 1959.

CARL W. GOGGINS.

Sworn to and subscribed before me October 16, 1959.

JAMES L. ACREE,  
Notary Public.

(Commission expires 11-3-61).

A BILL  
TO BE ENTITLED  
AN ACT

A bill to entitle an act to further regulate the office of Circuit Solicitor of the 20th Judicial Circuit of Alabama; creating special funds for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in each county of said Circuit and to provide for supplies, books, fixtures and facilities for use by or in the Office of Circuit Judge, Circuit Solicitor or in the Courtroom of each county in said Circuit.

**Be It Enacted by the Legislature of Alabama:**

Section 1: All Solicitors' fees imposed by the Circuit Court and hereafter collected in the Twentieth Judicial Circuit of Alabama, under the provisions of Section 85 of Title II, Code of Alabama, 1940, as amended, shall be paid into the County Treasury of the County where the fee is imposed to be used and expended as provided in Section Two hereof.

Section 2: The Circuit Solicitor and the Circuit Judge of the Twentieth Judicial Circuit are hereby authorized to requisition expenditures against said fund of the respective Counties composing said Circuit for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in the Court House of each County in said Circuit; and also for supplies, books, fixtures and facilities for use by or in the office of Circuit Judge, Circuit Solicitor or in the Courtroom of each county in said circuit.

Section 3: The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4: All laws and parts of laws in conflict herewith are hereby repealed.

Section 5: This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

**PROOF OF PUBLICATION**

STATE OF ALABAMA  
HENRY COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared J. Edward Dodd, who is known

to me and who, being by me first duly sworn, deposes and says: that he is publisher of the Abbeville Herald, a newspaper published at Abbeville, in Henry County, Alabama, and that a copy of the attached advertisement appeared once a week for four (4) successive weeks, on the following dates: Sept. 24, Oct. 1, 8 and 15, 1959 in the Abbeville Herald which said Abbeville Herald has general circulation in the County in which it is published, and has been under the second class mailing privileges of the United State Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

J. EDWARD DODD.

Sworn to and subscribed before me on this 20 day of October, 1959.

FORREST L. ACREE,  
Notary Public.

By Mr. Turner (with notice and proof):

H. 1027. To amend further Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the sheriff of Limestone County and providing for the appointment of deputies and assistants, in relation to the number of deputies and jailers to be appointed by the sheriff.

Local Legislation No. 1.

Notice and Proof H. 1027:

STATE OF ALABAMA  
COUNTY OF LIMESTONE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the sheriff of Limestone County and providing for the appointment of deputies and assistants, in relation to the number of deputies and jailers to be appointed by the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the sheriff of Limestone County and providing for the appointment of deputies and assistants, as amended, is amended further to read as follows:

"Section 3. The sheriff may appoint a chief deputy and two other deputies and to jailers, whose salaries shall be fixed by the sheriff. The jailers shall be appointed to serve as jailers or bailiffs and shall not be engaged in law enforcement work. The chief deputy shall receive a salary of not less than one thousand eight hundred dollars (\$1,800) nor more than three thousand six hundred dollars (\$3,600) per annum. Each of the other deputies and the jailers shall receive a salary of not less than one thousand five hundred dollars (\$1,500) nor more

than three thousand three hundred dollars (\$3,300) per annum. The sheriff may also appoint a clerk who shall be employed three working days each week, and shall receive a salary of two thousand one hundred dollars (\$2,100) per annum. All of the salaries provided for herein shall be paid by the county in equal monthly installments as salaries of other county employees are paid."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the The Limestone Democrat, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 29, Oct. 6, Oct. 13, and Oct. 20, all in the year 1959.

STEELE MCGREW.

Sworn to and subscribed before me Oct. 20, 1959.

LOLA L. ORR,  
Notary Public.

By Mr. Turner (with notice and proof):

H. 1028. To amend Section 1 of Act No. 10, S. 3, approved July 19, 1950 (Acts 1950-1951, Vol. I, p. 27), an act relating to the compensation and duties of the superintendent of education of Limestone County.

Local Legislation No. 1.

Notice and Proof H. 1028:

STATE OF ALABAMA  
COUNTY OF LIMESTONE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 1 of Act No. 10, S. 3, approved July 19, 1950 (Acts 1950-1951, Vol. I, p. 27), an act relating to the compensation and duties of the superintendent of education of Limestone County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 10, S. 3, approved July 19, 1950 (Acts 1950-1951, Vol. I, p. 27), an act relating to the compensation and

duties of the superintendent of education of Limestone County, is hereby amended to read as follows:

"Section 1. The incumbent Superintendent of Education of Limestone County, Alabama, in addition to the duties imposed under the general laws of Alabama shall begin immediately to administer the Veterans Training Program of Limestone County, begin immediately to administer and direct the School Lunch Program of such County, and also begin immediately to act as Secretary and Adviser to the Limestone County Board of Education during all its regular and special meetings. For the performance of the extra, new and additional duties imposed on him, and for his regular duties, the annual salary of the incumbent Superintendent of Education of Limestone County, to be paid in equal monthly installment, shall be as follows: When the tax assessor's records show that the gross assessed valuation of such property for the tax year ending on the thirtieth day of September of any year was less than eleven million dollars (\$11,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be three thousand six hundred dollars (\$3,600); when these records show the gross assessed valuation is eleven million dollars (\$11,000,000) or more but less than eleven million two hundred and fifty thousand dollars (\$11,250,000) the salary of the superintendent for the year beginning on the first day of the next January shall be three thousand eight hundred dollars (\$3,800); when these records show the gross assessed valuation is eleven million two hundred fifty thousand dollars (\$11,250,000) or more but less than eleven million five hundred thousand dollars (\$11,500,000) the salary of the superintendent for the year beginning on the first day of the next January shall be four thousand dollars (\$4,000); when these records show the gross assessed valuation is eleven million five hundred thousand dollars (\$11,500,000) or more but less than twelve million dollars (\$12,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be four thousand two hundred (\$4,200); when these records show the gross assessed valuation is twelve million dollars (\$12,000,00) or more but less than twelve million five hundred thousand dollars (\$12,500,000) the salary of the superintendent for the year beginning on the first day of the next January shall be four thousand eight hundred dollars (\$4,800); when these records show the gross assessed valuation is twelve million five hundred thousand dollars (\$12,500,000) or more but less than thirteen million dollars (\$13,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be five thousand four hundred dollars (\$5,400); when these records show the gross assessed valuation is thirteen million dollars (\$13,000,000) or more but less than thirteen million five hundred thousand dollars (\$13,500,000) the salary of the superintendent for the year beginning on the first day of the next January shall be six thousand dollars (\$6,000); when these records show the gross assessed valuation is thirteen million five hundred thousand dollars (\$13,500,000) or more but less than fourteen million dollars (\$14,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be six thousand five hundred dollars (\$6,500); and when these records show the gross assessed valuation is fourteen million dollars (\$14,000,000) or more the annual salary of the superintendent for the succeeding calendar years shall be seven thousand dollars (\$7,000). In the event any principal of a school under the supervision and control of said superintendent of education receives a sum equal to or greater than the salary hereinabove provided, then and in that event, the Board of Education of Limestone County may immediately increase the salary of said superintendent of education to a sum greater than said principal's salary. In addition to his salary, the super-

intendent shall receive an allowance for expenses of one thousand two hundred dollars (\$1,200) per annum."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the The Limestone Democrat, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 29, Oct. 6, Oct. 13, and Oct. 20, all in the year 1959.

STEELE MCGREW.

Sworn to and subscribed before me Oct. 20, 1959.

LOLA L. ORR,  
Notary Public.

By Mr. Turner (with notice and proof):

H. 1029. To amend further Section 3 of Act No. 199, H. 603, approved July 24, 1947 (Local Acts 1947, p. 113), an act to create and establish in Limestone County a court known as "The Limestone County Court", in relation to the compensation of the judge of the court.

Local Legislation No. 1.

Notice and Proof H. 1029:

STATE OF ALABAMA  
COUNTY OF LIMESTONE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

To amend further Section 3 of Act. No. 199, H. 603, approved July 24, 1947 (Local Acts 1947, p. 113), an act to create and establish in Limestone County a court known as "The Limestone County Court", in relation to the compensation of the judge of the court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 199, H. 603, approved July 24, 1947 (Local Acts 1947, p. 113), an act to create and establish "The Limestone County Court," as amended, is amended further to read as follows:

"Section 3. Judge. (a) A judge of the court herein established shall be elected by the qualified electors of the county at the general

election of 1948, and at the general election each four years thereafter. His term shall be for four years from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. (b) The first judge of the court shall be the person holding office as judge of the court abolished by this Act, and he shall hold office until his successor is elected or appointed and assumes office as provided herein. (c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution of Alabama. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the manner prescribed by law. No person shall be eligible to the office of judge unless he is at the time of his appointment or election a qualified elector of Limestone County, learned in the law and admitted to the practice of law by the Supreme Court of Alabama, for a period of at least three years prior to such election or appointment, and over the age of twenty-five years. The judge shall not engage in the practice of law during his term of office; and he shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution. (d) the judge shall receive an annual salary, payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid, which shall be governed by the gross assessed valuation of property, real and personal, tangible and intangible, in Limestone County, as shown by the records of the Tax Assessor of Limestone County, as follows: When the tax assessor's record show that the gross assessed valuation of such property for the tax year ending on the thirtieth day of September of any year was less than eleven million dollars (\$11,000,000) the salary of the judge for the year beginning on the first day of the next January shall be three thousand six hundred dollars (\$3,600); when these records show the gross assessed valuation is eleven million dollars (\$11,000,000) or more but less than eleven million two hundred and fifty thousand dollars (\$11,250,000) the salary of the judge for the year beginning on the first day of the next January shall be three thousand eight hundred dollars (\$3,800); when these records show the gross assessed valuation is eleven million two hundred fifty thousand dollars (\$11,250,000) or more but less than eleven million five hundred thousand dollars (\$11,500,000) the salary of the judge for the year beginning on the first day of the next January shall be four thousand dollars (\$4,000) when these records show the gross assessed valuation is eleven million five hundred thousand dollars (\$11,500,000) or more but less than twelve million dollars (\$12,000,000) the salary of the judge for the year beginning on the first day of the next January shall be four thousand two hundred dollars (\$4,200); when these records show the gross assessed valuation is twelve million dollars (\$12,000,000) or more but less than twelve million five hundred thousand dollars (\$12,500,000) the salary of the judge for the year beginning on the first day of the next January shall be four thousand eight hundred dollars (\$4,800); when these records show the gross assessed valuation is twelve million five hundred thousand dollars (\$12,500,000) or more but less than thirteen million dollars (\$13,000,000) the salary of the judge for the year beginning on the first day of the next January shall be five thousand four hundred dollars (\$5,400); when these records show the gross assessed valuation is thirteen million dollars (\$13,000,000) or more but less than thirteen million five hundred thousand dollars (\$13,500,000) the salary of the judge for the year beginning on the first day of the next January shall be six thousand dollars (\$6,000); when these records show the gross assessed valuation is thirteen million five hundred thousand dollars (\$13,500,000) or more but less than fourteen million dollars (\$14,000,000) the salary of the judge for the year beginning on the first day of the next January shall be six thousand five



hundred dollars (\$6,500); and when these records show the gross assessed valuation is fourteen million dollars (\$14,000,000) or more the annual salary of the judge for the succeeding calendar years shall be seven thousand dollars (\$7,000).

(e) The judge shall have authority to: 1) grant writs of habeas corpus, certiorari, superseadeas, quo warranto, mandamus, and all other remedial and original writs which are grantable by the circuit judges; 2) grant writs of injunction and ne exeat; 3) administer oaths and take acknowledgments; 4) exercise such other powers, jurisdiction or authority as may be conferred by law upon circuit judges, judges of juvenile or county courts, and justices of the peace, except as otherwise provided herein. (f) The judge shall keep an office in the county courthouse. His office shall be suitably equipped, furnished and provided, at the expense of the county, with such office supplies and stationery, stamps, furniture, fixtures, telephone and other facilities as may be necessary for the transaction of the business of the court. (g) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided by Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code, who shall be paid five dollars for each day or fraction thereof that he serves, out of the general fund of the county."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the The Limestone Democrat, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 29, Oct. 6, Oct. 13, and Oct. 20, all in the year 1959.

STEELE MCGREW.

Sworn to and subscribed before me Oct. 20, 1959.

LOLA L. ORR,  
Notary Public.

By Mr. Roberts (with notice and proof):

H. 1030. To levy in Madison County a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption in such county of cigarettes; to require that the tax hereby levied shall be collected by the seller or distributor, added to the sale price of the cigarettes, and passed on to the purchaser or consumer, and that the price and the tax shall be stated separately on any bill of sale or advertising of such cigarettes; to provide that the tax shall be in addition to all other taxes now levied by law except license or privilege taxes levied on the sale of cigarettes by the municipalities in such county, which are hereby repealed; to require the affixing of stamps to the packages of cigarettes to evidence the payment of the tax, and to provide for obtaining the stamps in the same manner and according to the same rules and regulations that govern the purchasing and affixing of

stamps for the payment of the state tobacco tax levied by Title 51, Chapter 20, Article 9, of the Code of Alabama, 1940; to provide for the collection and enforcement of the tax by the state department of revenue in the same manner that the state tobacco tax levied by the above mentioned Article 9 is enforced; to adopt by reference certain provisions of said Article 9, as amended, relative to payment of the tax, records and reports with respect to the tax, and the provisions thereof prescribing penalties for violations; to provide for the distribution and use of the revenue derived from the tax; to authorize the state department of revenue to make rules and regulations to effectuate the purposes of this Act; and to prescribe additional penalties.

Local Legislation No. 1.

Notice and Proof H. 1030:

TO WHOM IT MAY CONCERN:

Notice is hereby given in accordance with Section 106 of the Constitution of Alabama that a bill for a local law will be introduced in the current session of the Legislature affecting Madison County, the substance of which is as follows and application for the enactment of such local law will be made, to-wit:

To levy a license tax on persons and others engaged in selling cigarettes in said county, the said tax to be measured by the volume of sales of such persons and others; also levying an excise tax on the storage, use or other consumption in said county of cigarettes purchased for use, storage or other consumption in said county; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this Act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Article 9 of Chapter 20, Title 51, Code of Alabama, as amended, which is the state tobacco tax law; providing the commissioner of revenue and the state department of revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Article 9, as amended; providing for the collection of said excise tax by wholesale dealers and jobbers and retailers; providing that the said license tax shall be added to the sales price and passed on to the purchaser or person paying the purchase price of cigarettes; providing for the purchase of revenue stamps and for a discount to persons subject to said tax; providing for the use of the revenues from said taxes; also, repealing all municipal ordinances levying municipal license or excise taxes on persons and others engaged in selling cigarettes within the county based on the sale of cigarettes, or the storage, use or consumption of cigarettes within the county.

STATE OF ALABAMA  
MADISON COUNTY

Before me, W. C. Lewis, a Notary Public in and for said State and County, personally appeared R. M. Buchanan, known to me, who being by me first duly sworn, deposes and says he is General Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on September 28, October 5, 12, and 19, 1959.

R. M. BUCHANAN  
General Manager

Sworn to and subscribed before me this the 20 day of October, 1959.

WILLIAM C. LEWIS  
Notary Public

My commission expires October 22, 1960.

By Mr. Roberts (with notice and proof):

H. 1031. Providing further for the election and organization of the council in all cities having a population of not less than 14,000 nor more than 19,000, according to the last or any subsequent federal decennial census, and operating under the mayor-council form of government; providing for the election of councilmen by place and number; and prescribing additional qualifications for candidates seeking election to such council.

Local Legislation No. 1.

Notice and Proof H. 1031:

STATE OF ALABAMA  
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Providing further for the election and organization of the council in all cities having a population of not less than 14,000 nor more than 19,000, according to the last or any subsequent federal decennial census, and operating under the mayor-council form of government; providing for the election of councilmen by place and number; and prescribing additional qualifications for candidates seeking election to such council.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only once in cities having a population of not less than 14,000 nor more than 19,000, according to the last or any subsequent federal decennial census.

Section 2. Whenever any city within the scope of this Act operates under the mayor-council form of government, the following officers shall be elected in each general municipal election held in such city; and such officers shall compose the city council of such city, shall hold office for terms of four years and until their successors are elected and qualified, and shall exercise the legislative functions of the city government and such other powers and duties as are or may be vested by law in the city council or its members, to wit:

1. Councilman, place number one
2. Councilman, place number two
3. Councilman, place number three
4. Councilman, place number four
5. Councilman, place number five

All of the councilmen herein provided for shall be elected from the city at large. No person shall be a candidate or be permitted to file his statement of candidacy for more than one of such places, and no ballot shall be counted for any candidate except for the place or number for which he announced in his statement of candidacy.

Section 3. Each candidate for election to the office of city councilman, upon filing his statement of candidacy in the office of the mayor of the city, shall pay to the mayor, or to the duly authorized agent of the mayor, a qualification fee of fifty dollars (\$50.00). The mayor or his agent shall deposit all such qualification fees in the municipal treasury, to be used for general municipal purposes.

Section 4. The candidates who receive the highest number of legal votes for the respective places provided for herein shall be declared to be elected to such offices, and a certificate of election shall be given to each of such persons by the council, or a majority of them, which shall entitle the persons so certified to the possession of their respective offices immediately upon the expiration of the term of their predecessors, as provided by law. In the event of a tie vote between two or more persons in such election for the same place on the council, the council shall order a new election not later than thirty days thereafter at which election such persons shall run off the tie vote, and the person receiving the highest number of votes shall be declared elected. In the event that all opposition to a candidate receiving a tie vote is withdrawn, then no second election need be held, and such candidate shall receive a certificate of election. On the first Monday in October after their election, the members of the council shall assemble and organize, and choose a chairman or president of the council from among their own number.

Section 5. Except as otherwise provided in this act, all elections held under this Act for councilman shall be held in accordance with the general election laws applicable to cities having a mayor-council form of government.

Section 6. The purpose of this Act is to provide further for the election and organization of the council in cities, within its purview when such cities operate under the mayor-council form of government; and nothing contained in this Act shall prevent or prohibit any city within the application hereof to adopt, in the manner prescribed by law, any optional form of government which such city is authorized to adopt under the general laws of Alabama.

Section 7. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### STATE OF ALABAMA MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of

The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on September 27, October 4, 11, and 18, 1959.

W. C. LEWIS,  
Secretary-Treasurer.

Sworn to and subscribed before me this the 19 day of October, 1959.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 16, 1963.

By Mr. Roberts:

H. 1032. To amend Act No. 476, H. 627, approved September 9, 1955, which creates the office of deputy circuit solicitor in the twenty-third judicial circuit and provides for the appointment, duties and compensation of such officer.

Local Legislation No. 1.

By Mr. Roberts (with notice and proof):

H. 1033. Relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

Local Legislation No. 1.

Notice and Proof H. 1033:

A BILL  
TO BE ENTITLED  
AN ACT

STATE OF ALABAMA  
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

AN ACT

Relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Madison County may require any record, document, plat, court file, book, map, paper, or writing made, acquired, or received as required by law by any official of Madison County to be photographed or microphotographed, on plate or film. Such photographs, microfilms, or prints made therefrom, when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record, or of a record made by any other legally authorized means, and may be offered in like manner and shall be received in evidence in any court where such original record, or record made by other legally authorized means, could have been so introduced and received. In like manner, reproductions made from such records by photographic or like process, when otherwise in compliance with applicable statutes, rules and regulations, shall be received and treated in any court of this State as fully as would a transcription or reproduction of such records made by any other means or process.

Section 2. The court or board is authorized to charge to any office, court, board, institution, department or agency of the county the cost of photographing or microphotographing of public records belonging to that office, court, board, institution, department, or agency, by the charging of the cost of such work to that office, court, board, institution, department or agency's appropriation from the county budget.

Section 3. The court or board may from time to time appropriate amounts out of the general fund of the county sufficient to pay the cost of photographing or microphotographing the public records belonging to the county, and may from time to time appropriate amounts sufficient to purchase necessary photographic or microphotographic equipment, materials and supplies therefor.

Section 4. There is hereby created a county records commission consisting of ten members as follows: The director of the State Department of Archives and History, who shall be the chairman of the commission; the chief examiner of the State Department of Examiners of Public Accounts; one member from the University of Alabama who shall be designated by the head of the Department of History; one member from the Alabama Polytechnic Institute who shall be designated by the head of the Department of History; the Madison County Probate Judge; the register of the circuit court of Madison County; the Madison County circuit court clerk; the Madison County tax assessor; the clerk of the board of county commissioners of Madison County, who shall be secretary of the commission; and one member from the local historical association, if organized, who shall be designated by the president of the historical association. Any of the members of this commission may delegate to another the duty of attending meetings and the power to act in his behalf. The commission shall meet at least once each fiscal year.

Section 5. The county records commission shall be charged with the responsibility of determining which county records shall be permanently preserved because of their historical value, and which records may be destroyed or otherwise disposed of after they have been microfilmed. The commission shall classify the different types of records accordingly. No county official shall cause any county records to be destroyed or otherwise disposed of without first obtaining the approval of the county records commission. In lieu of destruction of records approved to be destroyed by the commission, such records may be offered first to the State Department of Archives and History, and if not desired by said department, may be offered to the local historical association, library or museum. The Madison County board of commissioners, however, is authorized to expend the general funds of the county to build or lease a suit-

able building to retain old records authorized to be destroyed, in their discretion.

Section 6. No county official or employee shall destroy, dispose of, or cause to be destroyed or disposed of, any public record that has been microfilmed under the provisions of this act until the records custodian has certified that the microfilm copy has been processed and checked for clarity.

Section 7. The county records commission is hereby empowered to conduct surveys of public records in carrying out the provisions of this act. The commission shall from time to time issue regulations classifying all public records, and prescribe the period for which records of each class shall be retained, either permanently or for a specified number of years. Such regulations may from time to time be amended or repealed. Prior to issuing such regulations, the commission shall consider:

(1) Actions at law and administrative proceedings in which the production of public records might be necessary or desirable;

(2) State and federal statutes of limitation applicable to such actions or proceedings;

(3) The availability of information contained in public records from other sources;

(4) The actual or potential historical value of certain public records;

(5) The frequency of usage of such records;

(6) Such other matters as the commission shall deem pertinent in order that public records be retained for as short a period as is commensurate with the interests of the public.

Section 8. The actual and necessary expenses of the county officials who are members of the commission shall be paid by the county general fund. The actual and necessary expenses of the Alabama Polytechnic Institute and the University of Alabama representatives of the commission shall be paid by their respective institutions. The actual and necessary expenses of the state officials who are members of the commission shall be paid by the State.

Section 9. The board of county commissioners is hereby authorized to establish a central reproduction department for Madison County, and to employ a records custodian, who shall have charge of all reproduction work, including photographing and microphotographing, and who shall have custody of all records placed for storage outside the offices of the various county officials. Madison County is authorized to expend from its general fund all necessary monies for supplies and equipment with which to operate said department, including a salary for the records custodian.

Section 10. A fee of 10 cents per page will be charged, in addition to all filing and recording fees now charged, for each page of any record, document, plat, court file, book, map, paper or writing photographed or microphotographed, and each official receiving instrument to be photographed or microphotographed will collect the 10 cents per page and deposit same once each month by the 10th of the month to the credit of the county General Fund.

Section 11. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA  
MADISON COUNTY

Before me, W. C. Lewis, a Notary Public in and for said State and County, personally appeared R. M. Buchanan, known to me, who being by me first duly sworn, deposes and says he is General Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached Legal Notice was published in said newspaper on July 10, 17, 24, and 31, 1959.

R. M. BUCHANAN,  
General Manager.

Sworn to and subscribed before me this the 20 day of October, 1959.

WILLIAM C. LEWIS,  
Notary Public.

My commission expires October 22, 1960.

By Mr. Roberts (with notice and proof):

H. 1034. To provide for reimbursement of expenses incurred by members of the Board of County Commissioners of Madison County in the performance of their duties.

Local Legislation No. 1.

Notice and Proof H. 1034:

STATE OF ALABAMA  
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for reimbursement of expenses incurred by members of the Board of County Commissioners of Madison County in the performance of their duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Board of County Commissioners of Madison County other than the chairman of the board shall each be entitled to reimbursement for expenses incurred in the performance of official duties in the amount of 100 dollars (\$100) a month, which shall be paid from any funds in the county treasury not otherwise appropriated at the end of each month, on warrants drawn in the same manner as warrants are drawn for the payment of his compensation and allowances as prescribed by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.



## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Lewis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 28, Oct. 5, Oct. 12, and Oct. 19, all in the year 1959.

W. C. LEWIS.

Sworn to and subscribed before me October 20, 1959.

OPAL H. DILWORTH,  
Notary Public.

By Mr. Roberts (with notice and proof):

H. 1035. To amend Section Two of the Act approved March 23, 1955 (Act No. 8, H. 7, Acts of Alabama 1955, Page 114) relating to the office of Chief Clerk to the Register of the Circuit Court in Equity of Madison County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1035:

STATE OF ALABAMA  
MADISON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section Two of the Act approved March 23, 1955 (Act No. 8, H. 7 Acts of Alabama 1955, Page 114) relating to the office of Chief Clerk to the Register of the Circuit Court in Equity of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section Two of the Act approved March 23, 1955 (Act No. 8, H. 7 Acts of Alabama 1955, Page 114) relating to the office of Chief Clerk to the Register of the Circuit Court in Equity of Madison County, Alabama is hereby amended to read as follows:

"Section 2. The Chief Clerk, so appointed, shall be paid a salary not to exceed Four Thousand and no/100 (\$4,000.00) Dollars to be determined and fixed by the Register of the Circuit Court in Equity of Madison County, Alabama, payable in equal monthly installments."

"Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law."

STATE OF ALABAMA  
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on September 30, October 7, 14, and 21, 1959.

W. C. LEWIS,  
Secretary-Treasurer.

Sworn to and subscribed before me this the 22 day of October, 1959.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 16, 1963.

By Mr. Roberts:

H. 1036. To supplement the state salary payable to circuit judges by payments from the county treasury in all judicial circuits composed of only one county which has a population of not less than 65,000 nor more than 75,000, according to the most recent federal decennial census.

Local Legislation No. 1.

By Messrs. Goodwyn, Bailey, Goldthwaite and Pierce (with notice and proof):

H. 1037. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 28, T16N, R18E, Montgomery County, Alabama, and Section 21, T16N, R18E, Montgomery County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1037:

LEGAL NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama for passage of a law in substance as follows:

"A BILL  
TO BE ENTITLED  
AN ACT."

To alter, rearrange and extend the boundaries of the city of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 28, T16N, R18E, Montgomery County, Alabama, and Sec. 21, T16N, R18E, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city certain additional territory lying within the following described boundaries, to-wit:

Beginning at the intersection of the North side of the Troy Highway and the West side of Carter Hill or Fisk Road; thence Westerly along the North side of the Troy Highway to the East line of the West-half of the East-half of the NW¼ of Section 28, T16N, R18E; thence North along the said East line of the West-half of the East-half of the NW¼ of said section 28, to the Northeast corner of the SW¼ of NE¼ of the NW¼ of said Section 28; thence West to the Quarter Section line running North and South through the center of the NW¼ of said section 28; thence North along the said Quarter Section line to the North line of said Section 28; thence continue North along the Quarter Section line running North and South through the center of the West-half of Section 21, T16N, R18E, to the South ROW line of Carter Hill Road; thence Easterly along the said South ROW line of Carter Hill Road to the Southwesterly corner of the intersection of Vaughan Road and said Carter Hill Road; thence S49 degrees 39'E along the Southwesterly ROW line of Carter Hill Road a distance of 719.8 feet, more or less, to a point on a curve in the ROW; thence Southeasterly along a long cord of a curve in said ROW line a distance of 472.2 feet, more or less, to a point; thence S05 degrees 07'E along the West ROW of Carter Hill Road a distance of 542.94 feet, more or less, to a point; thence S05 degrees 02'E along the West ROW of Carter Hill Road a distance of 1,918.16 feet, more or less, to a point; thence S04 degrees 01'E along the West ROW of Carter Hill Road a distance of 1,981 feet, more or less, to the point of beginning. The said property lying and being situated in Section 21 and Section 28, T16N, R18E, County of Montgomery, and State of Alabama.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA  
MONTGOMERY COUNTY

Before me, T. A. Hardy, a Notary Public in and for said State and County, personally appeared Guyton Parks for The Advertiser Company, publishers of The Montgomery Advertiser, a newspaper published in the City of Montgomery, County of Montgomery, and State of Alabama, who, being by me first duly sworn, deposes and says that the attached is a true copy of a "Legal Notice" which appeared in the regular editions of the said newspaper published in said City and County of Montgomery on September 17, September 24, October 1 and October 8, 1959.

GUYTON PARKS,  
Business Manager.

Sworn to and subscribed before me, this the 9 day of Oct., 1959.

T. A. HARDY,  
Notary Public.

By Messrs. Goodwyn, Bailey, Pierce and Goldthwaite:

H. 1038. To authorize the governing body of any municipality in the State of Alabama having a population of not less than 75,000 nor more than 125,000, according to the last or any subsequent federal decennial census, to create a museum board; to provide for the appointment of members of such board and for their terms of office; to authorize the board to adopt rules and regulations governing procedures of the board and the use of facilities under its jurisdiction and control; to provide for the appointment of a director and employees for such board; to provide that such employees shall be employees of the mu-

municipality and subject to any civil service or merit system law in effect in such municipality; to define the powers and duties of the board; and to authorize the municipality to acquire and provide property, and funds, for the use of said board for museum purposes.

Local Legislation No. 1.

By Messrs. Gilchrist and Brewer (with notice and proof):

H. 1039. To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Local Legislation No. 1.

Notice and Proof H. 1039:

LEGAL NOTICE

As required by Article 4, Section 106, of the Constitution of Alabama of 1901, notice is hereby given of the intention to apply at the next special or regular session of the Legislature of Alabama for the enactment of local law substantially as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines of the City of Hartselle, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein the following described property, to-wit:

The East sixteen (16) acres of the Southeast quarter of the Southeast quarter and the Northeast quarter of the Southeast quarter, all in Section 9, Township 7 South, Range 4 West, and that part of the East sixteen acres of the Northeast quarter of the Northeast quarter of Section 16, Township 7 South, Range 4 West lying North of Alabama Highway No. 36 in Morgan County, Alabama.

SECTION 2. This Act shall be effective immediately upon its passage and approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice hav-

ing appeared in the issues of said paper on June 18, June 25, July 2, and July 9, all in the year 1959.

JACK W. HOFFHAUS.

Sworn to and subscribed before me 14 October, 1959.

MATTIE L. DAVIS,  
Notary Public.

By Mr. Smith (St. Clair) (with notice and proof):

H. 1040. To alter or rearrange the boundary lines of the city of Pell City, St. Clair County, Alabama, so as to include within the Corporate Limits of said City all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1040:

### LEGAL NOTICE

Notice is hereby given that a bill, substantially as follows, will be introduced for enactment into law by the present Legislature of the State of Alabama.

### AN ACT

To alter or rearrange the boundaries lines of the city of Pell City, St. Clair County, Alabama, so as to include within the Corporate Limits of said City all territory now within such Corporate Limits, and also certain other territory in St. Clair county, Alabama.

Be It Enacted by the Legislature of Alabama:

#### Section I.

That the boundary lines of the City of Pell City, St. Clair County, Alabama, be and the same are altered or rearranged so as to include within the Corporate Limits of said City all territory now within such Corporate Limits, and also other territory in St. Clair County, Alabama, described as follows: The South one-half of the Southeast Quarter; the Southeast Quarter of the South-west Quarter and all that part of the Southwest Quarter of the Southwest Quarter lying East of the present Corporate Limit Line of the City of Pell City, all in Section 35, Township 16, South, Range 3, East, St. Clair County, Alabama; also, the Northeast Quarter of the Northeast Quarter, the South one-half of the Southeast Quarter and all that part of the Northeast Quarter of the Southeast Quarter lying South of the North right-of-way line of the Southern Railway; the South one-half of the Southwest Quarter and Northwest Quarter of the Southwest Quarter, all in Section 2, and also, the Southeast diagonal one-half of the Southeast Quarter of Section 3, all in Township 17, South, Range 3 East, St. Clair County, Alabama.

#### Section 2.

That the boundaries as set out in Section 1, of this Act, be and the same are hereby established as the Corporate Limits of the City of Pell City, St. Clair County, Alabama, and all the territory included and embraced in said boundaries shall hereafter be and constitute the City of Pell City, St. Clair County, Alabama.

#### Section 3.

This Act shall go into effect immediately upon the passage and approval by the Governor.

## AFFIDAVIT OF PUBLISHER

STATE OF ALABAMA  
ST. CLAIR COUNTY

On this 1st day of Oct. 1959, personally appeared before me Ethel Blair, Notary Public, in and for the County and State aforesaid, Pat Granette, who being duly sworn according to Law, declares that she is Bookkeeper of the "St. Clair News-Aegis," a newspaper published in the city of Pell City, in the County of St. Clair, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in the "St. Clair News-Aegis" on the following dates: 8/6-13-20-27.

PAT GRANETTE.

Subscribed and sworn before me, this 1st. day of October, A. D., 1959.

/s/ ETHEL BLAIR,  
Notary Public.

By Mr. Smith (St. Clair) (with notice and proof):

H. 1041. To change the method of compensating certain officers of St. Clair County; Fixing the salaries of such officers, and providing for the clerical assistance, office space, equipment, and supplies necessary for the conduct of their offices.

Local Legislation No. 1.

Notice and Proof H. 1041:

A BILL  
TO BE ENTITLED  
AN ACT

To change the method of compensating certain officers of St. Clair County: Fixing the salaries of such officers, and providing for the clerical assistance, office space, equipment, and supplies necessary for the conduct of their offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of St. Clair County shall receive the following salaries:

(a) Judge of Probate — ten thousand dollars (\$10,000.00) per annum;

(b) Sheriff — seven thousand five hundred dollars (\$7,500.00) per annum;

(c) Tax Assessor — seven thousand dollars (\$7,000.00) per annum;

(d) Tax Collector — seven thousand dollars (\$7,000.00) per annum;

(e) Judges of the Inferior Court — three thousand six hundred dollars (\$3,600.00) per annum, each; and

(f) Circuit Clerk — six thousand dollars (\$6,000.00) per annum.

Such salaries shall be in lieu of all other compensation heretofore provided by law, and shall be paid in equal monthly installments out of the general fund of the county.

Section 2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate, the judges of the inferior court, and the sheriff, tax assessor, tax collector, or circuit clerk of St. Clair County shall be collected and paid into the general fund of the county.

Section 3. The board of revenue, court of county commissioners, or other like governing body of St. Clair County shall provide the judge of probate, each judge of the inferior court, and the sheriff, tax assessor, tax collector, and circuit clerk of the county with such clerical assistance, quarters, books, stationery, office equipment, postage, and other such conveniences and supplies as are necessary for the proper and efficient conduct of their respective offices. Each of said officers shall have the authority to appoint such clerical assistants as may be authorized for his office, and such clerical assistants shall serve at the pleasure of the appointing authority. The sheriff shall also be provided with two automobiles and automotive equipment of his own choosing.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the Legislature to fix, alter, and regulate the costs and charges of courts in St. Clair County, and the fees, commissions, percentages, allowances or salary of, and the method of compensating any officer of St. Clair County.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF ST. CLAIR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert Cornett, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Assistant Editor of the St. Clair News-Aegis, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 9-24, 10-1, 10-8, and 10-15, all in the year 1959.

ROBERT CORNETT.

Sworn to and subscribed before me Oct. 21, 1959.

ETHEL BLAIR,  
Notary Public.

By Mr. Smith (St. Clair):

H. 1042. Proposing an amendment to the Constitution of Alabama relative to the costs and charges of courts in St. Clair County and the compensation of certain officers of St. Clair County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Jones (Covington) to suspend the rules in order to introduce a resolution out of order was adopted.

## RESOLUTION

The following resolution was introduced:

By Mr. Jones (Covington):

H. J. R. 80. RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the two Houses mark with deep regrets the passing of Professor J. E. Henley in Florala on Saturday, October 17, 1959. Professor Henley was a veteran educator with more than fifty years of devoted service. He was an esteemed member of the House during the second term of the late Governor Bibb Graves. His death is a great loss to his community and to Alabama, and his passing is deeply mourned.

RESOLVED FURTHER, That the Clerk is directed to send a copy of this resolution to Mrs. J. E. Henley, at Florala, Alabama.

On motion of Mr. Jones (Covington) the rules were suspended and H. J. R. 80 was adopted.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Guthrie to suspend the rules in order to introduce a resolution out of order was adopted.

## RESOLUTION

The following resolution was introduced:

By Mr. Guthrie:

H. R. 81. Be it resolved by the members of the House of Representatives as follows:

WHEREAS, the House of Representatives have been invited to a dove shoot at Greensboro, Alabama in Greene County and

WHEREAS, the question of Re-apportionment has caused a division between the Representatives of North Alabama and South Alabama, and

WHEREAS, because of this division and the extreme feeling that has arisen because of this issue; and

WHEREAS, it is felt that the use of fire arms by members of such body might prove dangerous to the members that might attend such meeting, now

THEREFORE BE IT RESOLVED by the House of Representatives as follows:

That the day for this dove shoot be deferred until such time as tempers of the House of Representatives be more serene and the carrying of firearms less dangerous.

The motion of Mr. Guthrie to suspend the rules in order to bring up for immediate consideration the above and foregoing H. R. 81 was lost.



And said resolution, H. R. 81, was read and referred to the Standing Committee on Rules.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Murphy to suspend the rules in order to introduce a resolution out of order was adopted.

#### RESOLUTION

The following resolution was introduced:

By Messrs. Murphy and Hocklander:

H. J. R. 82. WHEREAS, on Saturday, October 17th, 1959, Samuel Palmer Gaillard, the oldest living member of the American Bar Association, passed to his reward at Mobile, Alabama, in the 104th year of his life after long and faithful service to his people; and,

WHEREAS, the outstanding ability of Mr. Gaillard, coupled with the spotless life which he had led and his superb Christian character endeared him to the hearts of all who knew him; and,

WHEREAS, in his career as an outstanding and learned attorney, as a member of the old Alabama Railroad Commission, as a member of the Mobile County Board of Revenue and Road Commissioners, and as President of the Board of School Commissioners of Mobile County he rendered outstanding service to his fellow men; and,

WHEREAS, he was the oldest Free Mason in America and for almost three-quarters of a century had served as an Elder in the Presbyterian Church and had been honored by his brethren at the Mobile Bar by being made Honorary President Emeritus of the Mobile County Bar Association, and we deem it fitting that this Legislative Body should take some note of the passing of such a distinguished and outstanding citizen:

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, that the people of Alabama, the South and the Nation have lost in the death of Samuel Palmer Gaillard a great lawyer, an outstanding Christian gentleman, and one of whom all of us have been justly proud.

BE IT FURTHER RESOLVED that a copy of this resolution be spread on the minutes of the Senate and of the House of Representatives, and that a copy be sent to the press and to the bereaved family of our departed friend.

On motion of Mr. Murphy the rules were suspended and H. J. R. 82 was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Smith (St. Clair) to suspend the rules in order to introduce a resolution out of order was adopted.

#### RESOLUTION

The following resolution was introduced:

By Messrs. Smith (St. Clair) and Grouby:

H. J. R. 83. RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the two houses of the Legislature of Alabama warmly commend the officers and members

of the Alabama Farm Bureau for their decision to hold their 1959 annual meeting in Montgomery, Alabama, instead of out of state. We also extend our best wishes to this fine organization for a successful and enjoyable meeting.

RESOLVED FURTHER, That the Clerk of the House is directed to send copies of this resolution to the President and directors of the Alabama Farm Bureau.

On motion of Mr. Smith (St. Clair) the rules were suspended and H. J. R. 83 was adopted.

#### MOTION TO SUSPEND RULES LOST

The motion of Mr. Camp to suspend the rules in order to allow the Standing Committee on Ways and Means to report was lost.

Yeas 37; Nays 30.

##### Yeas:

|              |           |                     |                   |
|--------------|-----------|---------------------|-------------------|
| Mr. Speaker: | Cates     | Hankins             | Morrow            |
| Ashworth     | Copeland  | Hawkins             | Nichols           |
| Bailey       | Edwards   | Ingram              | Perry             |
| Bevill       | Franklin  | Johnson (J. T. Tom) | Pierce            |
| Bishop       | Gilchrist | Jones (Covington)   | Rast              |
| Brannan      | Goodwyn   | Locke               | Ray               |
| Brewer       | Gordon    | McClendon (Chamb)   | Self              |
| Broadfoot    | Grouby    | Meade               | Sessions          |
| Camp         | Guthrie   | Merrill             | Smith (St. Clair) |
| Casey        |           |                     |                   |

—37

##### Nays:

|          |                    |                    |          |
|----------|--------------------|--------------------|----------|
| Messrs.: | Cornett            | Johnston (Leonard) | Pruitt   |
| Albea    | Daniel             | Lee                | Ramey    |
| Avery    | Dickson            | Long (Perry)       | Salter   |
| Barnett  | Grant              | McCorquodale       | Solomon  |
| Bassett  | Hain               | Martin             | Steagall |
| Britton  | Hardy              | Nettles            | Taylor   |
| Brooks   | Harris             | Oakley             | Thomas   |
| Cabiness | Johnson (Hardaway) | Powell             |          |

—30

#### MOTION TO SUSPEND RULES LOST

The motion of Mr. Camp to suspend the rules in order to allow the Standing Committee on Ways and Means to report the bill, H. 302, was lost.

Yeas 19; Nays 34.

##### Yeas:

|           |          |                    |                   |
|-----------|----------|--------------------|-------------------|
| Messrs.:  | Camp     | Goodwyn            | Nichols           |
| Albea     | Copeland | Hain               | Perry             |
| Bishop    | Edwards  | Harris             | Sessions          |
| Brannan   | Franklin | Johnson (Hardaway) | Smith (St. Clair) |
| Broadfoot | Gilmer   | Locke              | Steagall          |

—19

##### Nays:

|                 |         |          |          |
|-----------------|---------|----------|----------|
| Mr. Speaker:    | Barnett | Brooks   | Chambers |
| Adams (Houston) | Bassett | Cabiness | Cornett  |
| Ashworth        | Britton | Cates    | Daniel   |

|             |                    |              |                 |
|-------------|--------------------|--------------|-----------------|
| Dickson     | Grouby             | McCorquodale | Ray             |
| Faulk       | Guthrie            | Merrill      | Rozelle         |
| Glass       | Hardy              | Powell       | Smith (Russell) |
| Goldthwaite | Ingram             | Pruitt       | Thomas          |
| Gordon      | Johnston (Leonard) | Ramey        | Trimmier        |
| Grant       | Lee                |              |                 |

—34

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Rast to suspend the rules in order to introduce a bill out of order was adopted.

## INTRODUCTION OF BILL

The following bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Mr. Rast:

H. 1043. To propose an Amendment to the Constitution of Alabama to provide that the making and collection of mortgage loans in Alabama by non-residents solely through the Agency of loan brokers duly licensed as Mortgage Loan Brokers under the laws of Alabama, and maintaining a place of business in the State of Alabama, shall not constitute doing business in Alabama by such non-resident lender, but subjecting such non-resident lender to process in Alabama for the purpose of determining any question concerning such loans.

Business and Labor.

The above bill was read a first time at length as required by the Constitution.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Goodwyn to suspend the rules in order that the Standing Committee on Ways and Means be allowed to report the bill, H. 984, was adopted.

## REPORT OF STANDING COMMITTEE ON WAYS AND MEANS

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 984. To amend further Section 152 of Title 41, Code of Alabama 1940, which relates to the salaries and compensation payable to certain officers and employees of the State of Alabama.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Trimmier to suspend the rules in order to introduce a local bill out of order was adopted.

## INTRODUCTION OF BILL

The following local bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Messrs. Trimmier and Hocklander (with notice and proof):

H. 1044. To require the tax collector of Mobile County to charge and collect the same fees, and to deduct from taxes collected by him the same commissions that are prescribed by the general law as com-

pensation for tax assessors and tax collectors and to pay all such fees and commissions into the county treasury of Mobile County; and to repeal Act No. 241, H. 401 and Act No. 242, H. 473 of 1935 (Local Acts of Alabama of 1935, pages 139 and 141, respectively) and Section 1 of Act No. 191, H. 634 of 1955 (Acts of Alabama of 1955, page 476).

Local Legislation No. 1.

Notice and Proof H. 1044:

#### LEGAL NOTICE

STATE OF ALABAMA,  
COUNTY OF MOBILE.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To require the tax collector of Mobile County to charge and collect the same fees, and to deduct from taxes collected by him the same commissions that are prescribed by the general law as compensation for tax assessors and tax collectors and to pay all such fees and commissions into the county treasury of Mobile County; and to repeal Act No. 241, H. 401 and Act No. 242, H. 473 of 1935 (Local Acts of Alabama of 1935, pages 139 and 141, respectively) and Section 1 of Act No. 191, H. 634 of 1955 (Acts of Alabama of 1955, page 476).

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector of Mobile County shall, in the manner prescribed by the general law, charge and collect all fees and compute and deduct from the taxes collected by him all commissions which tax collectors are authorized and directed by the general law to charge and collect, or compute and withhold, by reason of any official act or for the performance of any service directly or indirectly connected with the offices of tax assessor and tax collector, and he shall pay all such fees and commissions collected by him into the county treasury of Mobile County.

Section 2. Act No. 241, H. 401, approved August 15, 1935 (Local Acts of Alabama of 1935, page 139); Act No. 242, H. 473 approved August 15, 1935 (Local Acts of Alabama of 1935, page 141), and Section 1 of Act No. 191, H. 634, approved July 29, 1955 (Acts of Alabama of 1955, page 476) are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared William F. Egan, who, being by me

first duly sworn, deposes and says that during the times herein mentioned he was Office Manager of the Mobile Press Register, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 27th, Oct. 4th, Oct. 11th, and Oct. 18th, all in the year 1959.

WILLIAM F. EGAN.

Sworn to and subscribed before me October 20th, 1959.

ALVIN A. JOHNSON,  
Notary Public.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Cabiness to suspend the rules in order to introduce a bill out of order was adopted.

#### INTRODUCTION OF BILL

The following bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Mr. Cabiness:

H. 1045. Relating to state-owned passenger motor vehicles; regulating the use of state-owned passenger motor vehicles and requiring the identification and marking of certain state-owned passenger motor vehicles in the manner hereby prescribed; and prescribing penalties for violations of the Act.

State Administration.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Grouby to suspend the rules in order to introduce a bill out of order was adopted.

#### INTRODUCTION OF BILL

The following bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Mr. Grouby:

H. 1046. To amend Section 1 of Title 58 of the Code of Alabama of 1940.

Judiciary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. deGraffenried:

S. J. R. 34. WHEREAS the members of the Legislature have heard with profound regret of the death on October 18 of William T. Callahan, Jr., beloved brother of Representative A. K. Callahan, and of the death on October 20 of Arthur Blackmon, Mr. Callahan's brother-in-law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the two Houses extend deepest sympathy to Representative Callahan and to the surviving members of the families of the deceased.

RESOLVED FURTHER, That the Clerk of the House send a copy of this resolution to Mrs. William T. Callahan, Jr., and a copy to the surviving widow of Mr. Blackmon.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Pruitt the rules were suspended and the House concurred in and adopted the S. J. R. 34 set out in the above and foregoing Message from the Senate.

#### JOURNAL FOR THE TWENTY-SEVENTH LEGISLATIVE DAY

#### APPROVED

On motion of Mr. Nettles, further reading of the Journal of the House for the twenty-seventh legislative day was dispensed with, and the report of the Standing Committee on Rules set out in the Journal on the twenty-eighth legislative day was concurred in and adopted, and the Journal for the twenty-seventh legislative day was approved.

Yeas 70; Nays 3.

#### Yeas:

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Messrs.:                   | Copeland    | Hawkins                       | Pierce                       |
| Adams <sup>(Houston)</sup> | Cornett     | Jenkins                       | Powell                       |
| Albea                      | Daniel      | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Ashworth                   | Dickson     | Lee                           | Ramey                        |
| Avery                      | Dodd        | Locke                         | Ray                          |
| Bailey                     | Faulk       | Long <sup>(Lauderdale)</sup>  | Rogers                       |
| Barnett                    | Franklin    | Long <sup>(Perry)</sup>       | Rozelle                      |
| Bassett                    | Gilmer      | McClendon <sup>(Chamb)</sup>  | Self                         |
| Bevill                     | Goldthwaite | McCorquodale                  | Sessions                     |
| Bishop                     | Goodwyn     | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Boyd                       | Gordon      | Martin                        | Solomon                      |
| Brannan                    | Grant       | Meade                         | Steagall                     |
| Britton                    | Grouby      | Merrill                       | Sullivan                     |
| Broadfoot                  | Hain        | Nettles                       | Taylor                       |
| Brooks                     | Hankins     | Nichols                       | Thomas                       |
| Camp                       | Hardy       | Oakley                        | Trimmier                     |
| Casey                      | Harris      | Oden                          | Turner                       |
| Chambers                   | Harvey      | Perry                         | —70                          |

Nays: Mr. Speaker, Cabiness and Guthrie.

—3

#### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-eighth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Nettles, the reading at length of the Journal of the House for the twenty-eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-eighth legislative day was approved.

Yeas 70; Nays 3.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Messrs.:                   | Copeland    | Hawkins                       | Pierce                       |
| Adams <sup>(Houston)</sup> | Cornett     | Jenkins                       | Powell                       |
| Albea                      | Daniel      | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Ashworth                   | Dickson     | Lee                           | Ramey                        |
| Avery                      | Dodd        | Locke                         | Ray                          |
| Bailey                     | Faulk       | Long <sup>(Lauderdale)</sup>  | Rogers                       |
| Barnett                    | Franklin    | Long <sup>(Perry)</sup>       | Rozelle                      |
| Bassett                    | Gilmer      | McClendon <sup>(Chamb)</sup>  | Self                         |
| Bevill                     | Goldthwaite | McCorquodale                  | Sessions                     |
| Bishop                     | Goodwyn     | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Boyd                       | Gordon      | Martin                        | Solomon                      |
| Brannan                    | Grant       | Meade                         | Steagall                     |
| Britton                    | Grouby      | Merrill                       | Sullivan                     |
| Broadfoot                  | Hain        | Nettles                       | Taylor                       |
| Brooks                     | Hankins     | Nichols                       | Thomas                       |
| Camp                       | Hardy       | Oakley                        | Trimmier                     |
| Casey                      | Harris      | Oden                          | Turner                       |
| Chambers                   | Harvey      | Perry                         | —70                          |

**Nays:** Mr. Speaker, Cabiness and Guthrie.

—3

**BILLS ON SECOND READING**

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 770 (with amendment). To revise and amend Chapter 4 of Title 46 of the Code of Alabama (1940), relating to the licensing of general contractors.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 771. To make an additional appropriation to the State Licensing Board for General Contractors.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 101 (with amendment). To amend Section 567, Title 52, Code of Alabama, 1940, which relates to the acquisition of title to school lands by adverse possession.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on

the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 773. Proposing an amendment of the Constitution of 1901 authorizing the levying of special taxes for public hospital purposes.

The above bill was read a second time at length as required by the Constitution.

H. 801. Relating to State Educational Institutions: Proposing an amendment to the Constitution of Alabama authorizing certain State educational institutions to pledge certain existing revenues for the acquisition or improvement of facilities.

The above bill was read a second time at length as required by the Constitution.

H. 802. To authorize the state board of education and the boards of trustees of all state institutions to make investments of endowment funds and other funds held for investment in the same manner as the Teachers Retirement System of Alabama is authorized to make.

S. 3. To amend Title 51, Section 704, Code of Alabama, 1940, as amended, pertaining to ad valorem taxation of motor vehicles.

H. 799. To provide an allowance to each official court reporter of the circuit courts in the Fifth Judicial Circuit payable by the counties composing said circuit to reimburse him for expenses incurred in the performance of his official duties.

H. 827. To authorize the Attorney General to employ not more than two investigators and to make an appropriation therefor.

H. 823. To further amend section 388, as last amended, of title 51 of the 1940 Code of Alabama.

H. 338. To amend Section 354 of Title 51 of the Code of Alabama 1940, relating to the due date of franchise tax.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitutes, and they were severally read a second time and placed on the Calendar, to-wit:

H. 339 (with substitute). To amend Section 346 of Title 51 of the Code of Alabama 1940, relating to domestic corporation permits.

H. 340 (with substitute). To amend Section 345 of Title 51 of the Code of Alabama 1940, relating to foreign corporation permits.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 616 (with amendment). To create the position of Chief Engineer in the State Highway Department; to provide for his appointment, qualifications, duties, responsibilities and salary; and to provide for the effective date of this Act.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on



the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 178. To amend Section 3 of Act No. 724, approved September 17, 1953, entitled "An act to provide law clerks to be appointed by the presiding judge and the associate judges of the Court of Appeals, to prescribe their duties and fix their compensation" (General Acts Alabama, Regular Session 1953, p. 979, and to provide the time when the amendment shall become effective.

S. 175. To amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts Alabama, Regular Session, 1953, p. 549), and to provide the time when the amendment shall become effective.

H. 957. To amend Section 63, Title 13 of the Code of Alabama of 1940.

H. 958. To amend Section 2, Item III G (6) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

H. 952. To provide for an additional judge of the Thirteenth Judicial Circuit of Alabama.

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 962. Prescribing duties and powers of stenographic secretary of Circuit Solicitor of Fifth Judicial Circuit.

H. 667. To provide for jury service by women; amending Sections 20 and 21 of Title 30, Code of Alabama 1940.

H. 609. To authorize the governing body of each county and municipality to appropriate public funds to provide financial assistance to a local program for the aged, including the establishment and maintenance of nursing homes and rehabilitation, vocational, and educational centers, the making of job surveys, and the securing of specially trained personnel to carry out the program.

H. 794. To amend Section 262 of Title 26 of the Code of Alabama 1940 as last amended.

H. 843. To redefine the term "authorized emergency vehicle" as used in Chapter 1 of Title 36, Code of Alabama 1940; amending further Section 1 of said Title 36, Code 1940.

H. 895. To amend further Chapter 1 of Title 36, Code of Alabama (1940), so as to require drivers of vehicles to yield the right-of-way to other traffic under certain conditions.

H. 896. To amend Section 1 of Act No. 22, H. 1, approved May 26, 1953 (Acts of Alabama, 1953, p. 25), entitled "An Act To provide for the speed of motor vehicles on the highways of this State; to make it

a misdemeanor to violate the provisions hereof, and to provide for the punishment thereof," by regulating the speed of any motor vehicle towing a house trailer.

H. 897. To amend further Section 17 of Title 36, Code of Alabama (1940), which relates to the giving of signals on starting, stopping, turning, and backing motor vehicles.

H. 914. To amend further Section 27 of Title 11, Code of Alabama 1940, in relation to the fees chargeable by registers of the circuit court for making transcripts on appeals to the supreme court.

S. 261. To provide further for the organization, admission, consolidation, merger, and dissolution of certain corporations, and to prescribe the powers, authority, and duties of such corporations, and of the officers, directors, and stockholders thereof; to repeal all general acts of this State contained exclusively in Title 10, Code of Alabama 1940, as amended except the following: Title 10, Sections 16, 19 through 21, 48 through 69, 71 through 90, 102, 111 through 188, 198 (1) through 198 (6), and Sections 199 through 263, Code of Alabama 1940, as amended, and except any provisions of Title 48 or Title 51 of the Code of Alabama, 1940, as amended.

Mr. Pruitt, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 511. Relating to the manufacture or traffic in intoxicating liquor in dry counties; providing that the holding, owning, having in possession, or paying the tax for a liquor revenue stamp or stamps for the manufacture or traffic in intoxicating liquor issued under the laws of the United States shall be prima facie evidence of violation of the prohibition laws in effect in the county.

Mr. Edwards, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 981. To amend Section 87 of Title 22, Code of Alabama 1940, in relation to the enactment of regulations governing the removal or transportation of the bodies of deceased persons by cities and towns.

Mr. Oakley, Vice-Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 831. To provide for grants in aid for educational purposes and for the administration and enforcement of the Act.

Mr. Oakley, Vice-Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 931 (with amendment). Relating to schools; to provide for a Committee on Courses of Study; to prescribe the qualification and compensation of its members; to define its duties; and to repeal Sections 404, 405, 406, 407 of Title 52, Code of Alabama 1940 as amended.

Mr. Cornett, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 922. To amend the provisions of Section 131, Title 23, Code of Alabama 1940, relating to the throwing, placing or dumping of rubbish on highways.

H. 954. Relating to the dumping of refuse, rubbish or debris on the public highways of the state and providing a penalty therefor.

Mr. Cornett, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, With Substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 36 (with substitute). Providing further for the protection of game; prohibiting the taking, capturing, or killing of deer from a vessel or boat afloat in a navigable stream; providing for the confiscation and forfeiture of any watercraft, together with any firearms found therein, which is so used.

Mr. Ferguson, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 250. Proposing an amendment to the Constitution of Alabama relating to apportionment of representation in the Legislature.

The above bill was read a second time at length as required by the Constitution.

H. 257. To provide for a reapportionment of the Legislature of Alabama.

H. 101. Proposing an amendment to the Constitution of Alabama fixing the number of representatives in the Legislature and apportioning the membership among the several counties, fixing the number of senators and dividing the State into senatorial districts, setting the required frequency of subsequent reapportionment, placing the duty and responsibility for subsequent reapportionment of the legislature upon the legislature itself from and after the first Monday in May, 1963 and prescribing apportionment basis and procedure to be thereafter followed.

The above bill was read a second time at length as required by the Constitution.

Mr. Grouby, Chairman of the Standing Committee on Local Government reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 874. To apply to cities having a population of not less than 23,500 and not more than 100,000 inhabitants according to the last or any subsequent federal decennial census, to provide that when the statute providing for the organization of a Commission form of govern-

ment in any such City shall be declared invalid, illegal or unconstitutional, it may by ordinance adopted by its governing body become organized under the Commission form of government as provided in Act No. 96, General Laws of Alabama (Second Special Session of 1959) approved August 17, 1959, and to authorize an election on the question of adopting any other form of government under any other statute by petition and election of the qualified electors of such City.

H. 362. To amend Section 700 of Title 37, Code of Alabama 1940, which relates to the levy of taxes by municipalities.

#### INTRODUCTION OF BILLS

Upon the continuation of a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Cabiness:

H. 1047. To amend the "Alabama Civil Defense Act of 1955" (Act No. 47, S. 65, approved June 10, 1955, Acts of Alabama 1955, Vol. I, pages 267-284).

Ways and Means.

By Mr. Cabiness:

H. 1048. To amend Act No. 712, H. 48, approved September 5, 1951, which created a State Bureau of Publicity and Information and transferred to it the functions, funds, jurisdiction, authority, personnel, property and effects of the Division of Records and Reports and provided for the appointment of a Director of Publicity (Acts of Alabama 1951, Vol. II, page 1250), to provide for the election of the Director and prescribe his compensation.

Ways and Means.

By Mr. Cabiness:

H. 1049. To amend Act No. 173, H. 311, approved June 23, 1945, which created the State Department of Veterans Affairs (General Acts of Alabama, 1945, page 304), to provide for the election of the State Service Commissioner and prescribe his compensation.

Ways and Means.

By Mr. Cabiness:

H. 1050. To re-enact and amend further Section 1 of Title 42, Code of Alabama 1940, as amended, in order to re-enact certain provisions thereof which have been repealed relative to the compensation of the members of the Board of Pardons and Paroles and to provide for the election of such members by the people, and prescribe their compensation.

Ways and Means.

By Mr. Cabiness:

H. 1051. Proposing an amendment to the Constitution of Alabama relative to the meetings and sessions of the legislature.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Cabiness:

H. 1052. To amend further Section 4 of Title 29, Code of Alabama 1940, so as to provide for the election by the people of the Administrator

for the Alabama Alcoholic Beverage Control Board and to prescribe his salary.

Ways and Means.

By Mr. Cabiness:

H. 1053. To amend further Act No. 298, S. 341, approved June 29, 1943 (General Acts of 1943, pages 252-259), the act which established the Department of Labor, to provide for the election of the Director of Labor and prescribe his compensation.

Ways and Means.

By Mr. Cabiness:

H. 1054. To amend Sections 116 and 118 of Title 51, Code of Alabama 1940, so as to provide for the election of the commissioner of revenue and prescribe his compensation.

Ways and Means.

By Messrs. Cabiness and Lee:

H. 1055. To amend Section 1 of Act No. 565, H. 964, approved September 18, 1957, entitled "An Act to provide for the salary of the Governor."

Ways and Means.

By Mr. Cabiness:

H. 1056. To amend further Section 325 of Title 15, Code of Alabama 1940, which specifies the legal punishments for crime; providing that the maximum punishment imposed on conviction of crime in this state shall be a sentence to life imprisonment in the penitentiary.

Judiciary.

By Mr. Cabiness:

H. 1057. To amend Act No. 202, S. 27, approved July 17, 1953, which created the Board of Corrections of Alabama (Acts of Alabama 1953, Volume I, page 267), to provide for the election by the people of the Commissioner of Corrections and to prescribe his salary.

Ways and Means.

By Mr. Cabiness:

H. 1058. To amend Act No. 342, H. 41, approved September 5, 1955, which established the State Planning and Industrial Development Board (Acts of Alabama 1955, Vol. II, pages 765-769), to provide for the election of the director and to prescribe his compensation.

Ways and Means.

By Mr. Cabiness:

H. 1059. To amend Act No. 103, H. 230, approved June 30, 1955, which provided further for the development of harbors and seaports, abolished the Alabama State Docks Board created by an act which became effective August 1, 1951, and established the Alabama State Docks Department in lieu thereof (Acts of Alabama 1955, Vol. I, pages 345-348), so as to provide for the election of the Director of the State Docks and prescribe his compensation.

Ways and Means.

By Mr. Cabiness:

H. 1060. To amend Act No. 204, H. 30, approved August 3, 1955, which created the State Banking Department, so as to provide for the

election by the people of the Superintendent of Banks and prescribe his compensation.

Ways and Means.

By Mr. Cabiness:

H. 1061. Proposing an amendment to the Constitution of Alabama relative to the compensation of the lieutenant governor.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Trimmier, Hocklander, Shumate, Speaks, Cabiness, Broadfoot and Brannan:

H. 1062. To require that prevailing wages shall be paid workmen on all building and construction projects wherein any state funds are expended for such purposes; to require that all necessary surveys be made to determine the prevailing wage rates for all classifications of workmen who may be employed on such work; to prescribe standards for determining the prevailing wage; to provide for the enforcement of this Act and to prescribe penalties for its violation.

Judiciary.

By Messrs. Bailey, Pierce, Goldthwaite and Goodwyn:

H. 1063. Making an appropriation for the relief of M. W. Stuart of Montgomery County; authorizing the State Highway Department to compensate the said M. W. Stuart for property damages incurred under such circumstances that said State Highway Department is morally and justly obligated to pay same, for the recovery of which he has no right of action or legal recourse.

Ways and Means.

By Messrs. Pierce and Bailey:

H. 1064. TO PROHIBIT OBTAINING CREDIT BY USE OF A CREDIT CARD BELONGING TO ANOTHER, OR WHICH HAS EXPIRED OR BEEN CANCELLED, AND PRESCRIBING PENALTIES THEREFOR; PROVIDING AN EFFECTIVE DATE.

Judiciary.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 149. Relating to marital relations; providing that the marriage of any male resident of this state over the age of eighteen years relieves him of the disabilities of minority.

Also:

H. 254. To amend further Section 25 of Title 36, Code of Alabama 1940, which relates to the stopping of motor vehicles upon the paved or main traveled portion of a highway.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 765. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of not exceeding \$3,000,000 principal amount of General Obligation Bonds of the State of Alabama for construction and equipment of a hospital building for mental patients to constitute a part of the University of Alabama Medical Center.

Also:

H. 762. To authorize the sale and issuance of not exceeding \$3,000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of constructing and equipping a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to appropriate and pledge, as additional security therefor, so much as may be necessary for those portions of the state taxes on the sale of spirituous or vinous liquors and of the state license taxes on those selling, storing or receiving for distribution malt or brewed beverages that are required by law to be paid into the Alabama Special Mental Health Fund; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds thereof.

J. E. SPEIGHT,  
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 762. To authorize the sale and issuance of not exceeding \$3,000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of constructing and equipping a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to appropriate and pledge, as additional security therefor, so much as may be necessary for those por-

tions of the state taxes on the sale of spirituous or vinous liquors and of the state license taxes on those selling, storing or receiving for distribution malt or brewed beverages that are required by law to be paid into the Alabama Special Mental Health Fund; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds thereof.

Also:

H. 765. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of not exceeding \$3,000,000 principal amount of General Obligation Bonds of the State of Alabama for construction and equipment of a hospital building for mental patients to constitute a part of the University of Alabama Medical Center.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 760. To further provide for and raise revenue for the State of Alabama; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of the taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into the state treasury.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Jones (Covington) the House concurred in and adopted the Senate amendment to the bill, H. 760, said Senate amendment being as follows:

Amend Section 1 of House Bill 760 by striking therefrom the second sentence therein and insert in lieu thereof the following:

"The term "Selling price", wherever used in this act shall mean the total marked-up price of spirituous or vinous liquors sold by the Board, exclusive of the taxes heretofore levied with respect thereto."



Further amend said bill by striking therefrom the whole of Section 4 thereof and insert in lieu thereof the following:

Section 4. Effective Date. This act shall become effective on January 1, 1960.

#### AMENDMENT TO H. B. 760, AS AMENDED

Substitute the following for Section 4 of the bill:

Section 4. This Act shall take effect December 1, 1959.

Yeas 76; Nays 0.

#### Yeas:

|                            |          |                               |                              |
|----------------------------|----------|-------------------------------|------------------------------|
| Mr. Speaker:               | Chambers | Harvey                        | Oakley                       |
| Adams <sup>(Houston)</sup> | Cook     | Hawkins                       | Oden                         |
| Albea                      | Copeland | Jenkins                       | Perry                        |
| Ashworth                   | Cornett  | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Avery                      | Daniel   | Johnston <sup>(Leonard)</sup> | Powell                       |
| Bailey                     | Dickson  | Jones <sup>(Covington)</sup>  | Pruitt                       |
| Barnett                    | Dodd     | Lee                           | Ramey                        |
| Bassett                    | Faulk    | Locke                         | Rast                         |
| Bevill                     | Ferguson | Long <sup>(Lauderdale)</sup>  | Ray                          |
| Bishop                     | Franklin | Long <sup>(Perry)</sup>       | Rozelle                      |
| Boyd                       | Gilmer   | McClendon <sup>(Chamb)</sup>  | Self                         |
| Brannan                    | Goodwyn  | McCorquodale                  | Sessions                     |
| Brewer                     | Gordon   | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Britton                    | Grant    | Martin                        | Speaks                       |
| Broadfoot                  | Grouby   | Meade                         | Steagall                     |
| Cabiness                   | Guthrie  | Merrill                       | Sullivan                     |
| Camp                       | Hain     | Morrow                        | Thomas                       |
| Casey                      | Hankins  | Nettles                       | Trimmier                     |
| Cates                      | Hardy    | Nichols                       | Turner                       |

—76

And said bill, H. 760, as amended by the Senate amendment, was again read at length and passed.

Yeas 76; Nays 1.

#### Yeas:

|                            |          |                               |          |
|----------------------------|----------|-------------------------------|----------|
| Mr. Speaker:               | Casey    | Hain                          | Meade    |
| Adams <sup>(Houston)</sup> | Cates    | Hankins                       | Merrill  |
| Albea                      | Chambers | Hardy                         | Morrow   |
| Ashworth                   | Cook     | Harvey                        | Nettles  |
| Avery                      | Copeland | Hawkins                       | Nichols  |
| Bailey                     | Cornett  | Jenkins                       | Oakley   |
| Barnett                    | Daniel   | Johnson <sup>(Hardaway)</sup> | Oden     |
| Bassett                    | Dickson  | Johnston <sup>(Leonard)</sup> | Perry    |
| Bevill                     | Dodd     | Jones <sup>(Covington)</sup>  | Pierce   |
| Bishop                     | Edwards  | Lee                           | Powell   |
| Boyd                       | Ferguson | Locke                         | Pruitt   |
| Brannan                    | Franklin | Long <sup>(Lauderdale)</sup>  | Ramey    |
| Brewer                     | Gilmer   | Long <sup>(Perry)</sup>       | Rast     |
| Britton                    | Gordon   | McClendon <sup>(Chamb)</sup>  | Ray      |
| Broadfoot                  | Grant    | McCorquodale                  | Rozelle  |
| Cabiness                   | Grouby   | McLendon <sup>(Bullock)</sup> | Self     |
| Camp                       | Guthrie  | Martin                        | Sessions |

Smith<sup>(St. Clair)</sup>  
Speaks

Steagall  
Sullivan

Taylor  
Thomas

Trimmier  
Turner

—76

Nay: Mr. Goodwyn

—1

### BILLS ON THIRD READING

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Bevill to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 855, was adopted.

And the Bill:

H. 855. To permit any water works board organized under the provisions of Sections 394 to 402, inclusive, of Title 37 of the Code of Alabama of 1940 which has acquired or may hereafter acquire a gas plant and system pursuant to Act No. 154 adopted at the 1947 Regular Session of the Legislature of Alabama, to issue revenue bonds for certain water works purposes and to pledge for payment of such revenue bonds not only water revenues, but also any available gas revenues and to provide that in order so to issue revenue bonds it shall not be necessary for such water works board to combine such water and gas systems.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

#### Yeas:

|              |             |                                |          |
|--------------|-------------|--------------------------------|----------|
| Mr. Speaker: | Daniel      | Johnson <sup>(Hardaway)</sup>  | Oden     |
| Albea        | Dickson     | Johnson <sup>(J. T. Tom)</sup> | Perry    |
| Ashworth     | Dodd        | Johnston <sup>(Leonard)</sup>  | Pierce   |
| Avery        | Edwards     | Jones <sup>(Covington)</sup>   | Powell   |
| Bailey       | Faulk       | Lee                            | Pruitt   |
| Barnett      | Gilmer      | Locke                          | Ramey    |
| Bevill       | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Rast     |
| Bishop       | Goodwyn     | Long <sup>(Perry)</sup>        | Ray      |
| Boyd         | Gordon      | McClendon <sup>(Chamb)</sup>   | Rozelle  |
| Brannan      | Grant       | McCorquodale                   | Self     |
| Broadfoot    | Grouby      | McLendon <sup>(Bullock)</sup>  | Sessions |
| Cabiness     | Guthrie     | Martin                         | Solomon  |
| Camp         | Hain        | Meade                          | Speaks   |
| Casey        | Hankins     | Merrill                        | Steagall |
| Cates        | Hardy       | Morrow                         | Sullivan |
| Chambers     | Harris      | Murphy                         | Taylor   |
| Cook         | Harvey      | Nettles                        | Thomas   |
| Copeland     | Hawkins     | Nichols                        | Trimmier |
| Cornett      | Jenkins     | Oakley                         |          |

—75

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Harris to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 424, was adopted.

Yeas 73; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Daniel      | Hocklander                     | Nichols                      |
| Adams <sup>(Houston)</sup> | Dickson     | Jenkins                        | Oakley                       |
| Albea                      | Dodd        | Johnson <sup>(Hardaway)</sup>  | Perry                        |
| Ashworth                   | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Pierce                       |
| Avery                      | Faulk       | Johnston <sup>(Leonard)</sup>  | Powell                       |
| Bailey                     | Ferguson    | Jones <sup>(Covington)</sup>   | Pruitt                       |
| Barnett                    | Gilmer      | Lee                            | Ramey                        |
| Bevill                     | Goldthwaite | Locke                          | Rast                         |
| Bishop                     | Goodwyn     | Long <sup>(Lauderdale)</sup>   | Rozelle                      |
| Boyd                       | Grant       | Long <sup>(Perry)</sup>        | Self                         |
| Brannan                    | Grouby      | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Broadfoot                  | Guthrie     | McCorquodale                   | Smith <sup>(Russell)</sup>   |
| Cabiness                   | Hain        | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup> |
| Camp                       | Hankins     | Martin                         | Solomon                      |
| Casey                      | Hardy       | Meade                          | Speaks                       |
| Cates                      | Harris      | Merrill                        | Sullivan                     |
| Chambers                   | Harvey      | Morrow                         | Thomas                       |
| Cook                       | Hawkins     | Nettles                        | Trimmier                     |
| Copeland                   |             |                                |                              |

—73

**And the Bill:**

H. 424. To further amend the Farm-to-Market Road Act of 1943 (Act No. 329, approved July 1, 1943) by amending Sections 1, 2, and 13 of said Act as amended by Act No. 41, approved June 1, 1945 (1945 Acts, page 47); by amending Sections 3 and 7 of said Act as amended by Act No. 831, approved September 19, 1953 (1953 Acts, page 1119); and by amending Section 11 of said Act as amended by Act No. 14 approved August 11, 1950 (Fourth Special Session 1950 Acts, page 55).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Daniel      | Jenkins                        | Perry                        |
| Adams <sup>(Houston)</sup> | Dickson     | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Albea                      | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Ashworth                   | Edwards     | Johnston <sup>(Leonard)</sup>  | Pruitt                       |
| Avery                      | Faulk       | Jones <sup>(Covington)</sup>   | Ramey                        |
| Bailey                     | Ferguson    | Lee                            | Rast                         |
| Barnett                    | Gilmer      | Locke                          | Rozelle                      |
| Bevill                     | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Self                         |
| Bishop                     | Goodwyn     | Long <sup>(Perry)</sup>        | Sessions                     |
| Boyd                       | Grant       | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>   |
| Brannan                    | Grouby      | McCorquodale                   | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Guthrie     | McLendon <sup>(Bullock)</sup>  | Solomon                      |
| Cabiness                   | Hain        | Martin                         | Speaks                       |
| Camp                       | Hankins     | Meade                          | Steagall                     |
| Casey                      | Hardy       | Merrill                        | Sullivan                     |
| Cates                      | Harris      | Morrow                         | Trimmier                     |
| Chambers                   | Harvey      | Nettles                        | Turner                       |
| Cook                       | Hawkins     | Nichols                        | Turnham                      |
| Copeland                   | Hocklander  | Oakley                         |                              |

—75

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Copeland to suspend the rules in order to take

up for immediate consideration the third reading of the bill, H. 195, was adopted.

And the Bill:

H. 195 (with amendment): To amend further Section 787 of Title 51, Code of Alabama 1940, which relates to the state use tax, so as to redefine the term "wholesale sale."

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

#### AMENDMENT TO H. B. 195

On page 1, in Section 1, paragraph (d), strike out all the words and figures after the first sentence and insert the following:

The term 'wholesale sale' shall include a sale of tangible personal property or products (including iron ore) to a manufacturer or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which he manufactures or compounds for sale, and the furnished container and label thereof. The terms 'wholesale sale' or 'sale at wholesale' shall also include a sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons. Moreover, such terms include a sale to a manufacturer or compounder, of crowns, caps, and tops employed and used upon the containers in which he markets his products; but such terms do not include a sale of re-usable containers which in the usual and ordinary course and manner of doing business are repurchased or otherwise recovered for re-use.

And the amendment was adopted.

Yeas 69; Nays 0.

#### Yeas:

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Copeland    | Hocklander                    | Oakley                       |
| Adams <sup>(Houston)</sup> | Cornett     | Jenkins                       | Perry                        |
| Albea                      | Daniel      | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Ashworth                   | Dodd        | Johnston <sup>(Leonard)</sup> | Powell                       |
| Avery                      | Edwards     | Jones <sup>(Covington)</sup>  | Pruitt                       |
| Bailey                     | Faulk       | Lee                           | Ramey                        |
| Barnett                    | Ferguson    | Locke                         | Rast                         |
| Bevill                     | Gilmer      | Long <sup>(Lauderdale)</sup>  | Rozelle                      |
| Bishop                     | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Self                         |
| Boyd                       | Goodwyn     | McCorquodale                  | Sessions                     |
| Brannan                    | Grant       | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Grouby      | Martin                        | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Guthrie     | Meade                         | Speaks                       |
| Camp                       | Hain        | Merrill                       | Steagall                     |
| Casey                      | Hankins     | Morrow                        | Sullivan                     |
| Cates                      | Harris      | Nettles                       | Thomas                       |
| Chambers                   | Hawkins     | Nichols                       | Trimmier                     |
| Cook                       |             |                               |                              |

—69

And said bill, H. 195, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Cook        | Harris                        | Nichols                      |
| Adams <sup>(Houston)</sup> | Copeland    | Hocklander                    | Oakley                       |
| Albea                      | Cornett     | Jenkins                       | Perry                        |
| Ashworth                   | Daniel      | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Avery                      | Dodd        | Johnston <sup>(Leonard)</sup> | Powell                       |
| Bailey                     | Edwards     | Jones <sup>(Covington)</sup>  | Pruitt                       |
| Barnett                    | Faulk       | Lee                           | Ramey                        |
| Bevill                     | Ferguson    | Locke                         | Rast                         |
| Bishop                     | Gilmer      | Long <sup>(Lauderdale)</sup>  | Rozelle                      |
| Boyd                       | Goldthwaite | Long <sup>(Perry)</sup>       | Self                         |
| Brannan                    | Goodwyn     | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Broadfoot                  | Grant       | McCorquodale                  | Smith <sup>(Russell)</sup>   |
| Cabiness                   | Grouby      | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Camp                       | Guthrie     | Meade                         | Speaks                       |
| Casey                      | Hain        | Merrill                       | Steagall                     |
| Cates                      | Hankins     | Morrow                        | Sullivan                     |
| Chambers                   | Hardy       | Nettles                       | Thomas                       |

—68

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Cornett to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 469, H. 468, H. 463, H. 464, H. 465, H. 466 and H. 467, was adopted.

And the Bill:

H. 469. To amend further Section 154 of Title 8, Code of Alabama 1940 providing for licensing the use of seines, trawls, and other devices to catch salt water shrimp, in relation to the use of trawls.

Was taken up.

Mr. Cornett offered the following substitute for the bill, H. 469:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Section 154 of Title 8, Code of Alabama 1940 providing for licensing the use of seines, trawls, and other devices to catch salt water shrimp, in relation to the use of trawls.

Be it Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 8, Section 154, as amended by an act approved September 17, 1953, is amended further to read as follows:

"Section 154. It shall be unlawful for any person, firm, or corporation to catch or attempt to catch any salt water shrimp by the use of any trawl, seine or other device, except castnets, unless an annual license fee due and payable on or before the opening date of the season as set by the director of conservation in each and every year at the rate herein provided be paid; and the annual license shall be at all times in the possession of the party or parties operating same for the purpose of taking salt water shrimp, such license to be issued by the department of conservation, and the proceeds thereof to be placed to the credit of the seafoods fund. The following license

tax shall be paid by persons operating seines for the purpose of taking or catching salt water shrimp: On all seines up to thirty feet, seven and one-half dollars; from thirty to three hundred feet, fifteen dollars; and from three hundred feet to nine hundred feet, twenty-two and one-half dollars; and over nine hundred feet, thirty-seven and one-half dollars; on all trawls up to thirty feet, seven and one-half dollars; and on all trawls from thirty feet up to and including fifty feet, fifteen dollars. Only one trawl may be operated from each boat and no trawl in excess of fifty (50) feet in length shall be used on that portion of Alabama waters lying north of a line running east and west from the Florida line along the shore at Gulf Shores to Fort Morgan, thence from Fort Morgan Light to the east end of Dauphin Island along the south shore of Dauphin Island westward to the west end of Dauphin Island, thence westward along a line extending from the west end of Dauphin Island to the east end of Petit Bois Island. Boats working the area in the Gulf south of this line are authorized to use two trawls. Any person using seines or trawls of sixteen (16) feet or less may catch or attempt to catch salt water shrimp for non-commercial purposes in an amount not to exceed fifteen (15) pounds at any time. Nothing herein contained shall be construed as preventing the taking of shrimp for bait at any time by duly licensed live shrimp bait catchers."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 68; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Copeland    | Hawkins                       | Pierce                       |
| Adams <sup>(Houston)</sup> | Cornett     | Hocklander                    | Powell                       |
| Albea                      | Daniel      | Jenkins                       | Rast                         |
| Ashworth                   | Dickson     | Johnston <sup>(Leonard)</sup> | Ray                          |
| Avery                      | Dodd        | Lee                           | Rozelle                      |
| Bailey                     | Edwards     | Locke                         | Self                         |
| Barnett                    | Faulk       | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Bevill                     | Ferguson    | McCorquodale                  | Smith <sup>(Russell)</sup>   |
| Bishop                     | Gilmer      | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Boyd                       | Goldthwaite | Meade                         | Speaks                       |
| Brannan                    | Goodwyn     | Merrill                       | Steagall                     |
| Broadfoot                  | Grant       | Morrow                        | Sullivan                     |
| Cabiness                   | Grouby      | Murphy                        | Taylor                       |
| Casey                      | Guthrie     | Nettles                       | Thomas                       |
| Cates                      | Hain        | Nichols                       | Torbert                      |
| Chambers                   | Hankins     | Oakley                        | Trimmier                     |
| Cook                       | Hardy       | Perry                         | Turnham                      |

—68

And said bill, H. 469, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Mr. Speaker:               | Avery   | Bishop    | Cabiness |
| Adams <sup>(Houston)</sup> | Bailey  | Boyd      | Casey    |
| Albea                      | Barnett | Brannan   | Cates    |
| Ashworth                   | Bevill  | Broadfoot | Chambers |

|          |                    |         |                   |
|----------|--------------------|---------|-------------------|
| Cook     | Hankins            | Martin  | Rozelle           |
| Copeland | Hardy              | Meade   | Self              |
| Cornett  | Harris             | Merrill | Sessions          |
| Daniel   | Hawkins            | Morrow  | Smith (Russell)   |
| Dickson  | Hocklander         | Murphy  | Smith (St. Clair) |
| Dodd     | Jenkins            | Nettles | Speaks            |
| Edwards  | Johnston (Leonard) | Nichols | Steagall          |
| Faulk    | Lee                | Oakley  | Sullivan          |
| Ferguson | Locke              | Perry   | Taylor            |
| Gilmer   | Long (Perry)       | Pierce  | Thomas            |
| Grouby   | McClendon (Chamb)  | Powell  | Torbert           |
| Guthrie  | McCorquodale       | Rast    | Trimmier          |
| Hain     | McLendon (Bullock) | Ray     | Turnham           |

—68

And the Bill:

H. 468. To amend further an act approved August 15, 1947 (Act No. 322, H. 97, General Acts 1947, p. 211) relating to permits and licenses for taking or catching live shrimp for use or sale as bait.

Was taken up.

Mr. Cornett offered the following substitute for the bill, H. 468:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further an act approved August 15, 1947 (Act No. 322, H. 97, General Acts 1947, p. 211) relating to permits and licenses for taking or catching live shrimp for use or sale as bait.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 3 of an act approved August 15, 1947 (Act No. 322, H. 97, General Acts 1947, p. 211) entitled, "An Act To permit the catching of shrimp for use as bait during the closed seasons; to prescribe regulations under which such shrimp may be taken; to provide for the licensing of persons selling or offering for sale such shrimp; and to provide penalties for the violation thereof" are hereby amended to read as follows:

"Section 2. Such shrimp shall be taken or caught solely for bait. They shall not be taken or caught by use of any net or trawl having a width greater than sixteen feet; and no more than one net or trawl shall be used on or operated from any boat; nor shall such shrimp be taken or caught or be kept in possession at any time in quantities greater than five pounds for each person on or in any boat; regardless of the number of such persons, or fifteen pounds for each boat, whichever is the lesser. Such shrimp shall not be sold, exchanged, bartered or otherwise disposed of for any purpose whatsoever except as provided hereinafter.

"Section 3. Such shrimp may be sold alive or with heads attached only, and shall be sold only at licensed bait stores, stands or shops, or at licensed business establishments, by persons who have previously purchased from the department of conservation a live shrimp dealers license and have paid therefor a fee of fifty (50) dollars, and have also purchased a license to take live shrimp for sale as bait and have paid therefor a fee of twenty-five (25) dollars for each boat operated by said dealer, for the taking or catching of shrimp for use as bait.

The department shall issue bona fide applicants such licenses on a yearly basis only. It shall be unlawful for any person other than a person duly licensed as provided herein to sell, offer to sell, barter or exchange or otherwise dispose of live shrimp. Each duly authorized licensee shall display in a prominent place on each vessel used for above operations two license tags, furnished by the department of conservation at the time of the purchase of the license for subject boats. The provisions of Section 2 of this act limiting the quantity of live shrimp which may be legally caught or taken shall not apply to persons holding valid licenses as required by this section."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

And the substitute was adopted.

Yeas 63; Nays 0.

**Yeas:**

|                            |                               |                              |                              |
|----------------------------|-------------------------------|------------------------------|------------------------------|
| Mr. Speaker:               | Cook                          | Lee                          | Rozelle                      |
| Adams <sup>(Houston)</sup> | Cornett                       | Locke                        | Self                         |
| Albea                      | Daniel                        | Long <sup>(Perry)</sup>      | Sessions                     |
| Ashworth                   | Dickson                       | McClendon <sup>(Chamb)</sup> | Smith <sup>(Russell)</sup>   |
| Avery                      | Dodd                          | McCorquodale                 | Smith <sup>(St. Clair)</sup> |
| Bailey                     | Edwards                       | Meade                        | Solomon                      |
| Barnett                    | Faulk                         | Merrill                      | Speaks                       |
| Bevill                     | Goldthwaite                   | Morrow                       | Steagall                     |
| Bishop                     | Goodwyn                       | Murphy                       | Sullivan                     |
| Boyd                       | Grouby                        | Nettles                      | Taylor                       |
| Brannan                    | Hankins                       | Nichols                      | Thomas                       |
| Broadfoot                  | Harris                        | Oakley                       | Torbert                      |
| Cabiness                   | Hawkins                       | Perry                        | Trimmier                     |
| Casey                      | Hocklander                    | Pierce                       | Turner                       |
| Cates                      | Jenkins                       | Powell                       | Turnham                      |
| Chambers                   | Johnston <sup>(Leonard)</sup> | Rast                         |                              |

—63

And said bill, H. 468, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

**Yeas:**

|                            |          |             |                               |
|----------------------------|----------|-------------|-------------------------------|
| Mr. Speaker:               | Cabiness | Ferguson    | Johnston <sup>(Leonard)</sup> |
| Adams <sup>(Houston)</sup> | Casey    | Gilmer      | Lee                           |
| Albea                      | Cates    | Goldthwaite | Locke                         |
| Ashworth                   | Chambers | Grouby      | Long <sup>(Perry)</sup>       |
| Avery                      | Cook     | Guthrie     | McClendon <sup>(Chamb)</sup>  |
| Bailey                     | Copeland | Hain        | McCorquodale                  |
| Barnett                    | Cornett  | Hankins     | Martin                        |
| Bevill                     | Daniel   | Hardy       | Meade                         |
| Bishop                     | Dickson  | Harris      | Merrill                       |
| Boyd                       | Dodd     | Hawkins     | Morrow                        |
| Brannan                    | Edwards  | Hocklander  | Murphy                        |
| Broadfoot                  | Faulk    | Jenkins     | Nettles                       |



|         |                 |                   |          |
|---------|-----------------|-------------------|----------|
| Nichols | Rast            | Smith (St. Clair) | Thomas   |
| Oakley  | Rozelle         | Solomon           | Torbert  |
| Perry   | Self            | Speaks            | Trimmier |
| Pierce  | Sessions        | Steagall          | Turner   |
| Powell  | Smith (Russell) | Sullivan          | Turnham  |
| Ramey   |                 |                   |          |

—69

And the Bill:

H. 467. To amend further Section 153 of Title 8, Code of Alabama 1940, making it unlawful to sell oysters under a certain size, etc.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

**Yeas:**

|                 |             |                    |                   |
|-----------------|-------------|--------------------|-------------------|
| Mr. Speaker:    | Dickson     | Johnston (Leonard) | Powell            |
| Adams (Houston) | Dodd        | Jones (Covington)  | Rast              |
| Albea           | Edwards     | Lee                | Rozelle           |
| Ashworth        | Faulk       | Locke              | Self              |
| Avery           | Ferguson    | Long (Perry)       | Sessions          |
| Bailey          | Gilmer      | McClendon (Chamb)  | Smith (Russell)   |
| Barnett         | Goldthwaite | McCorquodale       | Smith (St. Clair) |
| Bevill          | Goodwyn     | Martin             | Solomon           |
| Bishop          | Grant       | Meade              | Speaks            |
| Boyd            | Grouby      | Merrill            | Steagall          |
| Brannan         | Guthrie     | Morrow             | Sullivan          |
| Broadfoot       | Hain        | Murphy             | Taylor            |
| Cabiness        | Hankins     | Nettles            | Thomas            |
| Casey           | Harris      | Nichols            | Torbert           |
| Chambers        | Hawkins     | Oakley             | Trimmier          |
| Cook            | Hocklander  | Perry              | Turnham           |
| Daniel          | Jenkins     | Pierce             |                   |

—67

And the Bill:

H. 466. Relating to seafoods; providing for owners of private oyster reefs, beds, or bottoms, or the lessees thereof, to use mechanical devices, including mechanical rake dredges, at any time, to cultivate and harvest or to remove their live oysters, under certain prescribed conditions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 1.

**Yeas:**

|                 |          |             |                    |
|-----------------|----------|-------------|--------------------|
| Mr. Speaker:    | Brannan  | Faulk       | Harris             |
| Adams (Houston) | Cabiness | Ferguson    | Hawkins            |
| Albea           | Casey    | Gilmer      | Hocklander         |
| Ashworth        | Chambers | Goldthwaite | Jenkins            |
| Avery           | Cook     | Goodwyn     | Johnston (Leonard) |
| Bailey          | Copeland | Grant       | Jones (Covington)  |
| Barnett         | Daniel   | Grouby      | Lee                |
| Bevill          | Dickson  | Guthrie     | Locke              |
| Bishop          | Dodd     | Hain        | Long (Perry)       |
| Boyd            | Edwards  | Hankins     | McClendon (Chamb)  |

|                    |         |                   |          |
|--------------------|---------|-------------------|----------|
| McCorquodale       | Nichols | Rozelle           | Steagall |
| McLendon (Bullock) | Oakley  | Self              | Sullivan |
| Martin             | Perry   | Sessions          | Taylor   |
| Meade              | Pierce  | Smith (Russell)   | Thomas   |
| Merrill            | Powell  | Smith (St. Clair) | Torbert  |
| Morrow             | Pruitt  | Solomon           | Trimmier |
| Murphy             | Ramey   | Speaks            | Turnham  |
| Nettles            | Rast    |                   |          |

—70

**Nay:** Mr. Broadfoot.

—1

And the Bill:

H. 465. To amend Section 10 of an act approved August 17, 1951 (Act No. 476, S. 418, Acts 1951, Vol. I, p. 840) creating within the department of conservation a division to be known as the division of seafoods, in relation to the authority of the director of conservation to make expenditures out of the seafoods fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

**Yeas:**

|                 |                    |                    |                   |
|-----------------|--------------------|--------------------|-------------------|
| Mr. Speaker:    | Dodd               | Jones (Covington)  | Pruitt            |
| Adams (Houston) | Edwards            | Lee                | Ramey             |
| Albea           | Faulk              | Locke              | Rast              |
| Ashworth        | Ferguson           | Long (Perry)       | Ray               |
| Avery           | Gilmer             | McClendon (Chamb)  | Rozelle           |
| Bailey          | Goldilwaite        | McCorquodale       | Self              |
| Barnett         | Goodwyn            | McLendon (Bullock) | Smith (Russell)   |
| Bevill          | Grant              | Martin             | Smith (St. Clair) |
| Bishop          | Grouby             | Meade              | Solomon           |
| Boyd            | Guthrie            | Merrill            | Speaks            |
| Brannan         | Hain               | Morrow             | Steagall          |
| Casey           | Hankins            | Murphy             | Sullivan          |
| Cates           | Hardy              | Nettles            | Taylor            |
| Chambers        | Harris             | Oakley             | Thomas            |
| Cook            | Hawkins            | Perry              | Torbert           |
| Copeland        | Hocklander         | Pierce             | Trimmier          |
| Daniel          | Jenkins            | Powell             | Turnham           |
| Dickson         | Johnston (Leonard) |                    |                   |

—70

And the Bill:

H. 464. Requiring the Department of Conservation, Division of Seafoods, to patrol private oyster reefs to prevent poaching thereon.

Was taken up.

Mr. Cornett offered the following substitute for the bill, H. 464:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the patrolling and protection of private oyster reefs and to provide certain requirements of the owners or lessees of such private oyster reefs.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief of the Division of Seafoods of the Department of Conservation is hereby authorized and it shall be his duty to patrol or cause to be patrolled from time to time as he may see fit all those areas in Alabama territorial waters upon which are located private oyster reefs to prevent the illegal taking or removal by unauthorized persons of oysters on said private reefs.

Section 2. It shall be the duty of each owner of lessee of any private reef to have established an accurate survey by a registered surveyor of the bottoms, beds or reefs under his control, and each corner shall be clearly marked and defined with the owner's or lessee's name clearly attached. There shall also be established intermediate markers between said corners, the distance between which shall not exceed 600 feet extending from each corner of the private bed, bottom or reef, to the adjacent corner, and also from the outside corner, every 600 feet to the high-water mark on the associated beach, bank or marsh-edge. The plat of this area shall be filed with the Division of Seafoods, together with the list of any persons using said bed, bottom or reef as the owner's agent or permittee. Said agent or permittee shall have in his possession at all times while on said bed, bottom or reef, a written, dated permit from the owner, said permit to extend for a period not exceeding thirty (30) days from the date of signature of the owner or lessor. Failure of the permittee or agent to have said permit in his possession shall constitute a misdemeanor and upon conviction thereof, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and may be imprisoned for a period not exceeding six (6) months.

Section 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 69; Nays 0.

#### Yeas:

|                            |                                |                               |                              |
|----------------------------|--------------------------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Dodd                           | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Adams <sup>(Houston)</sup> | Edwards                        | Jones <sup>(Covington)</sup>  | Rast                         |
| Albea                      | Faulk                          | Lee                           | Ray                          |
| Ashworth                   | Ferguson                       | Locke                         | Rozelle                      |
| Avery                      | Gilmer                         | Long <sup>(Perry)</sup>       | Self                         |
| Bailey                     | Goodwyn                        | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Barnett                    | Grant                          | McCorquodale                  | Smith <sup>(Russell)</sup>   |
| Bevill                     | Grouby                         | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Bishop                     | Guthrie                        | Meade                         | Solomon                      |
| Boyd                       | Hain                           | Merrill                       | Speaks                       |
| Brannan                    | Hankins                        | Morrow                        | Steagall                     |
| Broadfoot                  | Hardy                          | Murphy                        | Sullivan                     |
| Casey                      | Harris                         | Nettles                       | Taylor                       |
| Cates                      | Hawkins                        | Oakley                        | Thomas                       |
| Chambers                   | Hocklander                     | Perry                         | Torbert                      |
| Copeland                   | Jenkins                        | Pierce                        | Trimmier                     |
| Daniel                     | Johnson <sup>(J. T. Tom)</sup> | Powell                        | Turnham                      |
| Dickson                    |                                |                               |                              |

—69

And said bill, H. 464, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

**Yeas:**

|                 |                     |                    |                   |
|-----------------|---------------------|--------------------|-------------------|
| Mr. Speaker:    | Dickson             | Johnston (Leonard) | Pruitt            |
| Adams (Houston) | Dodd                | Jones (Covington)  | Ramey             |
| Albea           | Edwards             | Lee                | Rast              |
| Ashworth        | Faulk               | Locke              | Ray               |
| Avery           | Ferguson            | Long (Perry)       | Rozelle           |
| Bailey          | Gilmer              | McClendon (Chamb)  | Self              |
| Barnett         | Goodwyn             | McCorquodale       | Sessions          |
| Bevill          | Grant               | McLendon (Bullock) | Smith (Russell)   |
| Bishop          | Grouby              | Martin             | Smith (St. Clair) |
| Boyd            | Guthrie             | Meade              | Solomon           |
| Brannan         | Hain                | Merrill            | Speaks            |
| Broadfoot       | Hankins             | Morrow             | Steagall          |
| Cabiness        | Hardy               | Murphy             | Sullivan          |
| Casey           | Harris              | Nettles            | Taylor            |
| Chambers        | Hawkins             | Oakley             | Thomas            |
| Cook            | Hocklander          | Perry              | Torbert           |
| Copeland        | Jenkins             | Pierce             | Trimmier          |
| Daniel          | Johnson (J. T. Tom) | Powell             | Turnham           |

—72

**And the Bill:**

H. 463. To amend further Section 2 of an act approved July 7, 1943 (Act No. 587, S. 117, General Acts 1943, p. 590) making it unlawful to use or have in possession for use seines, trawls, or other fishing devices of a size of mesh contrary to the rules and regulations of the department of conservation, for the purpose of catching salt water fish or seafoods or minnows or other baits, etc.

Was taken up.

Mr. Cornett offered the following substitute for the bill, H. 463:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Section 2 of an act approved July 7, 1943 (Act No. 587, S. 117, General Acts 1943, p. 590) making it unlawful to use or have in possession for use seines, trawls, or other fishing devices of a size of mesh contrary to the rules and regulations of the department of conservation, for the purpose of catching salt water fish or seafoods or minnows or other baits, etc.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of the act approved July 7, 1943 (Act No. 587, S. 117, General Acts 1943, p. 590) making it unlawful to use or have in possession for use in taking salt water fish or other seafoods certain seines, nets, or trawls of a size or mesh other than as prescribed by the rules and regulations of the department of conservation, etc., as amended, is amended further to read as follows:

"Section 2. It shall be unlawful for any person, firm or corporation to have in possession or in use any seine, trammel net, gill net, or other device for the taking or catching of salt water fish or other seafoods, having in length on the lead line more than five hundred fathoms

(3,000 feet), except on purse seines where the director may set an additional length. It shall be unlawful to use a shrimp trawl exceeding fifty (50) feet in length at any time within the inside waters of this State. When two or more nets are joined together, they shall be considered as one and when used in the inside waters of this State, the total length thereof must not exceed the above limitations. As used in this Act, the term 'inside waters' means all waters lying north of a line running east and west from the Florida line along the shore at Gulf Shores to Fort Morgan, thence from Fort Morgan Light to the east end of Dauphin Island, thence along the south shore of Dauphin Island westward to the west end of Dauphin Island thence westward along a line extending from the west end of Dauphin Island to the east end of Petit Bois Island, thence westward to the Mississippi State line."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 61; Nays 0.

**Yeas:**

|                 |                    |                    |                   |
|-----------------|--------------------|--------------------|-------------------|
| Mr. Speaker:    | Dodd               | Jones (Covington)  | Powell            |
| Adams (Houston) | Edwards            | Lee                | Pruitt            |
| Albea           | Faulk              | Locke              | Rast              |
| Ashworth        | Ferguson           | McClendon (Chamb)  | Ray               |
| Avery           | Gilmer             | McCorquodale       | Rozelle           |
| Bailey          | Goodwyn            | McLendon (Bullock) | Self              |
| Boyd            | Grant              | Meade              | Sessions          |
| Brannan         | Grouby             | Merrill            | Smith (St. Clair) |
| Broadfoot       | Hain               | Morrow             | Speaks            |
| Cabiness        | Hankins            | Murphy             | Steagall          |
| Cates           | Hardy              | Nettles            | Sullivan          |
| Chambers        | Harris             | Nichols            | Taylor            |
| Cook            | Hawkins            | Oakley             | Torbert           |
| Copeland        | Hocklander         | Perry              | Trimmier          |
| Daniel          | Johnston (Leonard) | Pierce             | Turnham           |
| Dickson         |                    |                    |                   |

—61

And said bill, H. 463, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

**Yeas:**

|                 |          |             |                    |
|-----------------|----------|-------------|--------------------|
| Mr. Speaker:    | Cabiness | Gilmer      | Johnston (Leonard) |
| Adams (Houston) | Casey    | Goldthwaite | Jones (Covington)  |
| Albea           | Cates    | Goodwyn     | Lee                |
| Ashworth        | Chambers | Grant       | Locke              |
| Avery           | Cook     | Grouby      | McClendon (Chamb)  |
| Bailey          | Copeland | Hain        | McCorquodale       |
| Barnett         | Daniel   | Hankins     | McLendon (Bullock) |
| Bevill          | Dickson  | Hardy       | Martin             |
| Bishop          | Dodd     | Harris      | Meade              |
| Boyd            | Edwards  | Hawkins     | Merrill            |
| Brannan         | Faulk    | Hocklander  | Morrow             |
| Broadfoot       | Ferguson | Jenkins     | Murphy             |

|         |         |                              |          |
|---------|---------|------------------------------|----------|
| Nettles | Pruitt  | Sessions                     | Taylor   |
| Nichols | Ramey   | Smith <sup>(St. Clair)</sup> | Thomas   |
| Oakley  | Rast    | Speaks                       | Torbert  |
| Perry   | Ray     | Steagall                     | Trimmier |
| Pierce  | Rozelle | Sullivan                     | Turnham  |
| Powell  | Self    |                              |          |

—70

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. McCorquodale to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 695 and S. 330, was adopted.

And the Bill:

H. 695. To amend further Section 465 of Title 51, Code of Alabama 1940, in relation to the privilege license tax imposed on automobile accessory dealers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

## Yeas:

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Cornett     | Jenkins                       | Powell                       |
| Adams <sup>(Houston)</sup> | Daniel      | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Albea                      | Dickson     | Lee                           | Ramey                        |
| Ashworth                   | Dodd        | Locke                         | Rast                         |
| Avery                      | Edwards     | Long <sup>(Lauderdale)</sup>  | Ray                          |
| Bailey                     | Faulk       | McClendon <sup>(Chamb)</sup>  | Rozelle                      |
| Barnett                    | Ferguson    | McCorquodale                  | Self                         |
| Bevill                     | Gilmer      | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Bishop                     | Goldthwaite | Martin                        | Smith <sup>(Russell)</sup>   |
| Boyd                       | Goodwyn     | Meade                         | Smith <sup>(St. Clair)</sup> |
| Brannan                    | Grant       | Merrill                       | Solomon                      |
| Broadfoot                  | Grouby      | Morrow                        | Speaks                       |
| Cabiness                   | Guthrie     | Murphy                        | Steagall                     |
| Camp                       | Hain        | Nettles                       | Sullivan                     |
| Casey                      | Hankins     | Nichols                       | Taylor                       |
| Cates                      | Hardy       | Oakley                        | Thomas                       |
| Chambers                   | Harris      | Oden                          | Trimmier                     |
| Cook                       | Hawkins     | Perry                         | Turner                       |
| Copeland                   | Hocklander  | Pierce                        | Turnham                      |

—76

And the Bill:

S. 330. To amend further Section 46 of Title 36 Code of Alabama 1940, as amended, so as to provide that parking lights may exhibit an amber light as well as a white light.

Was read a third time at length and passed.

Yeas 79; Nays 0.

## Yeas:

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Mr. Speaker:               | Bailey  | Brannan   | Cates    |
| Adams <sup>(Houston)</sup> | Barnett | Broadfoot | Chambers |
| Albea                      | Bevill  | Cabiness  | Cook     |
| Ashworth                   | Bishop  | Camp      | Copeland |
| Avery                      | Boyd    | Casey     | Cornett  |

|             |                               |         |                              |
|-------------|-------------------------------|---------|------------------------------|
| Daniel      | Harris                        | Merrill | Self                         |
| Dickson     | Hawkins                       | Morrow  | Sessions                     |
| Dodd        | Hocklander                    | Murphy  | Smith <sup>(Russell)</sup>   |
| Edwards     | Ingram                        | Nettles | Smith <sup>(St. Clair)</sup> |
| Faulk       | Johnston <sup>(Leonard)</sup> | Nichols | Solomon                      |
| Ferguson    | Jones <sup>(Covington)</sup>  | Oakley  | Speaks                       |
| Gilmer      | Lee                           | Oden    | Steagall                     |
| Goldthwaite | Locke                         | Perry   | Sullivan                     |
| Goodwyn     | Long <sup>(Lauderdale)</sup>  | Pierce  | Taylor                       |
| Grant       | Long <sup>(Perry)</sup>       | Powell  | Thomas                       |
| Grouby      | McClendon <sup>(Chamb)</sup>  | Pruitt  | Torbert                      |
| Guthrie     | McCorquodale                  | Ramey   | Trimmier                     |
| Hain        | McLendon <sup>(Bullock)</sup> | Rast    | Turner                       |
| Hankins     | Martin                        | Ray     | Turnham                      |
| Hardy       | Meade                         | Rozelle | —79                          |

## ADJOURNMENT

On motion of Mr. Johnston (Leonard) the House adjourned until Friday, October 23, 1959, at ten o'clock A. M.

Yeas 39; Nays 38.

## Yeas:

|          |          |                               |                              |
|----------|----------|-------------------------------|------------------------------|
| Messrs.: | Cook     | Jenkins                       | Perry                        |
| Albea    | Daniel   | Johnson <sup>(Hardaway)</sup> | Ramey                        |
| Ashworth | Dickson  | Johnston <sup>(Leonard)</sup> | Ray                          |
| Avery    | Ferguson | Lee                           | Smith <sup>(St. Clair)</sup> |
| Barnett  | Gilmer   | McClendon <sup>(Chamb)</sup>  | Solomon                      |
| Boyd     | Grant    | Martin                        | Steagall                     |
| Brooks   | Guthrie  | Meade                         | Sullivan                     |
| Cabiness | Hain     | Merrill                       | Taylor                       |
| Casey    | Hardy    | Morrow                        | Thomas                       |
| Chambers | Ingram   | Nettles                       | Torbert                      |
|          |          |                               | —39                          |

## Nays:

|                            |             |                               |                            |
|----------------------------|-------------|-------------------------------|----------------------------|
| Mr. Speaker:               | Cornett     | Jones <sup>(Covington)</sup>  | Pruitt                     |
| Adams <sup>(Houston)</sup> | Dodd        | Locke                         | Rast                       |
| Bailey                     | Edwards     | Long <sup>(Perry)</sup>       | Rozelle                    |
| Bevill                     | Faulk       | McLendon <sup>(Bullock)</sup> | Self                       |
| Bishop                     | Goldthwaite | Murphy                        | Sessions                   |
| Brannan                    | Goodwyn     | Nichols                       | Smith <sup>(Russell)</sup> |
| Broadfoot                  | Grouby      | Oakley                        | Speaks                     |
| Camp                       | Hankins     | Pierce                        | Trimmier                   |
| Cates                      | Harris      | Powell                        | Turner                     |
| Copeland                   | Hawkins     |                               | —38                        |

## THIRTIETH DAY

House of Representatives  
Montgomery, Alabama  
Friday, October 23, 1959

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend Paul A. Duffey, Pastor, Dexter Avenue Methodist Church, Montgomery, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names.

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cornett     | Hearn                          | Perry                        |
| Adams <sup>(Houston)</sup> | Daniel      | Hocklander                     | Phillips                     |
| Albea                      | Dickson     | Ingram                         | Pierce                       |
| Ashworth                   | Dodd        | Jenkins                        | Powell                       |
| Avery                      | Edwards     | Johnson <sup>(Hardaway)</sup>  | Pruitt                       |
| Bailey                     | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Barnett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Bassett                    | Franklin    | Jones <sup>(Covington)</sup>   | Ray                          |
| Bevill                     | Gilchrist   | Jones <sup>(Monroe)</sup>      | Roberts                      |
| Bishop                     | Gilmer      | Lee                            | Rogers                       |
| Boyd                       | Glass       | Locke                          | Rozelle                      |
| Brannan                    | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Salter                       |
| Branyon                    | Goodwyn     | Long <sup>(Perry)</sup>        | Self                         |
| Brewer                     | Gordon      | McCorquodale                   | Sessions                     |
| Broadfoot                  | Grant       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Brooks                     | Gross       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Grouby      | Merrill                        | Solomon                      |
| Callahan                   | Guthrie     | Morrow                         | Steagall                     |
| Camp                       | Hain        | Murphy                         | Sullivan                     |
| Casey                      | Hankins     | Nettles                        | Taylor                       |
| Cates                      | Hardy       | Nichols                        | Thomas                       |
| Chambers                   | Harris      | Oakley                         | Trimmier                     |
| Cook                       | Harvey      | Oden                           | Turner                       |
| Copeland                   | Hawkins     | Owens                          |                              |

—95

A quorum was present.

## LEAVE OF ABSENCE

On motion of Mr. Copeland leave of absence was granted to Mr. Hanby because of personal illness.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-ninth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the twenty-ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-ninth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 760. To further provide for and raise revenue for the State of Alabama; to levy an additional tax on the sale of spirituous or vin-



ous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of the taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into the state treasury.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill, and returns same herewith to the House:

H. 438. Relating to the powers and duties of the tax equalization boards in all counties having a population of not less than 53,000 nor more than 56,000, according to the last or any subsequent federal decennial census, for the ad valorem tax years of 1959, 1960, 1961 and 1962; requiring such boards to complete an inventory of all classes of real property within the county before attempting an equalization program during any of such tax years; further requiring that all revisions, revaluations or increased assessments fixed or set by or pending before such tax equalization boards during the current tax year be set aside, canceled and annulled.

J. E. SPEIGHT,  
Secretary.

#### FINANCE & TAXATION COMMITTEE SUBSTITUTE FOR H. B. 438

#### A BILL TO BE ENTITLED AN ACT

Relating only to counties having a population of not less than 53,000 nor more than 56,000 according to the last federal decennial census; requiring that all ad valorem assessment raises and all increased ad valorem assessments on individual parcels, lots or tracts of real property made, fixed or set by the respective county boards of equalization in such counties during and for the current ad valorem tax year of 1959 be set aside, cancelled and annulled; further requiring that such individual parcels, lots or tracts of real property be assessed for ad valorem taxation for the current ad valorem tax year of 1959

according to the respective assessment values originally made in the 1959 ad valorem tax year by the respective tax assessors in such counties prior to the respective 1959 ad valorem tax year meetings of such county boards of equalization; further providing that the provisions of this Act shall not apply to any real property in any such counties which has escaped taxation in any assessment within five years next preceding the current tax year.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall only apply to counties having a population of not less than 53,000 and not more than 56,000 according to the last federal decennial census. The word "counties", whenever used in this act, shall only refer to and be construed to include counties falling within the population range hereinabove described. The phrase "county boards of equalization", whenever used in this act, shall only refer to and be construed to include such county boards of equalization heretofore appointed for and located in counties falling within the population range hereinabove described. The words "individual parcels, lots or tracts of real property", whenever used in this act, shall only refer to and be construed to include such individual parcels, lots or tracts of real property situated in counties falling within the population range hereinabove described which have been the subject of ad valorem assessment raises and ad valorem assessment increases during the 1959 ad valorem tax year by the determination and action of such county boards of equalization made and taken during the current 1959 ad valorem tax year.

Section 2. All 1959 ad valorem assessment raises and all 1959 increased ad valorem assessments on individual parcels, lots or tracts of real property made, fixed or set by the respective county boards of equalization in such counties falling within the population range hereinabove described in Section 1 during and for the current ad valorem tax year of 1959 are hereby set aside, cancelled and annulled.

Section 3. From and after the effective date of this Act such individual parcels, lots or tracts of real property are hereby assessed for ad valorem taxation for the current ad valorem tax year of 1959 according to the respective assessment values originally made in the 1959 ad valorem tax year by the respective tax assessors in such counties pursuant to law prior to the respective 1959 ad valorem tax year meetings of such county boards of equalization.

Section 4. The provisions of this Act shall not apply to any real property in such counties which has escaped taxation in any assessment within five years next preceding the current 1959 tax year.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. If any clause, sentence, paragraph, section, or part of this Act shall for any reason be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate any other section or part thereof.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SENATE MESSAGE

On motion of Mr. Broadfoot, consideration of the Senate amend-

ment to the bill, H. 438, contained in the above and foregoing Message from the Senate, was postponed until the thirty-sixth legislative day.

### BILLS ON SECOND READING

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 668. To implement the power of the Governor as conservator of the peace throughout the State; to define such powers with respect to the operation of public schools; to prevent violence and disorder in connection with the operation of public schools; to provide for the closing of public schools and for the education of pupils from such schools; to confer power upon the Governor with respect to such schools; and to provide for the effective date of this Act.

H. 669. To implement the powers of the Governor as conservator of the peace and to authorize the Governor to close any school, trade school, or institution or any branch or department thereof under the control of the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Institute for Deaf and Blind or the State Board of Education; and to provide for the effective date of this Act.

H. 1064. To prohibit obtaining credit by use of a credit card belonging to another, or which has expired or been cancelled, and prescribing penalties therefor; providing an effective date.

S. 282. Relating to securities; prohibiting fraudulent practices in relation thereto; requiring the registration of securities dealers and salesmen and making unlawful the activities of unregistered securities dealers and salesmen; establishing the conditions precedent and concurrent to such registration; prohibiting the offer or sale of any unregistered security; requiring the registration of securities; and establishing the conditions precedent and concurrent to such registration; establishing the fees in connection with the registration of securities, securities dealers, and securities salesmen; setting out the grounds upon which a registration of securities may be denied, suspended, or revoked; defining certain terms as used in this Act; exempting certain securities from registration under the provisions of this Act; exempting certain transactions from certain provisions of this Act; requiring the filing of a consent to service of process by securities dealers and salesmen and certain issuers; making it unlawful to file any false document or material and providing the punishment therefor; giving to the Securities Commissioner authority to investigate and subpoena witnesses and records in connection with investigations; granting authority for an examination fee and deposit to defray the expense of any investigation of an applicant under this Act; giving to the Securities Commissioner authority to enjoin acts in violation of this Act; creating criminal penalties for violations of this Act; establishing civil liabilities for the violation of the provisions of this Act; providing for judicial review of the orders of the Securities Commissioner; providing for the administration of this Act by the Securities Commissioner; directing said Commissioner to appoint an Assistant Commissioner and giving said Commissioner authority to appoint other personnel to carry out the purpose and intent of this Act; providing that any exemption under this Act must be proved by the person claiming said

exemption; making the provisions of this Act severable; repealing the present Alabama Securities Law and related legislation; giving to the Commissioner authority to issue warnings to the public with respect to securities; making the sale of securities by an insolvent issuer unlawful; providing that all filing and registration fees shall be paid into the General Fund of this state and establishing the effective date of this Act.

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 953 (with substitute) (with amendment). Relating to oil and gas, relating to the drilling for, producing, and conservation of oil and gas, relating to the prevention of waste in oil and gas, and relating to the legislation, control and supervision of development of, drilling for, and production of and use of oil and gas in the State of Alabama, to prescribe additional powers on and limit certain powers of the State Oil and Gas Board, to further encourage the exploration for, drilling for, and development of and taking or production of oil and gas in this State, for the conservation of the oil and gas resources of this State, and to provide for the reimbursement of those exploring for, drilling for, or developing oil and gas resources of this State, and to define the meanings of terms as used in this Act.

Mr. Perry, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1019. To apply in and only in counties in Alabama now having or which may hereafter have a population of 500,000 or more, according to the last or any future federal census; to further provide the manner of entering payment or satisfaction on the margin of the record of the mortgage or deed of trust or other lien; to authorize and empower the Judge of Probate to delegate the authority and power to any clerk of such probate court to enter on the margin of the record the payment or satisfaction of the mortgage, deed of trust, or other lien, where the judge of probate is named in any power of attorney instrument duly recorded, authorizing such entry of satisfaction, and to sign or stamp the name of such judge as attorney in fact to such marginal satisfaction record; and to authorize the collection of a fee of fifty cents for each such entry on the margin of each such document record.

H. 1020. To provide that in any county of the state having a population of 500,000 or more according to the last or any subsequent federal census, any person who, in payment of any privilege or license tax due the state or the county, issues a worthless check, or a check which is not paid by the bank upon which it is drawn shall be subject to a penalty, and to provide that any license procured by or through such check shall be void and that no other business license shall be issued to the person drawing such check until the said penalty has been paid.

H. 1021. To authorize the probate judges of all counties having a population of not less than 500,000 inhabitants, according to the last or any subsequent federal decennial census, to destroy or otherwise

dispose of certain papers and documents filed for record in his office under certain conditions.

H. 1022. To authorize and empower the Judge of Probate and the Chief Clerk of the Probate Court to install and maintain improved systems of indexing in all probate courts in counties having a population of not less than 500,000 inhabitants according to the last or any subsequent federal census; to authorize the indexing of all estates and other cases in alphabetical order and to use card or strip indexes; and to authorize direct and reverse index of all real property instruments and direct and reverse index of all personal property instruments and miscellaneous instruments, in alphabetical order; and to authorize the use of card or strip indexes in the office of the judge of probate in such counties; and to authorize the county commission or like governing body to approve of the purchase of all equipment, files and supplies necessary to install and maintain such index systems.

H. 1023. To further regulate the Probate Court and office of Judge of Probate in counties having a population of 500,000 or more according to the last or any subsequent federal census; to authorize and empower the judge of probate in any such county to delegate and assign duties, ministerial functions and authority to the chief clerk and other clerks and personnel of such probate court and its divisions and offices; to delegate and assign to, and invest in, the chief clerk of such probate court the title, duties and power of clerk of the probate court of such county, and to further prescribe the powers, duties and authority of such (chief clerk as) clerk and register of such probate court; to authorize the appointment of deputy clerks — registers in each office of such probate court from the personnel in such offices.

H. 1024. To levy a license tax in Jefferson County, Alabama, on persons and others engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail; to provide that the tax be measured by the kind and quantity of such beverages so sold; to provide for the payment of such tax, the making of records and reports, and the maintaining of records with respect thereto; to provide for the collection and distribution of said tax and the enforcement of the provisions of this act; to provide that the county Commission of Jefferson County, Alabama, shall have authority to adopt ordinances, rules and regulations pertaining to the collection of the tax, and the making of reports and maintaining of records with respect thereto, and providing that such ordinances, rules, and regulations shall have the force and effect of law; to provide that the tax imposed shall constitute a debt to the county and may be collected by civil suit in addition to all other methods provided by law; to provide penalties for the violation of the provisions of this act; to provide that the tax, together with interest and penalties with respect thereto, shall constitute, and be secured by, a lien upon the property of any person from whom the tax is due; to require any person or others engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit from the Department of Revenue of Jefferson County, and to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from the tax, less the cost of collection shall be used solely to care for indigent sick and injured persons, including the necessary facilities therefor, who are bona fide residents of the county. In the event that other taxes are levied for these purposes, then such tax shall be used for the construction and operation of an outpatient clinic.

H. 1025. Relating to Jefferson County, Alabama; to provide for levying a license tax on persons and others engaging in selling tangi-

ble personal property at retail and on persons and other conducting places of amusement in said county, such tax to be measured by the gross receipts or gross proceeds of such businesses; to provide for levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the license tax; specifying property the use, storage or other consumption of which is exempt from the excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of said taxes, and the enforcement of the provisions of this Act; making applicable to the taxes herein levied and adopting certain provisions of Act No. 100, H. B. 94, approved August 18, 1959, effective October 1, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, as amended; providing for the filing of reports with and the payment of tax to the Director of the Department of Revenue of Jefferson County, Alabama, and providing for the enforcement of this Act by said Director of Revenue of Jefferson County, Alabama; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said sales price or admission fee; providing for the use of the revenues from said taxes; providing for referenda or elections of the qualified electors for making the taxes applicable to said county; and providing for the termination of the taxes imposed subject to referenda or elections of the qualified electors of said county.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1002. To re-establish the County Court of Franklin County in lieu of the Law and Equity Court of Franklin County; abolishing the Law and Equity Court; providing for the transfer of the cases pending therein to the court hereby established or to the circuit court; defining the jurisdiction of the court hereby established; providing it with officers; defining their powers, duties, salaries, compensation, term of office and the manner of their selection, appointment and election; regulating its procedure and process and the return of warrants thereto; and providing for appeals from the court hereby established.

H. 1003. To levy additional county privilege license and excise taxes for public school purposes in Franklin County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supercedes Act No. 216, H. 397, approved August 8, 1955 (Acts 1955, vol. I, pp. 523-525).

H. 1004. Relating to Franklin County; fixing the compensation of members of the board of revenue, court of county commissioners, or other like governing body of Franklin County, and providing for the manner of payment thereof.

H. 1005. To amend further Section 1 of Act No. 201, approved

July 13, 1951, entitled "An Act relating to Franklin County; authorizing the sheriff to appoint a deputy sheriff in addition to the deputies heretofore provided by law, fixing his compensation, and providing that the same shall be paid by the county", in relation to the amount of such deputy's compensation.

H. 1011. To amend Section 2 as amended of an act in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and provide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund including the salary of the deputy by this Act payable out of such fund to the general fund of the county, and to fix the amount of such deputy sheriff's salary payable from such fund and the time and manner of the payment thereof, and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of office of the sheriff appointing such deputy, approved May 28, 1931, reported, Local Acts Alabama 1931, pages 83-84.

H. 1012. To provide for the recording of conveyances in Barbour County, and to repeal Sections 2, 3, 4, and 5 of Act No. 270, approved February 12, 1879, Acts of Alabama 1878-79, pages 295 and 296.

H. 1013. To amend further Section 5 of Act No. 32, H. 162, approved June 27, 1947 (Local Acts of Alabama, 1947, p. 25), entitled "An Act To establish a Law and Equity Court for Colbert County, Alabama; to define its jurisdiction and powers; to provide for its officers, their appointment, election, terms of office, powers, duties and compensations; to provide that said Court shall be open at all times for the trial of causes and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court, and the Juvenile Court; and to give the said court juvenile and domestic jurisdiction; and to abolish the County Court of Colbert County, Alabama," by providing further for the compensation of the judge of the Colbert Law and Equity Court.

H. 1014. To regulate further payment of compensation to deputy sheriffs by Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to pay the compensation of deputy sheriffs from the county public highway and traffic fund.

H. 1015. Directing the court of county commissioners, board of revenue, or like governing body of Marion County to provide for the installation and use of voting machines in that county:

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the

following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar- to-wit:

H. 1016 (with substitute). To amend Act No. 31, H. 256, approved June 17, 1957 (Acts of Alabama 1957, p. 77), entitled "An Act relating to the construction, maintenance and repair of the county roads and bridges of DeKalb County; providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department, and relieving the county and officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials to the State Highway Department of certain funds, including DeKalb County's proportionate share of the state gasoline tax, the county one-cent tax on gasoline, state motor vehicle license taxes allocated to the county, and also for the transfer of supplies, equipment, machinery and materials used in the construction, maintenance and repair of county roads and bridges; and repealing conflicting laws."

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they they were severally read a second time and placed on the Calendar, to-wit:

H. 1017. To amend further Act No. 404, H. 808, approved September 28, 1923, the act which established the Law and Equity Court of Franklin County (Local Acts 1923, p. 272) in relation to the compensation of the judge, and the compensation and duties of the solicitor of said court.

H. 1018. Relating to Franklin County; creating a court of record to be known as the Franklin County Law and Equity Court; defining its jurisdiction and powers; prescribing the practice and procedure to be followed therein; providing for officers of the court, their appointment, election, qualifications, terms of office, powers, duties, and compensation, and especially providing for a solicitor and a court reporter for the court; fixing the costs and charges to be charged and collected in such court, including a trial tax and solicitor's fees; abolishing the Law and Equity Court of Franklin County which was established by Act No. 404, H. 808, approved September 28, 1923 (Local Acts of Alabama, 1923, page 272), and providing for the transfer of cases pending therein to the court hereby established; authorizing the transfer of cases from the circuit court of Franklin County, under certain circumstances, to the court hereby established and from this court to the circuit court.

H. 1026. To further regulate the office of Circuit Solicitor of the 20th Judicial Circuit of Alabama; creating special funds for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in each county of said Circuit and to provide for supplies, books, fixtures and facilities for use by or in the Office of Circuit Judge, Circuit Solicitor or in the Courtroom of each county in said Circuit.

H. 1027. To amend further Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the sheriff of Limestone County and providing for the appointment of deputies and assistants, in relation to the number of deputies and jailers to be appointed by the sheriff.



H. 1028. To amend Section 1 of Act No. 10, S. 3, approved July 19, 1950 (Acts 1950-1951, Vol. I. p. 27), an act relating to the compensation and duties of the superintendent of education of Limestone County.

H. 1029. To amend further Section 3 of Act No. 199, H. 603, approved July 24, 1947 (Local Acts 1947, p. 113), an act to create and establish in Limestone County a court known as "The Limestone County Court", in relation to the compensation of the judge of the court.

H. 1030. To levy in Madison County a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption in such county of cigarettes; to require that the tax hereby levied shall be collected by the seller or distributor, added to the sale price of the cigarettes, and passed on to the purchaser or consumer, and that the price and the tax shall be stated separately on any bill of sale or advertising of such cigarettes; to provide that the tax shall be in addition to all other taxes now levied by law except license or privilege taxes levied on the sale of cigarettes by the municipalities in such county, which are hereby repealed; to require the affixing of stamps to the packages of cigarettes to evidence the payment of the tax, and to provide for obtaining the stamps in the same manner and according to the same rules and regulations that govern the purchasing and affixing of stamps for the payment of the state tobacco tax levied by Title 51, Chapter 20, Article 9, of the Code of Alabama, 1940; to provide for the collection and enforcement of the tax by the state department of revenue in the same manner that the state tobacco tax levied by the above mentioned Article 9 is enforced; to adopt by reference certain provisions of said Article 9, as amended, relative to payment of the tax, records and reports with respect to the tax, and the provisions thereof prescribing penalties for violations; to provide for the distribution and use of the revenue derived from the tax; to authorize the state department of revenue to make rules and regulations to effectuate the purposes of this Act; and to prescribe additional penalties.

H. 1031. Providing further for the election and organization of the council in all cities having a population of not less than 14,000 nor more than 19,000, according to the last or any subsequent federal decennial census, and operating under the mayor-council form of government; providing for the election of councilmen by place and number; and prescribing additional qualifications for candidates seeking election to such council.

H. 1032. To amend Act No. 476, H. 627, approved September 9, 1955, which creates the office of deputy circuit solicitor in the twenty-third judicial circuit and provides for the appointment, duties and compensation of such officer.

H. 1033. Relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

H. 1034. To provide for reimbursement of expenses incurred by members of the Board of County Commissioners of Madison County in the performance of their duties.

H. 1036. To supplement the state salary payable to circuit judges by payments from the county treasury in all judicial circuits composed of only one county which has a population of not less than 65,000 nor more than 75,000, according to the most recent federal decennial census.

H. 1037. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 28, T16N, R18E, Montgomery County, Alabama, and Section 21, T16N, R18E, Montgomery County, Alabama.

H. 1038. To authorize the governing body of any municipality in the State of Alabama having a population of not less than 75,000 nor more than 125,000, according to the last or any subsequent federal decennial census, to create a museum board; to provide for the appointment of members of such board and for their terms of office; to authorize the board to adopt rules and regulations governing procedures of the board and the use of facilities under its jurisdiction and control; to provide for the appointment of a director and employees for such board; to provide that such employees shall be employees of the municipality and subject to any civil service or merit system law in effect in such municipality; to define the powers and duties of the board; and to authorize the municipality to acquire and provide property, and funds, for the use of said board for museum purposes.

H. 1039. To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

H. 1040. To alter or rearrange the boundary lines of the city of Pell City, St. Clair County, Alabama, so as to include within the Corporate Limits of said City all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama.

H. 1041. To change the method of compensating certain officers of St. Clair County: Fixing the salaries of such officers, and providing for the clerical assistance, office space, equipment, and supplies necessary for the conduct of their offices.

H. 1042. Proposing an amendment to the Constitution of Alabama relative to the costs and charges of courts in St. Clair County and the compensation of certain officers of St. Clair County.

The above bill was read a second time at length as required by the Constitution.

S. 318. Relating to St. Clair County; authorizing the sheriff of such county to appoint certain assistants, prescribing the number of such assistants, their authority and their compensation; providing for the payment of such compensation out of the county treasury; repealing Act No. 516, S. 248, approved July 6, 1943, and other conflicting laws.

S. 236. Relating only to counties having a population of not less than 53,000 nor more than 56,000 according to the last federal decennial census; requiring that all ad valorem assessment raises and all increased ad valorem assessments on individual parcels, lots or tracts

of real property made, fixed or set by the respective county boards of equalization in such counties during and for the current ad valorem tax year of 1959 be set aside, cancelled and annulled; further requiring that such individual parcels, lots or tracts of real property be assessed for ad valorem taxation for the current ad valorem tax year of 1959 according to the respective assessment values originally made in the 1959 ad valorem tax year by the respective tax assessors in such counties prior to the respective 1959 ad valorem tax year meetings of such county boards of equalization; further providing that the provisions of this Act shall not apply to any real property in any such counties which has escaped taxation in any assessment within five years next preceding the current tax year.

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1046. To amend Section 1 of Title 58 of the Code of Alabama of 1940.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 660. To provide that the State Budget Officer shall be the Deputy Director of Finance: To provide for the duties and compensation therefor.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 618 (with amendment). To fix the salary of the Director of Finance.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 907. Relating to the sale, possession, displaying, offering for sale and use of pyrotechnics in the State of Alabama, to regulate the periods of sale, offering for sale, possession or use of certain specified pyrotechnics illegal, to provide for confiscation and disposition of illegal pyrotechnics, to provide for the issuance, renewal, suspension or revocation of various permits to sell, offer for sale, ship or cause to be shipped, delivered or transport pyrotechnics into and within the State of Alabama and to provide fees for such permits and to provide penalty for violations of this Act and repealing laws or parts of laws in conflict herewith.

H. 1010. For the relief of L. B. Kilpatrick, contractor,: To make an appropriation of State Highway Departments funds to compensate such contractor for certain construction work done on Alabama Highway Projects, S-522 (2) Shelby County, \$16,323.51; Coffee County S-886, S-887, S-888, S-889, \$3,419.03. Total \$19,742.54.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 662 (with amendment): For the relief of Robins Engineering, Inc: To make an appropriation of State Highway Department funds to compensate such company for certain construction work done on Alabama Highway Project S-532-B Lauderdale County, Alabama.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 302. To make an appropriation for the relief of Leroy Lackey Company, Inc.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 270 (with amendment): To dissolve the municipal corporation of Daleville, Dale County, revoke its charter, and provide for the disposition of its property and payment of its debts.

#### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Ashworth (with notice and proof):

H. 1065. To alter, rearrange, and extend the boundaries and corporate limits of the Town of Brent, Bibb County, Alabama, so as to annex certain territory of the Town.

Local Legislation No. 1.

Notice and Proof H. 1065:

#### LEGAL NOTICE

STATE OF ALABAMA,  
BIBB COUNTY.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To alter, rearrange, and extend the boundaries and corporate limits of the Town of Brent, Bibb County, Alabama, so as to annex certain territory to the Town.

Be It Enacted by the Legislature of Alabama:

Section 1: The boundaries and corporate limits of the Town of Brent, Bibb County, are hereby altered, rearranged, and extended so as to include within the corporate limits of the town the following described territory, to-wit:

Beginning at a pipe monumenting the Southeast corner of the Northeast quarter of Section 34, Township 23 North, Range 9 East, St. Stephens Meridian, Bibb County, State of Alabama, and run thence Westerly with the half section line through said section 34 a distance of 3958 feet, more or less, to the Northeast corner of the Northwest quarter of the Southwest quarter of said section 34; thence run in Southwesterly direction, in a straight line, a distance of 4760 feet, more or less, to the Northeast corner of the Northwest quarter of section 4, Township 22 North, Range 9 East, St. Stephens Meridian; thence run in a Southwesterly direction in a straight line, a distance of 2905 feet, more or less, to the Southeast corner of the North half of the Northeast quarter of the Southeast quarter of Section 5, Township 22 North, Range 9 East; thence run in a Southerly direction with the East boundary of said section 5, a distance of 1980 feet, more or less, to a steel axle monumenting the Southeast corner of said section 5; thence run in a westerly direction with the South boundary of said section 5 a distance of 3100 feet, more or less, to the center line tangent of State Highway No. 5 as now located; thence run in a Northwesterly direction, in a straight line, a distance of 2100 feet, more or less, to the Northwest corner of the South half of the Northeast quarter of the Southwest quarter of said section 5; thence run in a Northeasterly direction, in a straight line, a distance of 4665 feet, more or less, to a point on the South Boundary of section 32, Township 23 North, Range 9 East and 660 feet West of the Southeast corner of said section 32; thence run in a Northeasterly direction, in a straight line, 6230 feet, more or less, to the Southwest corner of the Southeast quarter of section 28, Township 23 North, Range 9 East; thence run in a Northerly direction with the half section line through said section 28 a distance of 2640 feet, more or less, to the center thereof; thence run easterly with the half section line through said section 28 a distance of 1320 feet, more or less, to the Southwest corner of the East half of the Northeast quarter of said section 28; thence in a Northerly direction with the West boundary of the said East half of the Northeast quarter of said section 28, a distance of 2640 feet, more or less, to the Northwest corner thereof; thence run in an Easterly direction with the North boundary of said section 28 a distance of 1320 feet, more or less, to a pipe monumenting the Northeast corner of said section 28; thence run in a Southerly direction with the East boundary of said section 28, a distance of 1320 feet, more or less to the Northwest corner of the South half of the Northwest quarter of section 27 of said Township 23 North, Range 9 East; thence in an Easterly direction with the North boundary of the said South half of the Northwest quarter of said section 27 a distance of 2640 feet, more or less, to the Northeast corner thereof; Thence in a Southerly direction with the East boundary of the said South half of the Northwest quarter of the said section 27 to the Southeast corner thereof; thence run Easterly with the Half section line through said Section 27, a distance of 2640 feet, more or less, to the Southeast corner of the Northeast quarter of said section 27; thence run in a northerly direction with the West boundary of section 26, Township 23 North, Range 9 East, a distance of 458 feet, more or less, to a concrete post monumenting a Southwest corner of lands now owned by Virgis M. Ashworth; thence South 72 degrees and 17 minutes East with the line of the lands of the said Virgis M. Ashworth, a distance of 648.3 feet, more or less, to a concrete post; thence South 19 degrees and 50 minutes East with the line of the land of the said Virgis M. Ashworth, a distance of 290 feet, more or less, to a point in U. S. Highway No. 82 and State High-

way No. 5 and on the East-West half section line through said section 26; thence Easterly with the said half section line through said section 26, a distance of 579.7 feet to a point in the said U. S. Highway No. 82 and State Highway No. 5 and 18.4 feet North of the center line thereof and said point being 3932 feet West from the Southeast corner of the Northeast quarter of said section 26; thence South 00 degrees and 32 minutes West a distance of 1197 feet to a point marked by a steel rod; thence Northwesterly, in a straight line, a distance of 1259 feet, more or less, to a concrete post marking a corner of lands now owned by Jessie Dean Young and Mary Young; thence South approximately one degree West a distance of 1788 feet, more or less, to a pipe marking the Southeast corner of section 27, Township 23 North, Range 9 East and which said pipe is 24.5 feet South of the centerline of the Gulf, Mobile and Ohio Rail Road center line tangent; thence run southerly with the East boundary of section 34, Township 23 North, Range 9 East a distance of 2641.6 feet, more or less, to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 10-1, 10-8, 10-15, and 10-22, all in the year 1959.

J. W. OAKLEY, SR.

Sworn to and subscribed before me October 22, 1959.

MARVIN HUETT,  
Notary Public.

By Mr. Gordon (with notice and proof):

H. 1066. To amend Section 2 of Act No. 57, H. 54, approved February 7, 1956 (Acts of Alabama, Special Sessions 1956, p. 86), the act levying a one cent per gallon tax on gasoline, kerosene, and diesel fuel sold, distributed, stored, or used in Blount County, by exempting liquefied petroleum gas, butane, and propane, sold for heating, cooking, and lighting purposes.

Local Legislation No. 1.

Notice and Proof H. 1066:

#### A BILL TO BE ENTITLED AN ACT

STATE OF ALABAMA  
COUNTY OF BLOUNT

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**Be It Enacted by the Legislature of Alabama:**

Section 1. Section 2 of Act No. 57, H. 54, approved February 7, 1956, (Acts of Alabama, Special Sessions 1956, p. 86), the act levying a tax of one cent per gallon upon the selling, distributing, storing or withdrawing from storage in Blount County, for any use, gasoline, kerosene, and diesel fuel, is amended to read as follows:

"Section 2. In addition to all other taxes and licenses, there is hereby levied upon every distributor, refiner, retail dealer or storer of gasoline, kerosene, or diesel fuel in Blount County, Alabama, an excise tax of one cent per gallon upon the selling, distributing, storing or withdrawing from storage in Blount County for any use, gasoline, kerosene, or diesel fuel as defined by this Act. Provided, the tax shall not be levied or paid on the sale of gasoline, kerosene, or diesel fuel in interstate commerce, or to the United States or its agencies, or direct to the State of Alabama, nor shall the tax be levied or paid on liquefied petroleum gas, butane, propane, gasoline, kerosene, diesel fuel, or substitute therefor, when sold or delivered for use as a fuel for heating or cooking, or for lighting purposes. When the tax levied herein shall have been paid by a distributor, refiner, retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall be paid but once. The tax shall not be levied or paid on gasoline, kerosene, or diesel fuel which is withdrawn from storage within Blount County for delivery only to a point or points outside the county, when the distributor or seller of such gasoline, kerosene, or diesel fuel prepares and files with the governing body of Blount County written statements sworn to and subscribed, in such form as may be required by the county governing body, showing the name and address of the person to whom the gasoline, kerosene, or diesel fuel is or has been delivered by the distributor; the volume and kind of such gasoline, kerosene, or diesel fuel; the dates of such withdrawals; and the point or points outside the county to which such gasoline, kerosene, or diesel fuel is delivered or is to be delivered."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**PROOF OF PUBLICATION**

**STATE OF ALABAMA  
COUNTY OF BLOUNT**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 17, September 24, October 1, and October 8, all in the year 1959.

**RICE M. HOWARD.**

Sworn to and subscribed before me October 8, 1959.

**MOLLY RYAN,  
Notary Public.**

By Messrs. Albea and Merrill:

H. 1067. Relating to counties having a population of not less than 75,000 nor more than 93,000 inhabitants; to authorize county governing bodies to provide for payment of expenses of certain county officers.

Local Legislation No. 1.

By Messrs. Cabiness and Harris:

H. 1068. To create a solicitor's fund in the ninth judicial circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in all courts in the ninth judicial circuit; and to authorize expenditures of said fund by the circuit solicitor for law enforcement and the discharge of the duties of his office.

Ways and Means.

By Messrs. Johnson (Hardaway) and Johnston (Leonard) (with notice and proof:

H. 1069. To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Local Legislation No. 1.

Notice and Proof H. 1069:

#### LEGAL NOTICE

#### STATE OF ALABAMA COUNTY OF ELMORE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The following officers of Elmore County shall be entitled to receive annual salaries in lieu of any fees, commissions, allowances, percentages, charges, and costs, except as herein otherwise provided:

1. The judge of probate shall receive an annual salary of ten thousand dollars, which shall include compensation for all ex officio duties.

2. The sheriff shall receive an annual salary of nine thousand dollars. The sheriff shall also be entitled to an allowance of one hundred fifty dollars a month for travel expenses.

3. The tax assessor shall receive an annual salary of seven thousand and eight hundred dollars.

4. The tax collector shall receive an annual salary of six thousand two hundred dollars.



5. The clerk of the circuit court shall receive an annual salary of six thousand dollars, which shall include his compensation for all ex officio duties including services as ex officio Clerk of the Elmore County Court.

6. The register of the circuit court shall receive an annual salary of one thousand eight hundred dollars.

(b) The court of county commissioners, board of revenue, or other like governing body of Elmore County may, in its discretion, decrease the salaries of any one or more of the officers enumerated in subsection (a), provided that such decrease shall not take effect during the term for which such officer was elected or appointed, and provided also that the salary of the judge of probate shall not be reduced below seven thousand two hundred dollars per annum, the salary of the sheriff shall not be reduced below six thousand dollars per annum, the salary of the tax assessor shall not be reduced below five thousand four hundred dollars per annum, the salary of the tax collector shall not be reduced below five thousand dollars per annum, the salary of the clerk of the circuit court shall not be reduced below five thousand dollars per annum, and the salary of the register of the circuit court shall not be reduced below twelve hundred dollars per annum.

Section 2. The court of county commissioners, board of revenue, or other like governing body of Elmore County shall provide compensation for clerks, assistants, and secretaries for the officers enumerated in this Act in such number as may be necessary for the efficient conduct of their offices; provided, the judge of probate shall not be allowed more than two full time clerks, and each of the other officers, other than the sheriff, shall not be allowed to appoint but one clerk, assistant, or secretary. The sheriff shall be allowed the same number of deputies, jailers, and other assistants as are now provided by law, who shall receive the compensation and allowances as now prescribed by law. Temporary clerks and assistants may be allowed any of such officers from time to time as may be considered necessary by the county governing body. Each officer shall appoint his own deputies, clerks, secretaries, and assistants, and shall fix their compensation, subject to the approval of the board of revenue, county commissioners, or other like county governing body as to number and rate of pay, except as herein otherwise provided. The sheriff shall also be allowed to appoint one full time clerk whose compensation shall be fixed by the county governing body.

Section 3. The fees, commissions, percentages, allowances, charges, and court costs heretofore collectible for the use of any of the officers enumerated in Section 1 of this Act shall hereafter be collected for the use of the county and shall be paid into the general fund of the county. Provided, the sheriff may retain for his own use and benefit, such mileage and expense allowances as may be payable from the state treasury for returning prisoners. The compensation of the officers enumerated in Section 1, and of their clerks, deputies, secretaries, and other assistants shall be paid in equal monthly installments from the general fund of the county in the same manner as employees of the county are paid.

Section 4. The court of county commissioners, board of revenue, or other like governing body of Elmore County shall provide the judge of probate, sheriff, tax assessor, tax collector, clerk of the circuit court, and register of the circuit court, with the books, stationery, office equipment, supplies, postage, and other conveniences as may be necessary for the proper and efficient conduct of the affairs of their respective offices, but not including motor vehicles; and may provide for the in-

stallation, repair, and maintenance of an inter-communication system for the sheriff and his deputies.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective as to each county office specified at the expiration of the term of the incumbent officer, and upon the ratification of an amendment to the Constitution of Alabama submitted pursuant to H. B. 193, Act No. 125, Regular Session 1959.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF ELMORE

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. H. Golson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was vice-president of the Wetumpka Herald, a newspaper of general circulation published in Elmore County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 1, Oct. 8, Oct. 15, and Oct. 22, all in the year 1959.

W. H. GOLSON.

Sworn to and subscribed before me October 22, 1959.

ELAINE HOLLEY,  
Notary Public.

By Messrs. Copeland and Hanby:

H. 1070. To provide for the compensation of special bailiffs in the circuit courts of all counties having a population of not less than 80,000 nor more than 94,000, according to the most recent federal decennial census.

Local Legislation No. 1.

By Messrs. Hanby and Copeland:

H. 1071. To amend Act No. 737, S. 548, approved September 20, 1957, an act providing for the operation of the county board of equalization of each county having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census (Acts of Alabama 1957, Vol. II, pp. 1158, 1159).

Local Legislation No. 1.

By Messrs. Morrow, Edwards, Perry, Rast, Hawkins, Locke and Sessions (with notice and proof):

H. 1072. To alter and extend the boundaries of the City of Birmingham so as to include within the city limits of the City of Birmingham part of the territory located within Section 34, Township 16, Range 2 West; Section 35, Township 16 Range 2 West; Section 26, Township 16, Range 2 West; Section 23, Township 16, Range 2 West; Section 24, Township 16, Range 2 West; Section 13, Township 16, Range 2 West; Section 7, Township 16, Range 1 West; Section 6, Township 16, Range 1 West; Section 1, Township 16, Range 2 West; Section 12, Township

16, Range 2 West; Section 11, Township 16, Range 2 West; Section 14, Township 16, Range 2 West; Section 15, Township 16, Range 2 West; Section 22, Township 16, Range 2 West and Section 27, Township 16, Range 2, in Jefferson County, Alabama.

Local Legislation No. 2.

Notice and Proof H. 1072:

NOTICE

Notice is hereby given of intention to apply at the current regular, or special, session of the Legislature of Alabama for introduction and passage of a bill, the substance of which as distinguished from detail is and will be in substance as distinguished from detail as follows:

A BILL  
TO BE ENTITLED  
AN ACT

TO alter and extend the boundaries of the City of Birmingham so as to include within the city limits of the City of Birmingham part of the territory located within Section 34, Township 16, Range 2 West; Section 35, Township 16, Range 2 West; Section 26, Township 16, Range 2 West; Section 23, Township 16, Range 2 West; Section 24, Township 16, Range 2 West; Section 13, Township 16, Range 2 West; Section 7, Township 16, Range 1 West; Section 6, Township 16, Range 1 West; Section 1, Township 16, Range 2 West; Section 12, Township 16, Range 2 West; Section 11, Township 16, Range 2 West; Section 14, Township 16, Range 2 West; Section 15, Township 16, Range 2 West; Section 22, Township 16, Range 2 West and Section 27, Township 16, Range 2, in Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Birmingham, in the County of Jefferson, State of Alabama, are hereby altered and extended so that said boundaries shall include within the corporate limits of said city all of the following described territory not presently located in said City of Birmingham, to-wit:

Begin at the northeast corner of Lot 27, Block 1, Cloverdale Estates, Second Addition, as recorded in Map Book 47, Page 17 in the office of the Judge of Probate of Jefferson County, Alabama, said point being a point on the present city limit line of the City of Birmingham, and said northeast corner of Lot 27, Block 1, being a point on the north line of Section 35, Township 16 South, Range 2 West; thence west along the north line of said section to the southwest corner of the southeast quarter of Section 26, Township 16 South, Range 2 West; thence West along the south line of the southeast quarter of the southwest quarter of Section 26, Township 16 South, Range 2 West, to the northwest corner of Block 7, Boulevard Addition as recorded in Map Book 6, Page 36, in the office of the Judge of Probate of Jefferson County, Alabama; thence southwesterly along the west line of Blocks 7, 6, 5, 2, and 1, of Boulevard Addition to the east line of the northwest quarter of the northwest quarter of Section 35, Township 16 South, Range 2 West; thence north along the east line of the said quarter-quarter section a distance of 545 feet; thence northwest 1380 feet more or less along the south line of the property of the Water Works Board of the City of Birmingham to the west line of the northwest quarter of the northwest quarter of Section 35, Township 16 South, Range 2 West; thence south along the west

line of the said quarter-quarter section a distance of 920 feet, more or less, to the southwest corner of the northwest quarter of the northwest quarter of said section; thence west along the south line of the northeast quarter of the northeast quarter of Section 34, Township 16 South, Range 2 West, to the southwest corner of said quarter-quarter section; thence north along the west line of the northeast quarter of the northeast quarter for a distance of 326 feet, more or less, to the south line of the property of the Water Works Board of the City of Birmingham; thence northwesterly along the southwest line of the property of the Water Works Board of the City of Birmingham a distance of 926 feet, more or less; thence west along the south line of said Water Works Board property a distance of 710 feet, more or less, to the west line of the northwest quarter of the northeast quarter of Section 34, Township 16 South, Range 2 West; thence continue west along the south line of the property of the Water Works Board of the City of Birmingham a distance of 800 feet, more or less; thence south a distance of 230 feet, more or less; thence southeast along the property line of the Water Works Board of the City of Birmingham a distance of 1100 feet, more or less, to the west line of the northeast quarter of Section 34, Township 16 South, Range 2 West; thence south along the west line of said quarter section to the southwest corner of the northeast quarter of said section; thence west along the south line of the northwest quarter of Section 34, Township 16 South, Range 2 West to the west line of said section; thence north along the west line of Section 34, Township 16 South, Range 2 West, and the west line of Section 27, Township 16 South, Range 2 West to the northwest corner of the property of the Water Works Board of the City of Birmingham; thence northeasterly along the northwestern line of the property of the Water Works Board of the City of Birmingham a distance of 1350 feet, more or less, to the west line of the northeast quarter of the southwest quarter of Section 27, Township 16 South, Range 2 West; thence north along the west line of the said quarter-quarter section and the west line of the southeast quarter of the northwest quarter of Section 27, Township 16 South, Range 2 West, to a point 617 feet north of the southwest corner of said southeast quarter of the northwest quarter; thence northwest 420.69 feet to the southeast line of the Pinson Highway; thence northeast along the said southeast line of the Pinson Highway to the south line of Blach's Road, in the southeast quarter of the northwest quarter of Section 14, Township 16 South, Range 2 West; thence in an easterly direction along the meandering south line of Blach's Road to the northeast corner of the northwest quarter of the southeast quarter of Section 14, Township 16 South, Range 2 West; thence north along the west line of the southeast quarter of the northeast quarter to the northwest corner of said quarter-quarter section; thence north along the west line of the northeast quarter of the northeast quarter a distance of 335 feet, more or less, to the southwest line of Lot 23, Greenfield Village as recorded in Map Book 36, Page 28, in the office of the Judge of Probate of Jefferson County, Alabama; thence northwest along the southwest lines of Lots 23 and 22 of said Greenfield Village to the southeastern line of the Pinson Highway; thence northeast along the southeastern line of the Pinson Highway to the south line of Section 1, Township 16 South, Range 2 West; thence east along the said south line of said section to the southwest corner of the southeast quarter of said section; thence north along the west line of the southeast quarter a distance of 556 feet; thence east for a distance of 278 feet; thence south a distance of 100 feet; thence east a distance of 430 feet; thence south for a distance of 456 feet to the south line of Section 1, Township 16 South, Range 2 West; thence east along the south line of said section to the southwest corner of Section 6, Township 16 South, Range 1 West; thence north along the west line of said section to the northwest corner of the southwest quarter of the southwest quarter of Section 6, Town-

ship 16 South, Range 1 West; thence east along the north line of said quarter-quarter section a distance of 660 feet; thence south parallel with said west line of the southwest quarter of the southwest quarter a distance of 1320 feet to the north line of Section 7, Township 16 South, Range 1 West; thence east along the north line of said section to the northeast corner of the northwest quarter of the northeast quarter of Section 7, Township 16 South, Range 1 West; thence south along the east line of the said quarter-quarter section to the southeast corner of the northwest quarter of the northeast quarter of Section 7, Township 16 South, Range 1 West; thence west along the south line of the northwest quarter of the northeast quarter and the south line of the northeast quarter of the northwest quarter and the south line of the northwest quarter of the northwest quarter of said Section 7, Township 16 South, Range 1 West, and the south line of the northeast quarter of the northeast quarter and the south line of the northwest quarter of the northeast quarter of Section 12, Township 16 South, Range 2 West, to the northeast corner of the southeast quarter of the northwest quarter of said section; thence south along the east line of the southeast quarter of the northwest quarter to the southeast corner of the southeast quarter of the northwest quarter of Section 12, Township 16 South, Range 2 West; thence west along the south line of the northwest quarter of said section to the northeast corner of the northwest quarter of the southwest quarter; thence south along the east line of said quarter-quarter section to the southwest corner of the northeast quarter of the southwest quarter; thence east along the north line of the southeast quarter of the southwest quarter of Section 12, Township 16 South, Range 2 West, to the northeast corner of the southeast quarter of the southwest quarter; thence south along the east line of said quarter-quarter section to the southeast corner of the southwest quarter of Section 12, Township 16 South, Range 2 West; thence south along the east line of the northeast quarter of the northwest quarter of Section 13, Township 16 South, Range 2 West, to the southeast corner of said quarter-quarter section; thence west along the south line of the northeast quarter of the northwest quarter to the northeast corner of the southwest quarter of the northwest quarter of said section; thence south along the east line of said quarter-quarter section and south along the east line of the northwest quarter of the southwest quarter of Section 13, Township 16 South, Range 2 West, to the northwest corner of the southeast quarter of the southwest quarter of the said section; thence east along the north line of said quarter-quarter section to the northeast corner of the southeast quarter of the southwest quarter of Section 13, Township 16 South, Range 2 West; thence south along the east line of said quarter-quarter section to the southeast corner of the southwest quarter of said section; thence west along the south line of the southwest quarter of Section 13, Township 16 South, Range 2 West, to the northeast corner of Section 23, Township 16 South, Range 2 West; thence south along the east line of said section to the northwest corner of the southwest quarter of the northwest quarter of Section 24, Township 16 South, Range 2 West; thence east along the north line of the said quarter-quarter section a distance of 430 feet; thence south 600 feet; thence in a southwesterly direction a distance of 130 feet; thence west to the west line of the southwest quarter of the northwest quarter of Section 24, Township 16 South, Range 2 West; thence south along the west line of said quarter-quarter section to the northwest corner of the northwest quarter of the southwest quarter; thence east along the north line of the said quarter-quarter section a distance of 660 feet; thence south 1320 feet along the east line of the west one-half of said quarter-quarter section to the north line of the southwest quarter of the southwest quarter; thence east along the north line of said quarter-quarter section to the northeast corner of the southwest quarter of the southwest quarter of Section 24, Township 16

South, Range 2 West; thence north along the west line of the northeast quarter of the southwest quarter of said section a distance of 1165 feet; thence east parallel with the north line of said quarter-quarter section a distance of 1111.4 feet, more or less; thence south a distance of 43.7 feet; thence east a distance of 208.7 feet, more or less, to the east line of the southwest quarter of Section 24, Township 16 South, Range 2 West; thence south along the east line of said quarter section a distance of 1722 feet, more or less; thence west a distance of 418 feet; thence south a distance of 209.0 feet; thence west a distance of 905 feet, more or less; thence south a distance of 500 feet more or less to the south line of Section 24, Township 16 South, Range 2 West; thence west along the south line of said section to the southwest corner of Section 24, Township 16 South, Range 2 West; thence north along the west line of the said section a distance of 451 feet; thence east a distance of 209 feet; thence north a distance of 418 feet; thence west a distance of 209 feet to the west line of Section 24, Township 16 South, Range 2 West; thence north along the west line of the said section to the northeast corner of the southeast quarter of the southeast quarter of Section 23, Township 16 South, Range 2 West; thence west along the north line of said quarter-quarter section a distance of 658.63 feet; thence north a distance of 664.14 feet; thence west to the west line of the northeast quarter of the southeast quarter of Section 23, Township 16 South, Range 2 West; thence north along the west line of the said quarter-quarter section to the northwest corner of the northeast quarter of the southeast quarter of said section; thence east along the north line of said quarter-quarter section a distance of 660.48 feet; thence north a distance of 1328 feet, more or less, to the south line of the northeast quarter of the northeast quarter of Section 23, Township 16, South, Range 2 West; thence west along the south line of said quarter-quarter section and the south line of the northwest quarter of the northeast quarter of Section 23, Township 16 South, Range 2 West, to the northeast corner of the southeast quarter of the northwest quarter; thence south along the east line of the said quarter-quarter section and the east line of the southwest quarter of Section 23, Township 16 South, Range 2 West and the east line of the northwest quarter and the east line of the southwest quarter of Section 26, Township 16 South, Range 2 West, to the south line of Clift Avenue if extended; thence east along the south line of Clift Avenue to the east line of the southwest quarter of the southeast quarter of Section 26, Township 16 South, Range 2 West; thence south along the east line of the said quarter-quarter section to the north line of Section 35, Township 16 South, Range 2 West, which is in the present city limit line of the City of Birmingham; thence west along the present city limit line of the City of Birmingham to the point of beginning; excepting from the above description the east 1000 feet of the northeast quarter of the southeast quarter of Section 14, Township 16 South, Range 2 West.

Section 2. That this act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
COUNTY OF JEFFERSON, ss:

On this 22 day of October A. D. one thousand nine hundred and Fifty-Nine personally appeared before me, J. L. Roberts a Notary Public in and for the County and State aforesaid Raymond Fowler who being duly sworn according to law, declares that he is Bookkeeper of "The Birmingham News" and "The Birmingham Post Herald", newspapers published in the City of Birmingham, in the County of Jeffer-

son, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in "The Birmingham News" on the following dates; Oct. 1, 1959; Oct. 8, 1959; Oct. 15, 1959; Oct. 22, 1959.

RAYMOND FOWLER.

Subscribed and sworn to before me this 22 day of Oct. A. D. 1959.

J. L. ROBERTS,  
Notary Public.

My commission expires Feb. 28, 1960.

By Messrs. Perry and Locke:

H. 1073. To provide for monthly retirement pensions for certain teachers employed at the Alabama Vocational School for Girls.

Ways and Means.

By Mr. Hankins (with notice and proof):

H. 1074. To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the town of Millport, Lamar County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said town; to prescribe the powers, duties, and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Local Legislation No. 1.

Notice and Proof H. 1074:

STATE OF ALABAMA  
COUNTY OF LAMAR

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the town of Millport, Lamar County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said town; to prescribe the power, duties, and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The department of revenue is hereby authorized, directed, and required to collect any sales and use taxes which may be levied in Millport, Lamar County, under the provisions of any municipal ordinance or resolution with a levy identical to the state levy except for rate of tax, subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, and deductions as are applicable to the state sales and use taxes levied under Act. No. 100, H. 94, approved August 18, 1959,

and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, and all acts now or hereafter amendatory thereof or supplementary thereto, except where in applicable or where herein otherwise provided, including the provisions for the enforcement and collection of taxes when said ordinance or resolution is duly promulgated and adopted by the governing body of Millport, Lamar County, and when any or resolution has been filed with the department of revenue. Such municipal sales and use taxes shall be collected by the department at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama, under the provisions of Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended, and all reports required to be made to the commissioner of revenue hereunder shall, on request to the department of revenue, be made available for inspection by the governing body of Millport, Lamar County, or its designated, agent, at reasonable times during business hours. The department of revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of such municipal sales and use taxes, & shall have all the authority and duties hereunder as it has in connection with the collection of the State's sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended. It shall be the duty of the commissioner of revenue to pay into the state treasury all such taxes collected for Millport, Lamar County, under this Act; and on or before the first duty of the following month, the commissioner shall certify to the comptroller the amount of special taxes levied and collected under the provisions of this Act for the use and benefit of Millport, Lamar County, during the calendar month immediately preceding the making of such certificate. Whereupon it shall be the duty of the comptroller to issue his warrant on the state treasurer for the amount, less expenses, so certified by the commissioner of revenue as having been collected for the use of Millport, Lamar County, and paid into the state treasury; and the amount so certified by the commissioner of revenue as having been collected for the use of such town (less expenses) shall be paid to the treasurer or other custodian of funds of Millport, Lamar County. The department of revenue shall charge Millport, Lamar County, for collecting such municipal sales and use taxes the cost of making such collections provided, however, that such charge shall not exceed ten percent of the amount collected. The comptroller shall each month draw his warrant on the funds collected hereunder payable to the department of revenue for the amount of such charges. The department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of such municipal sales and use taxes, and otherwise to enforce the provisions of the ordinance or resolution levying such taxes, including any litigation required, and the department of revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes payable to Millport, Lamar County, under the provisions of this Act.

Section 2. Any municipal ordinance or resolution levying a tax required to be collected hereunder, any amendment, or addition, or other change in such ordinance or resolution shall be effective on the first day of the month next following the expiration of thirty days from the date of the adoption of such municipal ordinance or resolution, provided, however, the department of revenue shall not be required to make any collection of taxes or otherwise perform the duties provided herein until and unless a certified copy of such ordinance or resolution, or amendment thereto, is filed with the department of revenue not less than thirty days prior to the effective date of said ordinance, resolution, or amendment thereto.



Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF LAMAR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack Hankins, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Lamar Democrat, a newspaper of general circulation published in Lamar County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 1st, Oct. 8th, Oct. 15, and Oct. 22, all in the year 1959.

JACK HANKINS

Sworn to and subscribed before me October 22, 1959.

NELLIE RUTH TAGGART,  
Notary Public.

By Mr. Turner (with notice and proof):

H. 1075. To amend Sections 1, 2, 4, and 6 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama so that the scope of the license taxes levied in Limestone County by said Act No. 68 and the exemptions and other provisions applicable to said license taxes shall parallel, although at the rates herein specified, the scope of the state sales and use taxes levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and by Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said state sales and use taxes; so as to make subject to said license taxes, at the rates herein specified, the sale, use, storage and consumption of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding and manufacturing tangible personal property; and so as to increase the rate of said license taxes with respect to sale, use, storage or consumption of automotive vehicles, truck trailers and semi-trailers.

Local Legislation No. 1.

Notice and Proof H. 1075:

#### NOTICE OF INTENTION TO APPLY FOR PASSAGE OF LOCAL ACT

Notice is hereby given that application will be made to the Legislature of Alabama for passage of a local bill reading substantially as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 1, 2, 4, and 6 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama so that the scope of the license taxes levied in Limestone County by said Act No. 68 and the exemptions and other provisions applicable to said license taxes shall parallel, although at the rates herein specified, the scope of the state sales and use taxes levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and by Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said state sales and use taxes; so as to make subject to said license taxes, at the rates herein specified, the sale, use, storage and consumption of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding and manufacturing tangible personal property; and so as to increase the rate of said license taxes with respect to sale, use, storage or consumption of automotive vehicles, truck trailers and semi-trailers.

**Be It Enacted by the Legislature of Alabama:**

Section 1. Section 1 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

"Section 1. In Limestone County there is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, special county privilege or license taxes and excise taxes paralleling, with like provisions in the county, such state taxes as are levied by the State of Alabama by Act No. 100 adopted at the 1959 Second special Session of the Legislature of Alabama and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as said article had been last amended on September 1, 1959, and as it existed on said date, in an amount equal to thirty-three and one-third per cent of the state levy, as follows:

"(1) A privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against the gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation (including the State of Alabama, the University of Alabama, Alabama Polytechnic Institute and all other institutions of higher learning in the state, whether such institutions be denominational state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within Limestone County in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

(b) Upon every person, firm or corporation engaged, or continuing within Limestone County, in the business of conducting or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within the county, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Limestone County, an amount equal to one per cent of the gross receipts of any such business.

“(c) Upon every person, firm or corporation engaged or continuing within Limestone County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one half of one percent of the gross proceeds of such machines, attachments, parts and replacements therefor.

“(d) Upon every person, firm or corporation engaged or continuing within Limestone County in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of such automotive vehicle, truck trailer and semi-trailer.

“Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

“(2) (a) An excise tax on the storage, use or other consumption in Limestone County of tangible personal property purchased at retail on or after December 1, 1959, for storage, use, or other consumption in the county at the rate of one per cent of the sales price of such property, regardless of whether the retailer is or is not engaged in the business in the county, except as provided below in paragraphs (b) and (c) of this subsection.

“(b) An excise tax on the storage, use or other consumption in Limestone County of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machine, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machine, purchased at retail on or after December 1, 1959, for storage, use or other consumption in Limestone County, at the rate of one-half of one per cent of the sales price of such machine or the parts, attachments, or replacements therefor.

“(c) An excise tax on the storage, use, or other consumption in Limestone County of any automotive vehicle, truck trailer or semi-trailer purchased at retail on or after December 1, 1959, for storage,

use or other consumption in Limestone County at the rate of one-half of one per cent of the sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

"Every person storing, using or otherwise consuming in Limestone County tangible personal property purchased at retail after December 1, 1959, shall be liable for the tax, and the liability shall not be extinguished until the tax has been paid as provided for by this Act; provided, however, that a receipt from a retailer maintaining a place of business in Limestone County showing the payment of such tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer."

Section 2. Section 2 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

"Section 2. The taxes provided for in Section 1 of this Act shall be subject to all definitions, exceptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments and deductions as are applicable to the state sales and use taxes levied under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as said article had been last amended on September 1, 1959, and as it existed on said date, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection of the taxes."

Section 3. Section 4 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

"Section 4. The taxes imposed by this Act shall be collected by the State Department of Revenue at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as said article had been last amended on September 1, 1959, and as it existed on said date, and all reports now required to be made to the Commissioners of Revenue of the State of Alabama shall, on request of the Department of Revenue, be available for inspection by the chairman of the county governing body of Limestone County, or his designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms, and other information as may be necessary for the collection of the additional taxes herein imposed, and shall have all the authority and duties in connection with such additional taxes as are now given by law to the department for the collection of state sales and use taxes under Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as said article had been last amended on September 1, 1959, and as it existed on said date. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all collections of taxes made hereunder, and on or before the first day of the following month the Commissioner of Reve-

nue shall certify to the State Comptroller the amount of special taxes levied and collected under the authority of this Act for the use and benefit of Limestone County during the calendar month immediately preceding the making of such certificate to the State Treasurer; whereupon it shall be the duty of the State Comptroller to issue his warrant on the State Treasury, payable to the custodian of the county school funds of Limestone County for the amount so certified by the Commissioner of Revenue as having been collected for the use and benefit of Limestone County and paid into the State Treasury. The State Department of Revenue shall charge Limestone County for collecting the taxes levied by this Act a percentage of the taxes to be computed on the basis that the total cost of collecting the State's sales and use taxes bears to the total of state sales and use taxes collected for each fiscal year ending September 30th. Such charge for collecting such taxes shall be deducted once each year from the special sales and special use taxes collected in the month of September of each year before certifying the amount of special sales and special use taxes due Limestone County for such month."

Section 4. Section 6 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama is hereby amended to read as follows:

"Section 6. The taxes levied by this Act shall be due and collectible at the same times and manner as the state sales and use taxes, and as set out in Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as said article had been last amended on September 1, 1959, and as it existed on said date, and all of the methods and provisions given to the State of Alabama as to the collection of such taxes under the provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as said article had been last amended on September 1, 1959, and as it existed on said date, are given hereby to Limestone County, and to the State Department of Revenue for Limestone County's use, as to the taxes levied by this Act."

Section 5. The provisions of this act are severable. In the event any section, clause, portion, provision or sentence hereof should be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any of the remaining sections, clauses, portions, provisions or sentences hereof.

Section 6. This act shall become effective on December 1, 1959.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Alabama Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice

having appeared in the issues of said paper on Oct. 1, Oct. 8, Oct. 15, and Oct. 22, all in the year 1959.

STEELE McGREW.

Sworn to and subscribed before me Oct. 22, 1959.

LOLA L. ORR,  
Notary Public.

By Mr. Roberts (with notice and proof):

H. 1076. To amend Section Two of the Act approved March 23, 1955 (Act No. 8, H. 7, Acts of Alabama 1955, Page 114) relating to the office of Chief Clerk to the Register of the Circuit Court in Equity of Madison County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1076:

STATE OF ALABAMA  
MADISON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section Two of the Act approved March 23, 1955 (Act No. 8, H. 7 Acts of Alabama 1955, Page 114) relating to the office of Chief Clerk to the Register of the Circuit Court in Equity of Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section Two of the Act approved March 23, 1955 (Act No. 8, H. 7 Acts of Alabama 1955, Page 114) relating to the office of Chief Clerk to the Register of the Circuit Court in Equity of Madison County, Alabama is hereby amended to read as follows:

"Section 2. The Chief Clerk, so appointed, shall be paid a salary not to exceed Four Thousand and no/100 (\$4,000.00) Dollars to be determined and fixed by the Register of the Circuit Court in Equity of Madison County, Alabama, payable in equal monthly installments."

"Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law."

STATE OF ALABAMA  
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was pub-

lished in said newspaper on September 30, October 7, 14, and 21, 1959.

W. C. LEWIS,  
Secretary-Treasurer.

Sworn to and subscribed before me this the 22 day of October, 1959.

OPAL H. DILWORTH,  
Notary Public.

My commission expires April 16, 1963.

By Messrs. Long (Perry) and Barnett (with notice and proof):

H. 1077. To provide for the establishment and operation of a public clinic in the municipality of Uniontown, Perry County.

Local Legislation No. 1.

Notice and Proof H. 1077:

### LEGAL NOTICE

To whom it may concern:

Notice is hereby given in accordance with Section 106 of the Constitution that a bill for a local law, in substance as follows, will be introduced at the current session of the Legislature of Alabama, and application will be made for its enactment, to-wit:

To provide that the Perry County Hospital Board, a public corporation and an agency of Perry County, with the approval of the court of county commissioners, board of revenue, or other like governing body of the county, may make expenditures of county hospital tax revenues for the purpose of constructing and equipping a clinic in Uniontown, such clinic to be leased or otherwise turned over to the Town of Uniontown for operation and maintenance by the town or by its duly authorized agents, representatives, or contractees.

### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF PERRY

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. M. Wallace, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Marion Times-Standard, a newspaper of general circulation published in Perry County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 1, Oct. 8, Oct. 15, and Oct. 22, all in the year 1959.

J. M. WALLACE.

Sworn to and subscribed before me 22 day of Oct., 1959.

W. C. MOODY,  
Notary Public.

By Mr. Oden:

H. 1078. To amend further Section 12 of Title 12, Code of Alabama 1940, so as to provide further for payment of premiums on insurance covering county property.

Local Government.

By Mr. Cates (with notice and proof):

H. 1079. To establish a Law and Equity Court for Shelby County, Alabama; to define its jurisdiction and powers; to provide for its officers and appointment, election, terms of office, powers, duties and compensation; to provide a Court Reporter for said Court, whenever needed, and to fix and prescribe his duties and compensation; to provide that said Court shall be open at all times for the trial of causes and the transaction of business; to provide the rules and procedure of said Court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court and the Juvenile Court of Shelby County, Alabama; and to give the said Court juvenile and domestic jurisdiction; and to abolish the County Court of Shelby County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1079:

NOTICE

Notice is hereby given that the Act appearing herein will be introduced in the Legislature of Alabama at the present session.

A BILL  
TO BE ENTITLED  
AN ACT

To establish a Law and Equity Court for Shelby County, Alabama: to define its jurisdiction and powers; to provide for its officers and appointment, election, terms of office, powers, duties and compensation; to provide a Court Reporter for said Court, whenever needed and to fix and prescribe his duties and compensation; to provide that said Court shall be open at all times for the trial of causes and the transaction of business; to provide the rules and procedure of said Court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court and the Juvenile Court of Shelby County, Alabama; and to give the said Court juvenile and domestic jurisdiction; and to abolish the County Court of Shelby County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby established in and for Shelby County, Alabama, an Inferior Court of Law, both civil and criminal, and of Equity, which shall be called Shelby County Law and Equity Court, and which shall be a court of record, and which shall have and exercise concurrent jurisdiction now conferred, or which may hereafter be conferred, upon the several Circuit Courts of the State, provided that the said Shelby County Law and Equity Court shall not have jurisdiction to try a person charged with felonies and provided further that said court's civil jurisdiction on the law side of said court shall not exceed the sum of \$1,000.00, exclusive of the interest and cost, except, however, it is provided that in any civil action filed on the law side where a cross-action, counter-claim, set-off, or plea in recoupment is



filed, claiming in excess of \$1,000.00, the court shall have jurisdiction of said action and shall proceed with it to a conclusion; and said court shall have concurrent jurisdiction with Justices of the Peace of Shelby County in all civil matters; and shall have exclusive original jurisdiction in all misdemeanors committed in Shelby County, except misdemeanors returned by the grand jury to the Circuit Court, and it shall have preliminary jurisdiction of all felonies, and of bastardy, unlawful detainer, and other criminal or quasi-criminal proceedings cognizable before Justice of Peace Courts; and shall also have and exercise such further jurisdiction, authority, functions and powers as are hereinafter conferred upon it by this Act.

Section 2. That the Governor of the State of Alabama shall designate and appoint the Judge of said Court immediately after the effective date of this act and said appointee shall hold office until the second Tuesday after the first Monday in January 1961 and until his successor shall be elected and qualified. A Judge of said Court shall be elected by the qualified electors of Shelby County, Alabama, at the general election to be held in 1960 and each six years thereafter, and the term of the judge of said Court shall commence on the second Tuesday after the first Monday in January following his election, and shall continue for a period of six years and until his successor shall be elected and qualified. The judge of said Court, before entering upon the duties of said office, shall take the oath required by law to be taken by judges of the Circuit Courts of Alabama. The said judge shall be a qualified elector of Shelby County, Alabama, shall be learned in the law, and shall have been a member of the Shelby County Bar for not less than two years next preceding his appointment or election and shall be a member of the Ala. Bar in good standing, and shall be not less than twenty-five years of age. The said judge shall devote his entire time to the duties of his office, and shall be barred from practice of law during his term of office. Said judge may be removed from office in the manner and for the causes now provided by law for the removal of Circuit Judges.

Section 3. Vacancies in the office of the judge of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the Constitution and law of this State.

Section 4. That the clerk of the Circuit Court of Shelby County, Alabama, shall be ex-officio clerk of the Shelby County Law and Equity Court of Shelby County, Alabama and shall have the same powers and discharge the same duties as clerk of the Circuit Courts, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees, commissions and emoluments as are now, or as may hereafter be, allowed to Circuit Clerks of Alabama except as hereinafter provided and the same shall be collected as such fees and commissions are collected in the Circuit Courts; except that in civil matters where suit is brought for \$100.00 or less only the fees and commissions allowed by law to Justices of the Peace shall be collected; and said clerk shall exercise the same powers and perform the same duties as are exercised and performed in the Circuit Court. That the Register of the Circuit Court shall be ex-officio Register of the Shelby County Law and Equity Court and shall have the powers and discharge the duties which shall devolve upon the Register of the Shelby County Law and Equity Court and shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees and commissions as are now, or as may hereafter be, allowed to the Register of Circuit Courts in Equity and the same shall be collected as such fees are collected in Circuit Courts.

Section 5. That the Judge of said Court shall receive a salary of not less than \$6,000.00 per annum nor more than \$7,200.00 per annum, to be fixed from time to time by the Shelby County Board of Revenue and Control, payable in twelve equal monthly installments out of the county treasury at the end of each month, his signed receipt being required.

Section 6. That the Deputy Solicitor of Shelby County, Alabama, shall be the Solicitor of said Court and in addition to duties now imposed upon said solicitor, he shall be required to attend said court and therein prosecute all cases of a criminal or quasi-criminal nature wherein the State is a party to the case; and for such services he shall receive a salary of not less than \$3,600.00 per annum nor more than \$4,800.00 per annum, to be fixed from time to time by the Shelby County Board of Revenue and Control, which shall be in lieu of the amount now fixed by law for his salary as Deputy Solicitor, and is to be paid in twelve equal monthly installments out of the County Treasury at the end of each month, his signed receipt being required.

Section 7. That the said Shelby County Law and Equity Court shall be held at the court house of Shelby County, Alabama, and that said court shall be open at all times for the trial of cases and transactions of business. In case of sickness or disqualification of the judge of said court, the law applicable to the appointment and service of special judges in the Circuit Court shall apply, and the special judge appointed shall receive for his services the same pay that special Circuit Judges receive for their services and the same to be paid out of the General Funds of Shelby County, Alabama on the certificate of the Clerk or the Register making the appointment. The Judge of said Court shall be subject to the same penalties for failure to attend upon the Court as are Circuit Judges of this State. The Judge of said Court shall keep an office in the court house of Shelby County, Alabama, or at such other suitable place as may be provided by the Board of Revenue and Control of Shelby County, and it shall be the duty of the Board of Revenue and Control of Shelby County to provide such office and supply the same with all furnishings, fixtures, stationery, telephone and other supplies necessary to enable the judge of said court to efficiently conduct the affairs of his office. The said judge shall receive an additional sum of \$600.00 per annum for a secretary payable in twelve equal monthly installments out of the county treasury at the end of each month, his signed receipt being required

Section 8. The Judge of said Court shall have the right and power to determine and fix the time of holding the sessions of said Court for the trial of all cases, as he may deem expedient; provided, however, a session of said Court for the trial of criminal and civil cases shall be held at least once in each calendar month.

Section 9. Any party feeling aggrieved from the judgment of said Court rendered in any civil cause, may appeal from said judgment to the Circuit Court of Shelby County, Alabama, by giving security for the costs, the same to be approved by the Clerk or Judge of said Shelby County Law and Equity Court of Shelby County, Alabama, or if the party desiring to appeal, wishes to supersede the judgment of said court, then he may give security for cost, and a supersedeas bond in double the amount of judgment, to be approved by the judge or clerk of said court. All appeals from judgments in civil causes in said court shall be taken to the Circuit Court within thirty days after the rendition of the judgment, and all appeals taken from said court shall be tried de novo in the Circuit Court in any case

appealed from said court to the Circuit Court. The appellant, within ten days, after the perfection of his appeal and the appellee, within ten days after notice of appeal is served on him, may have the issues of fact tried by a jury in the Circuit Court by filing with the Clerk of the Circuit Court a written demand for a trial of said cause by a jury.

Section 10. In all criminal cases of conviction in said Shelby County Law and Equity Court of Shelby County, Alabama the defendant shall have the right of appeal to the Circuit Court of Shelby County, on entering into bond, with sufficient surety, to appear at the term of the Court to which the appeal is taken, and from term to term until discharged; the bond to be in such penalty as the Judge of the said Shelby County Law and Equity Court of Shelby County, Alabama may prescribe, and to be approved by the Judge or Clerk of said Court. If the defendant does not make the bond required he shall remain in custody and said defendant may, within ten days after taking said appeal, demand in said Circuit Court a trial by jury; otherwise, said case shall be tried by the Court without a jury.

Section 11. That the Supreme Court and Court of Appeals of this state shall have appellate and supervisory jurisdiction over said court and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the Circuit Courts of the State, and the judge thereof, and appeals may be taken from the order and judgments of said court while sitting as a Court of Equity to the Supreme Court and Court of Appeals in the same manner, and within the same time, as appeals are now taken from the orders and judgments of the Circuit Courts of the State, (except as herein provided for appeals to the Circuit Court). The same rules, regulations and laws, applicable to appeals from the Circuit Court in Equity to the Supreme Court or Court of Appeals shall govern appeals in all Equity cases from the Shelby County Law and Equity Court of Shelby County to the Supreme Court or Court of Appeals, unless otherwise provided in this Act.

Section 12. That there shall not be any jury trials in the Shelby County Law and Equity Court of Shelby County in the trial of civil and criminal cases but the Judge of said Court shall have the authority and power in all equity cases to draw and empanel petit juries for the trial of the issues of fact of all equity cases in which the parties are entitled by law to a trial by jury, as provided by Title 7, Section 322, 1940 Code of Alabama. In the trial of any such equity case by a jury, Sections 323, 324, 325 and 326, Title 7, 1940 Code of Alabama, shall govern the Court in the trial, summoning and paying of the jurors.

Section 13. All cases in equity, now or hereafter pending in the Circuit Court of Shelby County, Alabama, may be, by agreement of the parties thereto, transferred from the said Circuit Court to Shelby County Law and Equity Court of Shelby County.

Section 14: That the procedure, practice and rules governing the Circuit Courts of Alabama now, or which hereafter may be adopted, shall in all things apply to and govern the procedure and practice of the Shelby County Law and Equity Court except as otherwise provided herein.

Section 15: The Sheriff of Shelby County shall, in person or by a deputy, appointed by him, said appointment to be approved by the judge of said court, be required to attend upon said court in preserving order, and execute all writs of process and perform such other duties,

in all respects as in the Circuit Court of this State, and such deputy required for attendance upon said session of said court, shall receive the sum of \$5.00 per day, payable out of the county treasury upon the warrant of the judge of said court, provided that such deputy shall not receive pay except for the time that the Court is actually in session and none of such compensation to the deputy shall be shared in by the sheriff, and for the service by the sheriff of the process of said court, he shall receive such compensation as he receives under the law of the State of Alabama or any laws enacted in the future by the Legislature of Alabama for the compensation of the sheriff for similar services in the Circuit Court, except as herein otherwise provided.

Section 16: That if, for any reason, forfeiture be taken on any bond on the criminal side of said Court, the court may order the alias capias returnable instanter or within ten days, and unless the party or parties against whom the forfeiture is taken shall appear and show cause, when the forfeiture is returnable, why the forfeiture should be set aside, then the court is hereby authorized and empowered to make the judgment final.

Section 17: That the judge of the Shelby County Law and Equity Court of Shelby County shall adopt a seal for the law side of the docket of the Shelby County Law and Equity Court which shall be kept in the custody and control of the clerk of the court.

Section 18: That the judge of the Shelby County Law and Equity Court of Shelby County shall adopt a seal for the equity side of the docket of the Shelby County Law and Equity Court which shall be kept in the custody and control of the register of the court.

Section 19. When the summons, writ of attachment, summons and complaint in attachment, or other process either in law or in equity has been executed on the defendant or service perfected on him, as required by law, the defendant shall appear and plead, answer, or demur thereto within the time now, or which hereafter may be, provided by law, in the Circuit Court.

Section 20: That said Shelby County Law and Equity Court shall have exclusive jurisdiction over children and the judge of said Shelby County Law and Equity Court shall be the Judge of the Juvenile Court; it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the Shelby County Law and Equity Court of all juvenile matters and juvenile jurisdiction in Shelby County, Alabama, as now provided under Title 13, Chapter 7, Section 350 to 383, both inclusive, of the Code of Alabama of 1940, or as hereafter amended, and appeals in such cases shall be provided by law. The Clerk of the Shelby County Law and Equity Court is hereby made the Clerk of such court exercising such jurisdiction over juvenile matters.

Section 21: That this Court shall have exclusive and original jurisdiction of all cases arising under Title 34, Article 3, Sections 89 to 104, both inclusive, of the Code of Alabama of 1940, or as hereafter amended, which Article 3 is entitled Desertion and Non-Support. That the trial of such cases shall be by the Court without a jury and appeals in such cases shall be as provided by law. That the Judge of said Shelby County Law and Equity Court shall be the Judge of the Domestic Relations Court, it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the Shelby County Law and Equity Court of all domestic relations matters arising under Title 34, Article 3, Section 89 to 104, both inclusive, of the

Code of Alabama of 1940, as amended or as hereafter may be amended.

Section 22: Prosecutions for misdemeanors committed in Shelby County may be instituted in the said court by making an affidavit before the judge, clerk, or the solicitor of said Court, the writ on said affidavit to be issued by the judge, clerk or the solicitor of said court, and when the defendant is arrested on said affidavit and warrant, the case shall go on the docket for trial, and be tried as though the defendant has been indicted by a grand jury, provided, however, that the affidavit or complaint may be amended, as now provided for amendment of such papers by Section 347, Title 13, of the Code of Alabama of 1940. All affidavits or warrants for criminal or quasi criminal acts, of whatever kind issued by the Justices of Peace of Shelby County shall be returnable to this Court.

Section 23: The Judge or Solicitor of said Court shall have power to issue search warrants. The Judge of said court shall have power to issue writs of habeas corpus, prohibition, certiorari, quo warranto, injunctions and all other special and extraordinary writs, and the procedure, practice and rules of the Circuit Courts of Alabama relating to such writs as are now, or which hereafter may be provided by law, except as otherwise provided in this Act, shall prevail in the Shelby County Law and Equity Court, and the Judge thereof shall have the same powers and authority, including punishment for contempt as is or hereafter may be conferred upon the judges of the Circuit Courts of Alabama, unless otherwise provided in this Act.

Section 24: The Judge of The Shelby County Law and Equity Court shall have the power and the authority to secure the services of a competent Court Reporter to attend the sessions of the Court and report all cases tried when request therefore is made by any party to the suit. The reporter shall serve at the will and pleasure of the Judge of said Court. The Reporter shall receive a minimum of \$10.00 and a maximum of \$25.00 for each day, or fraction thereof, that he or she is called upon to serve, to be paid out of the County Treasury of the County on a warrant drawn thereon by the Judge of said Court and in addition he or she shall receive for his or her own use from the parties interested, at their request, fifteen cents (15c) per hundred words for making a transcript of evidence taken by such reporter and appending thereto his or her certificate to the correctness of the same; and five cents (5c) per hundred words for each copy thereof, to be paid to said Reporter in advance, upon ordering such transcript or copy thereof. The Reporter shall be required to keep his or her notes for public use and inspection.

Section 25: That from and after the passage of this Act all fines and forfeitures assessed and collected in said court shall be deposited in the General Fund of Shelby County, Alabama, except as otherwise provided by law.

Section 26: That claims accruing in the Shelby County Law and Equity Court will be claims against said fund, and such claims must be paid in the order in which they are registered, as provided by law.

Section 27: It shall be the duty of the clerk of said Court to keep a record upon which shall be recorded all affidavits made before the judge, clerk or solicitor of said court, or returnable by a justice of the peace, to said court, and if any of said affidavits should be lost or destroyed, a certified copy of the said record shall be used the same as

the original affidavit and for recording each of said affidavits, the clerk shall receive a fee of seventy-five cents to be taxed as costs in case of the defendant's conviction.

Section 28: Judgments or decrees rendered by the Shelby County Law and Equity Court shall be a lien on the property of the judgment debtor which is subject to levy and sale under execution in the same manner and for the same period of time as is now, or as hereafter may be, provided by law for courts of record of this state upon the filing in the office of a Judge of Probate of a certificate of the said judgment or decree issued by the Clerk or Register of the said court as it now, or as hereafter may be, provided by law; and the said judgment or decree may be revived in the manner now, or as hereafter may be, provided by law.

Section 29: The venue of any case in the said Shelby County Law and Equity Court may be changed to other counties as it is now, or as it hereafter may be, provided by law for the several Circuit Courts of like jurisdiction.

Section 30: That final judgments rendered in said court shall, after the expiration of thirty days from their rendition, be taken and deemed to have passed beyond the control of said court, as if the term of court at which judgments were rendered had ended, provided, however, that nothing herein contained shall prevent the parties applying for a new trial or rehearing within thirty days, or change or destroy the office of motion for new trials or rehearings, when so made, or shall prevent parties from applying to the court for rehearing under statutes authorizing applications for rehearing in the Circuit Court.

Section 31: That there shall be taxed against the defendant on conviction the same solicitor's fee and the same shall be collected in the way provided by law for taxing and collecting solicitor's fees in the Circuit Court, and when collected shall be paid into the treasury of Shelby County, Alabama.

Section 32: That the County Court and the Juvenile Court of Shelby County are hereby abolished, and from the passage and approval of this Act shall no longer exist, and no officer of this State shall collect any fees or salaries because of said Courts, or for service rendered in said courts, and all cases pending in said County Court and Juvenile Court, when this Act becomes law, shall immediately become pending upon the docket of the Shelby County Law and Equity Court, as though originally brought in said Court, and shall be called for trial on the first Monday in the month, following the effective date of this act.

Section 33: That a trial tax of three dollars (\$3.00) shall be imposed in each case, civil, criminal and equity, which is docketed in said Shelby County Law and Equity Court, to be taxed and collected as other costs, and when collected, to be paid by the Clerk or Register of said Shelby County Law and Equity Court into the general funds of the county as other costs, provided, however, that in civil cases at law where the amount involved is Fifty Dollars or less, a trial tax of only \$1.00 shall be imposed and collected, provided further that in all criminal cases where the defendant is charged with violating any of the provisions of Title 36 of the 1940 Code of Alabama and pleads guilty, no trial tax shall be imposed or collected.

Section 34: There shall also be taxed as costs the sum of One Dollar (\$1.00) in each case, civil, criminal and equity, which is dock-

eted in said Shelby County Law and Equity Court, which costs shall be collected as other costs in such cases are collected, and when collected by the Clerk of said Court, shall be paid by him to the Treasurer of Shelby County, Alabama, as hereinafter provided. The Treasurer of said County shall keep said sums in a separate fund designated as the "Shelby County Law Library Fund", and shall be expended by the Judge of Shelby County Law and Equity Court, for establishing and maintaining a Public Law Library.

Said Judge shall draw warrants on the Treasurer for expenditures by him indicating on the warrants the fund against which the warrants are drawn. Said fund shall be used primarily to lease or purchase, from time to time, under conditional sales contracts in anticipation of future revenue under this Act, or otherwise, as the said Judge may deem expedient, such books and periodicals, and to pay the salaries of such personnel, as may in the opinion of the said Judge be advisable, but to the extent not so used such funds may be otherwise expended for the maintenance of said Library. The management of the said Law Library is vested in said Judge and all books or other property purchased with the funds produced by this Act shall be the property of Shelby County, Alabama; provided, however, that the said Judge may from time to time, sell at public or private sale or exchange any such books, reports, periodicals, and personal property, and apply the proceeds from the sale thereof, or the value thereof, upon the purchase of other books, reports, periodicals and personal property for use in said Library, and said Judge may accept any gift or loan of any books, reports, periodicals and property for public use in said Library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said Judge. Said Judge may appoint such personnel as may in his opinion be necessary or proper to operate said Library, and, to the extent that in the opinion of said Judge the circumstances permit, may require the Clerk and/or the Register and/or the official Court Reporter to operate the same or to assist therein, either with or without additional compensation therefor from said fund as the said Judge shall direct.

The said items of cost above referred to shall be designated in said Court as "Law Library Fee", and when any part of the costs in such a case or proceeding shall have been paid, the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of cost. On or before the 10th day of each month, the Clerk of the Court (including the Register of said court) shall pay to the said County Treasurer the amounts collected for said Law Library fees previous to the first day of the month.

Section 35: Witnesses summoned and attending the Shelby County Law and Equity Court shall be entitled to the same per diem and mileage as are paid witnesses in the Circuit Court of Shelby County, Alabama.

Section 36: That the Ex-Officio Clerk of the Shelby County Law and Equity Court shall receive as ex-officio fees for ex-officio duties performed as Clerk of the Shelby County Law and Equity Court the same amount which he is paid by the Circuit Court as provided by Title 11, Section 4, 1940 Code of Alabama, as amended. Such sum to be paid in twelve monthly installments out of the General Fund of Shelby County, Ala.

Section 37: That the Clerk and Register, with the approval of the Judge of said Court, are hereby authorized and required to pur-

chase all necessary furnishings, records, stationery and supplies for the equipment and maintenance of said court, and the same shall be paid out of the county treasury upon warrants drawn by the Judge and signed by the clerk.

Section 38: That if, for any reason, any section, provision or clause of this Act shall be held to be unconstitutional or invalid, that fact shall not destroy the constitutionality of this Act except as to that clause or section.

Section 39: That all laws in conflict with this Act are hereby repealed.

Section 40: That this Act upon its passage and approval by the Governor or its otherwise becoming law, shall become effective on January 1, 1960.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA

#### COUNTY OF SHELBY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Luther Fowler, who, being by me first duly sworn, deposes and says that during the times here-in mentioned he was publisher of the Shelby County Reporter, a newspaper of general circulation published in Shelby County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on October 1, October 8, October 15 and October 22, all in the year 1959.

LUTHER FOWLER

Sworn to and subscribed before me October 23, 1959.

CONRAD M. FOWLER,  
Judge of Probate

By Mr. Salter:

H. 1080. To provide for special meetings of the boards of education of all counties having a population of not less than 21,000 nor more than 22,000, according to the most recent federal decennial census.

Local Legislation No. 1.

By Mr. Smith (St. Clair) (with notice and proof):

H. 1081. To alter or rearrange the boundary lines of the Town of Springville, St. Clair County, Alabama, so as to include within the Corporate limits of said Town all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1081:

#### LEGAL NOTICE

Notice is hereby given that a bill, substantially as follows, will be introduced for enactment into law by the present Legislature of the State of Alabama.



**AN ACT**

To alter or rearrange the boundary lines of the Town of Springville, St. Clair County, Alabama, so as to include within the Corporate Limits of said Town all territory now within such Corporate Limits and also certain other territory in St. Clair County, Alabama.

**Be It Enacted by the Legislature of Alabama:****Section I.**

That the boundary lines of the Town of Springville, St. Clair County, Alabama, be and the same are altered or rearranged so as to include within the Corporate Limits of said Town all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama, described as follows:

Southwest Quarter of Southwest Quarter of Section 31, Township 14, Range 2 East; Southeast diagonal Half of Southwest Quarter of Southeast Quarter, and the East Half of the Southeast Quarter of Section 30, Township 14, Range 2 East; Also, All that portion of the Northeast Quarter of the Southwest Quarter lying North of U. S. Highway No. 11, in Section 29, and the Southwest Quarter of Section 29, in Township 14, Range 2 East, except that portion lying South of U. S. Highway No. 11; Also, East Half of Section 36, and the Southeast Quarter of the Southeast Quarter of Section 25, in Township 14, Range 1 East, and Also, The South Half of the Southwest Quarter of Section 30, Township 14, Range 2 East, all situated in St. Clair County, Alabama.

**Section II.**

That the boundaries as set out in Section I, of this Act, be and the same are hereby established as the Corporate Limits of the Town of Springville, St. Clair County, Alabama, and all the territory included and embraced in said boundaries shall hereafter be and constitute the Town of Springville, St. Clair County, Alabama.

**Section III.**

This Act shall go into effect immediately upon the passage and approval by the Governor.

**AFFIDAVIT OF PUBLISHER**

**STATE OF ALABAMA**  
**ST. CLAIR COUNTY**

On this 14th day of Oct. 1959, personally appeared before me Ethel Blair, Notary Public, in and for the County and State aforesaid, Pat Granette, who being duly sworn according to Law, declares that she is Bookkeeper of the "St. Clair News-Aegis," a newspaper published in the city of Pell City, in the County of St. Clair, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in the "St. Clair News-Aegis" on the following dates: 9/17-24-10/1.

**PAT GRANETTE.**

Subscribed and sworn to before me, this 14th day of October, A. D., 1959.

**ETHEL G. BLAIR,**  
Notary Public.

## BILLS ON THIRD READING

## H. 718 INDEFINITELY POSTPONED

On motion of Mr. Self, the bill, H. 718, was indefinitely postponed.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Callahan to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 437, was adopted.

And the Bill:

H. 437. To create an additional judgeship for, and a domestic relations division of, the Sixth Judicial Circuit of Alabama; defining its jurisdiction and authority; and providing that the judge of the domestic relations division of the Circuit Court shall be ex-officio judge of the Juvenile Court.

Was read a third time at length and passed, and ordered sent forthwith to the Senate with engrossment.

Yeas 75; Nays 0.

## Yeas:

|                 |             |                    |                   |
|-----------------|-------------|--------------------|-------------------|
| Mr. Speaker     | Copeland    | Hocklander         | Perry             |
| Adams (Houston) | Cornett     | Ingram             | Phillips          |
| Albea           | Daniel      | Jenkins            | Pierce            |
| Ashworth        | Dodd        | Johnson (Hardaway) | Powell            |
| Barnett         | Edwards     | Johnston (Leonard) | Ramey             |
| Bassett         | Faulk       | Jones (Covington)  | Rast              |
| Bevill          | Ferguson    | Jones (Monroe)     | Ray               |
| Bishop          | Franklin    | Lee                | Rogers            |
| Boyd            | Gilmer      | Locke              | Rozelle           |
| Brewer          | Glass       | Long (Lauderdale)  | Self              |
| Broadfoot       | Goldthwaite | Long (Perry)       | Sessions          |
| Brooks          | Goodwyn     | McCorquodale       | Smith (Russell)   |
| Cabiness        | Gordon      | McLendon (Bullock) | Smith (St. Clair) |
| Callahan        | Gross       | Merrill            | Steagall          |
| Camp            | Grouby      | Morrow             | Taylor            |
| Casey           | Harris      | Murphy             | Thomas            |
| Cates           | Harvey      | Nettles            | Trimmier          |
| Chambers        | Hawkins     | Nichols            | Turner            |
| Cook            | Hearn       | Oden               |                   |

—75

And the Bill:

H. 924. To provide for payment by the county of expenses incurred in the operations of the office of county superintendent of education, county commissioner of education, commissioner of public instruction, commissioner of public schools, or other like officer of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Cornett     | Hawkins                       | Oden                         |
| Adams <sup>(Houston)</sup> | Daniel      | Hearn                         | Perry                        |
| Albea                      | Dickson     | Hocklander                    | Phillips                     |
| Ashworth                   | Dodd        | Ingram                        | Pierce                       |
| Bailey                     | Edwards     | Jenkins                       | Powell                       |
| Barnett                    | Faulk       | Johnson <sup>(Hardaway)</sup> | Ramey                        |
| Bassett                    | Ferguson    | Johnston <sup>(Leonard)</sup> | Rast                         |
| Bevill                     | Franklin    | Jones <sup>(Covington)</sup>  | Ray                          |
| Bishop                     | Gilchrist   | Jones <sup>(Monroe)</sup>     | Rogers                       |
| Boyd                       | Gilmer      | Lee                           | Rozelle                      |
| Branyon                    | Glass       | Locke                         | Self                         |
| Brewer                     | Goldthwaite | Long <sup>(Lauderdale)</sup>  | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Gordon      | Long <sup>(Perry)</sup>       | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Grant       | McCorquodale                  | Solomon                      |
| Camp                       | Gross       | McLendon <sup>(Bullock)</sup> | Steagall                     |
| Casey                      | Guthrie     | Martin                        | Taylor                       |
| Cates                      | Hain        | Merrill                       | Thomas                       |
| Chambers                   | Hankins     | Murphy                        | Trimmier                     |
| Cook                       | Hardy       | Nichols                       | Turner                       |
| Copeland                   | Harvey      | Oakley                        |                              |

—79

And the Bill:

H. 940. To extend, alter, and rearrange the boundary lines and corporate limits of the City of Clanton, in Chilton County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Ingram                         | Phillips                     |
| Adams <sup>(Houston)</sup> | Dickson     | Jenkins                        | Pierce                       |
| Albea                      | Dodd        | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Ashworth                   | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Barnett                    | Faulk       | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Bassett                    | Ferguson    | Jones <sup>(Covington)</sup>   | Ray                          |
| Bevill                     | Franklin    | Jones <sup>(Monroe)</sup>      | Rogers                       |
| Bishop                     | Gilchrist   | Lee                            | Rozelle                      |
| Boyd                       | Glass       | Long <sup>(Perry)</sup>        | Salter                       |
| Branyon                    | Goldthwaite | McCorquodale                   | Self                         |
| Brewer                     | Gordon      | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Broadfoot                  | Grant       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Gross       | Merrill                        | Solomon                      |
| Cabiness                   | Guthrie     | Morrow                         | Steagall                     |
| Camp                       | Hankins     | Murphy                         | Sullivan                     |
| Cates                      | Harris      | Nettles                        | Taylor                       |
| Chambers                   | Harvey      | Nichols                        | Thomas                       |
| Cook                       | Hawkins     | Oden                           | Trimmier                     |
| Copeland                   | Hearn       | Owens                          | Turner                       |
| Cornett                    | Hocklander  | Perry                          |                              |

—79

And the Bill:

H. 956. To extend the boundary lines of the Town of Trinity, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

**Yeas:**

|                            |             |                                |                            |
|----------------------------|-------------|--------------------------------|----------------------------|
| Mr. Speaker                | Dodd        | Hearn                          | Owens                      |
| Adams <sup>(Houston)</sup> | Edwards     | Ingram                         | Perry                      |
| Albea                      | Faulk       | Jenkins                        | Phillips                   |
| Ashworth                   | Ferguson    | Johnson <sup>(Hardaway)</sup>  | Pierce                     |
| Bailey                     | Franklin    | Johnson <sup>(J. T. Tom)</sup> | Powell                     |
| Barnett                    | Gilchrist   | Johnston <sup>(Leonard)</sup>  | Ramey                      |
| Bassett                    | Gilmer      | Jones <sup>(Covington)</sup>   | Rast                       |
| Bevill                     | Glass       | Jones <sup>(Monroe)</sup>      | Ray                        |
| Bishop                     | Goldthwaite | Lee                            | Rogers                     |
| Boyd                       | Goodwyn     | Locke                          | Rozelle                    |
| Branyon                    | Gordon      | Long <sup>(Perry)</sup>        | Salter                     |
| Brewer                     | Grant       | McCorquodale                   | Self                       |
| Broadfoot                  | Gross       | McLendon <sup>(Bullock)</sup>  | Sessions                   |
| Brooks                     | Grouby      | Martin                         | Smith <sup>(Russell)</sup> |
| Cabiness                   | Guthrie     | Merrill                        | Solomon                    |
| Camp                       | Hain        | Morrow                         | Steagall                   |
| Chambers                   | Hankins     | Murphy                         | Sullivan                   |
| Cook                       | Hardy       | Nettles                        | Taylor                     |
| Copeland                   | Harris      | Nichols                        | Thomas                     |
| Cornett                    | Harvey      | Oakley                         | Trimmier                   |
| Daniel                     | Hawkins     | Oden                           | Turner                     |
| Dickson                    |             |                                |                            |

—85

And the Bill:

S. 377. To extend, alter and rearrange the boundary and corporate limits of the City of Union prings, in Bullock County, Alabama.

Was read a third time at length and passed.

Yeas 85; Nays 0.

**Yeas:**

|                            |             |                                |                            |
|----------------------------|-------------|--------------------------------|----------------------------|
| Mr. Speaker                | Edwards     | Ingram                         | Perry                      |
| Adams <sup>(Houston)</sup> | Faulk       | Jenkins                        | Phillips                   |
| Albea                      | Ferguson    | Johnson <sup>(Hardaway)</sup>  | Pierce                     |
| Ashworth                   | Franklin    | Johnson <sup>(J. T. Tom)</sup> | Powell                     |
| Bailey                     | Gilchrist   | Johnston <sup>(Leonard)</sup>  | Ramey                      |
| Barnett                    | Gilmer      | Jones <sup>(Covington)</sup>   | Rast                       |
| Bassett                    | Glass       | Jones <sup>(Monroe)</sup>      | Ray                        |
| Bevill                     | Goldthwaite | Lee                            | Roberts                    |
| Bishop                     | Goodwyn     | Locke                          | Rogers                     |
| Boyd                       | Grant       | Long <sup>(Perry)</sup>        | Rozelle                    |
| Brewer                     | Gross       | McCorquodale                   | Salter                     |
| Broadfoot                  | Grouby      | McLendon <sup>(Bullock)</sup>  | Self                       |
| Brooks                     | Guthrie     | Martin                         | Sessions                   |
| Cabiness                   | Hain        | Merrill                        | Smith <sup>(Russell)</sup> |
| Camp                       | Hankins     | Morrow                         | Solomon                    |
| Chambers                   | Hardy       | Murphy                         | Steagall                   |
| Cook                       | Harris      | Nettles                        | Sullivan                   |
| Copeland                   | Harvey      | Nichols                        | Taylor                     |
| Cornett                    | Hawkins     | Oakley                         | Thomas                     |
| Daniel                     | Hearn       | Oden                           | Trimmier                   |
| Dickson                    | Hocklander  | Owens                          | Turner                     |
| Dodd                       |             |                                |                            |

—85

And the Bill:

S. 379. To authorize and empower the board of revenue, court of county commissioners, or other like governing body of Talladega County, in its discretion, to provide branch offices in the City of Sylacauga for the use of the judge of probate, tax assessor, tax collector, sheriff, or their clerks or deputies, or other officers of Talladega County, in the performance of their official duties; and to authorize and empower the governing body of Talladega County to furnish office space, clerical assistance, equipment, and supplies necessary for the proper and efficient operation of such branch offices and to adopt rules and regulations governing the operation of such branch offices.

Was read a third time at length and passed.

Yeas 82; Nays 0.

**Yeas:**

|                            |             |                                |          |
|----------------------------|-------------|--------------------------------|----------|
| Mr. Speaker                | Edwards     | Jenkins                        | Owens    |
| Adams <sup>(Houston)</sup> | Faulk       | Johnson <sup>(Hardaway)</sup>  | Perry    |
| Albea                      | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Phillips |
| Ashworth                   | Franklin    | Johnston <sup>(Leonard)</sup>  | Pierce   |
| Bailey                     | Gilchrist   | Jones <sup>(Covington)</sup>   | Powell   |
| Barnett                    | Gilmer      | Jones <sup>(Monroe)</sup>      | Ramey    |
| Bassett                    | Glass       | Lee                            | Rast     |
| Bevill                     | Goldthwaite | Locke                          | Ray      |
| Bishop                     | Gordon      | Long <sup>(Lauderdale)</sup>   | Roberts  |
| Boyd                       | Gross       | Long <sup>(Perry)</sup>        | Rogers   |
| Brewer                     | Grouby      | McCorquodale                   | Rozelle  |
| Broadfoot                  | Guthrie     | McLendon <sup>(Bullock)</sup>  | Salter   |
| Brooks                     | Hain        | Martin                         | Self     |
| Cabiness                   | Hankins     | Merrill                        | Sessions |
| Camp                       | Hardy       | Morrow                         | Solomon  |
| Chambers                   | Harris      | Murphy                         | Sullivan |
| Cook                       | Harvey      | Nettles                        | Taylor   |
| Copeland                   | Hawkins     | Nichols                        | Thomas   |
| Daniel                     | Hearn       | Oakley                         | Trimmier |
| Dickson                    | Hocklander  | Oden                           | Turner   |
| Dodd                       | Ingram      |                                |          |

—82

And the Bill:

H. 946. For the relief of C. D. Chiles; providing that the Board of Managers of the City of Birmingham Retirement and Relief System, established by Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama of 1951, page 1579, et seq.) shall have four months from the effective date of this Act in which to take action on C. D. Chiles' pending application for extraordinary disability allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

**Yeas:**

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Mr. Speaker                | Barnett | Branyon   | Camp     |
| Adams <sup>(Houston)</sup> | Bassett | Brewer    | Chambers |
| Albea                      | Bevill  | Broadfoot | Cook     |
| Ashworth                   | Bishop  | Brooks    | Copeland |
| Bailey                     | Boyd    | Cabiness  | Cornett  |

|             |                     |                    |          |
|-------------|---------------------|--------------------|----------|
| Daniel      | Hankins             | Long (Perry)       | Ramey    |
| Dickson     | Hardy               | McCorquodale       | Ray      |
| Dodd        | Harris              | McLendon (Bullock) | Roberts  |
| Edwards     | Harvey              | Martin             | Rogers   |
| Faulk       | Hawkins             | Merrill            | Rozelle  |
| Ferguson    | Hearn               | Morrow             | Salter   |
| Franklin    | Hocklander          | Murphy             | Self     |
| Gilchrist   | Ingram              | Nettles            | Sessions |
| Gilmer      | Johnson (Hardaway)  | Oakley             | Solomon  |
| Glass       | Johnson (J. T. Tom) | Oden               | Steagall |
| Goldthwaite | Johnston (Leonard)  | Owens              | Sullivan |
| Gordon      | Jones (Covington)   | Perry              | Taylor   |
| Gross       | Jones (Monroe)      | Phillips           | Thomas   |
| Grouby      | Lee                 | Pierce             | Trimmier |
| Guthrie     | Locke               | Powell             | Turner   |
| Hain        |                     |                    |          |

—81

And the Bill:

H. 947. To alter, rearrange, and extend the corporate limits of the City of Birmingham, Jefferson County, so as to include within the corporate limits of said City of Birmingham certain additional territory.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

**Yeas:**

|                 |            |                     |                   |
|-----------------|------------|---------------------|-------------------|
| Mr. Speaker     | Dickson    | Johnson (Hardaway)  | Pierce            |
| Adams (Houston) | Dodd       | Johnson (J. T. Tom) | Powell            |
| Albea           | Edwards    | Johnston (Leonard)  | Ramey             |
| Ashworth        | Faulk      | Jones (Covington)   | Rast              |
| Bailey          | Ferguson   | Jones (Monroe)      | Ray               |
| Barnett         | Franklin   | Locke               | Roberts           |
| Bassett         | Gilchrist  | Long (Perry)        | Rogers            |
| Bevill          | Gilmer     | McCorquodale        | Rozelle           |
| Bishop          | Glass      | McLendon (Bullock)  | Salter            |
| Boyd            | Gordon     | Martin              | Self              |
| Branyon         | Gross      | Merrill             | Sessions          |
| Brewer          | Guthrie    | Morrow              | Smith (Russell)   |
| Broadfoot       | Hain       | Murphy              | Smith (St. Clair) |
| Brooks          | Hankins    | Nettles             | Solomon           |
| Cabiness        | Hardy      | Nichols             | Steagall          |
| Camp            | Harris     | Oakley              | Sullivan          |
| Chambers        | Harvey     | Oden                | Taylor            |
| Cook            | Hawkins    | Owens               | Thomas            |
| Copeland        | Hearn      | Perry               | Trimmier          |
| Cornett         | Hocklander | Phillips            | Turner            |
| Daniel          | Ingram     |                     |                   |

—82

And the Bill:

S. 387. To alter and re-arrange the boundary lines of the City of Homewood, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Was read a third time at length and passed.

Yeas 84; Nays 0.

**Yeas:**

|             |             |                     |                   |
|-------------|-------------|---------------------|-------------------|
| Mr. Speaker | Dodd        | Ingram              | Phillips          |
| Albea       | Edwards     | Jenkins             | Pierce            |
| Ashworth    | Faulk       | Johnson (Hardaway)  | Powell            |
| Bailey      | Ferguson    | Johnson (J. T. Tom) | Ramey             |
| Barnett     | Franklin    | Johnston (Leonard)  | Rast              |
| Bassett     | Gilchrist   | Jones (Covington)   | Ray               |
| Bevill      | Gilmer      | Jones (Monroe)      | Roberts           |
| Bishop      | Glass       | Lee                 | Rogers            |
| Boyd        | Goldthwaite | Long (Perry)        | Rozelle           |
| Branyon     | Gordon      | McCorquodale        | Salter            |
| Brewer      | Gross       | McLendon (Bullock)  | Self              |
| Broadfoot   | Grouby      | Martin              | Sessions          |
| Brooks      | Guthrie     | Merrill             | Smith (Russell)   |
| Cabiness    | Hain        | Morrow              | Smith (St. Clair) |
| Camp        | Hankins     | Murphy              | Solomon           |
| Chambers    | Hardy       | Nettles             | Steagall          |
| Cook        | Harris      | Nichols             | Sullivan          |
| Copeland    | Harvey      | Oakley              | Taylor            |
| Cornett     | Hawkins     | Oden                | Thomas            |
| Daniel      | Hearn       | Owens               | Trimmier          |
| Dickson     | Hocklander  | Perry               | Turner            |

—84

And the Bill:

H. 974. To amend Sections 1, 2, 3, 4, 7, 8, 10 and 12 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama, approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433) relative to privilege or license taxes and excise taxes in Lauderdale County and in the City of Florence, Lauderdale County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Dickson     | Hearn               | Oakley            |
| Adams (Houston) | Dodd        | Hocklander          | Oden              |
| Albea           | Edwards     | Ingram              | Owens             |
| Ashworth        | Faulk       | Jenkins             | Phillips          |
| Bailey          | Ferguson    | Johnson (Hardaway)  | Pierce            |
| Barnett         | Franklin    | Johnson (J. T. Tom) | Powell            |
| Bassett         | Gilchrist   | Johnston (Leonard)  | Rast              |
| Bevill          | Gilmer      | Jones (Covington)   | Ray               |
| Bishop          | Glass       | Jones (Monroe)      | Roberts           |
| Boyd            | Goldthwaite | Lee                 | Rogers            |
| Branyon         | Gordon      | Locke               | Rozelle           |
| Brewer          | Grant       | Long (Lauderdale)   | Salter            |
| Broadfoot       | Gross       | Long (Perry)        | Self              |
| Brooks          | Grouby      | McCorquodale        | Smith (St. Clair) |
| Cabiness        | Guthrie     | McLendon (Bullock)  | Solomon           |
| Camp            | Hain        | Martin              | Steagall          |
| Chambers        | Hankins     | Merrill             | Sullivan          |
| Cook            | Hardy       | Morrow              | Taylor            |
| Copeland        | Harris      | Murphy              | Thomas            |
| Cornett         | Harvey      | Nettles             | Trimmier          |
| Daniel          | Hawkins     | Nichols             | Turner            |

—84

And the Bill:

H. 965. Relating to Butler County; authorizing the governing body of the county to furnish fuel and necessary equipment for the preparation and storing of food for prisoners held in The Butler County Jail by the Sheriff.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

**Yeas:**

|                            |             |                                |          |
|----------------------------|-------------|--------------------------------|----------|
| Mr. Speaker                | Edwards     | Jenkins                        | Perry    |
| Adams <sup>(Houston)</sup> | Faulk       | Johnson <sup>(Hardaway)</sup>  | Phillips |
| Albea                      | Franklin    | Johnson <sup>(J. T. Tom)</sup> | Pierce   |
| Ashworth                   | Gilchrist   | Johnston <sup>(Leonard)</sup>  | Powell   |
| Bailey                     | Gilmer      | Jones <sup>(Covington)</sup>   | Ramey    |
| Barnett                    | Glass       | Jones <sup>(Monroe)</sup>      | Rast     |
| Bassett                    | Goldthwaite | Lee                            | Ray      |
| Bevill                     | Goodwyn     | Locke                          | Roberts  |
| Bishop                     | Gordon      | Long <sup>(Lauderdale)</sup>   | Rogers   |
| Boyd                       | Grant       | Long <sup>(Perry)</sup>        | Rozelle  |
| Branyon                    | Gross       | McCorquodale                   | Salter   |
| Brooks                     | Grouby      | Martin                         | Self     |
| Cabiness                   | Guthrie     | Merrill                        | Sessions |
| Camp                       | Hain        | Morrow                         | Solomon  |
| Chambers                   | Hankins     | Murphy                         | Steagall |
| Cook                       | Hardy       | Nettles                        | Sullivan |
| Copeland                   | Harris      | Nichols                        | Taylor   |
| Cornett                    | Harvey      | Oakley                         | Thomas   |
| Daniel                     | Hawkins     | Oden                           | Trimmier |
| Dickson                    | Hocklander  | Owens                          | Turner   |
| Dodd                       | Ingram      |                                |          |

—82

And the Bill:

H. 966. For the relief of The United Telephone & Telegraph Co., and to authorize and direct The Court of County Commissioners of Butler County, Alabama, to pay to the said United Telephone & Telegraph Co., the sum of FOUR HUNDRED FORTY DOLLARS AND THIRTY-EIGHT CENTS (\$440.38) for damages to telephone lines owned by the said United Telephone & Telegraph Co.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

**Yeas:**

|                            |          |           |         |
|----------------------------|----------|-----------|---------|
| Mr. Speaker                | Boyd     | Daniel    | Grant   |
| Adams <sup>(Houston)</sup> | Branyon  | Dickson   | Gross   |
| Albea                      | Brewer   | Dodd      | Grouby  |
| Ashworth                   | Brooks   | Edwards   | Guthrie |
| Avery                      | Cabiness | Faulk     | Hain    |
| Bailey                     | Camp     | Franklin  | Hankins |
| Barnett                    | Cates    | Gilchrist | Hardy   |
| Bassett                    | Cook     | Gilmer    | Harris  |
| Bevill                     | Copeland | Glass     | Harvey  |
| Bishop                     | Cornett  | Gordon    | Hawkins |



|                     |                    |          |          |
|---------------------|--------------------|----------|----------|
| Hearn               | McCorquodale       | Perry    | Salter   |
| Hocklander          | McLendon (Bullock) | Phillips | Self     |
| Ingram              | Martin             | Pierce   | Sessions |
| Jenkins             | Merrill            | Powell   | Solomon  |
| Johnson (Hardaway)  | Morrow             | Ramey    | Steagall |
| Johnson (J. T. Tom) | Murphy             | Rast     | Sullivan |
| Johnston (Leonard)  | Nettles            | Ray      | Taylor   |
| Jones (Monroe)      | Nichols            | Roberts  | Thomas   |
| Lee                 | Oakley             | Rogers   | Trimmier |
| Locke               | Oden               | Rozelle  | Turner   |
| Long (Perry)        | Owens              |          |          |

—82

And the Bill:

H. 972. To further amend Section Two of Act No. 538, Local Acts of the Legislature, 1939, approved September 16, 1939, which said Section Two was amended by Act No. 651 of the Legislature of 1947, approved October 9, 1947, which said Act No. 538 established in Geneva County, Alabama, a Court of Record to be known as the "Inferior Court of Geneva County"; and to provide that said Court have limited equity jurisdiction and to provide for a Register of said Court and a stenographer for the Judge of said Court and fix her salary.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

**Yeas:**

|                 |             |                     |                 |
|-----------------|-------------|---------------------|-----------------|
| Mr. Speaker     | Dodd        | Ingram              | Perry           |
| Adams (Houston) | Edwards     | Jenkins             | Phillips        |
| Albea           | Faulk       | Johnson (Hardaway)  | Pierce          |
| Ashworth        | Franklin    | Johnson (J. T. Tom) | Powell          |
| Avery           | Gilchrist   | Johnston (Leonard)  | Ramey           |
| Bailey          | Gilmer      | Jones (Covington)   | Rast            |
| Barnett         | Glass       | Jones (Monroe)      | Ray             |
| Bassett         | Goldthwaite | Lee                 | Roberts         |
| Bevill          | Gordon      | Locke               | Rogers          |
| Bishop          | Grant       | Long (Lauderdale)   | Rozelle         |
| Boyd            | Gross       | Long (Perry)        | Salter          |
| Branyon         | Grouby      | McCorquodale        | Self            |
| Brewer          | Guthrie     | McLendon (Bullock)  | Sessions        |
| Broadfoot       | Hain        | Martin              | Smith (Russell) |
| Cabiness        | Hankins     | Merrill             | Solomon         |
| Camp            | Hardy       | Morrow              | Steagall        |
| Cates           | Harris      | Murphy              | Sullivan        |
| Chambers        | Harvey      | Nettles             | Taylor          |
| Cook            | Hawkins     | Oakley              | Thomas          |
| Cornett         | Hearn       | Oden                | Trimmier        |
| Daniel          | Hocklander  | Owens               | Turner          |
| Dickson         |             |                     |                 |

—85

And the Bill:

S. 389. To regulate the duties and compensation of certain deputy sheriffs for Bullock County.

Was read a third time at length and passed.

Yeas 82; Nays 0.

**Yeas:**

|                            |             |                               |          |
|----------------------------|-------------|-------------------------------|----------|
| Mr. Speaker                | Daniel      | Hocklander                    | Perry    |
| Adams <sup>(Houston)</sup> | Dickson     | Ingram                        | Phillips |
| Albea                      | Dodd        | Jenkins                       | Pierce   |
| Ashworth                   | Edwards     | Johnson <sup>(Hardaway)</sup> | Powell   |
| Bailey                     | Faulk       | Jones <sup>(Covington)</sup>  | Ramey    |
| Barnett                    | Franklin    | Jones <sup>(Monroe)</sup>     | Rast     |
| Bassett                    | Gilchrist   | Lee                           | Ray      |
| Bevill                     | Gilmer      | Locke                         | Roberts  |
| Bishop                     | Glass       | Long <sup>(Perry)</sup>       | Rogers   |
| Boyd                       | Goldthwaite | McCorquodale                  | Rozelle  |
| Brannan                    | Gordon      | McLendon <sup>(Bullock)</sup> | Salter   |
| Branyon                    | Grant       | Martin                        | Self     |
| Brewer                     | Gross       | Merrill                       | Sessions |
| Cabiness                   | Guthrie     | Morrow                        | Solomon  |
| Camp                       | Hain        | Murphy                        | Steagall |
| Casey                      | Hankins     | Nettles                       | Sullivan |
| Cates                      | Hardy       | Nichols                       | Taylor   |
| Chambers                   | Harris      | Oakley                        | Thomas   |
| Cook                       | Harvey      | Oden                          | Trimmier |
| Copeland                   | Hawkins     | Owens                         | Turner   |
| Cornett                    | Hearn       |                               |          |

—82

**And the Bill:**

S. 398. To authorize and empower the board of revenue, court of county commissioners, or other like governing body of Talladega County to provide an annual allowance to the sheriff of Talladega County for the purchase of equipment and for the purchase of uniforms for the personnel of the sheriff's department.

Was read a third time at length and passed.

Yeas 88; Nays 0.

**Yeas:**

|                            |             |                                |                            |
|----------------------------|-------------|--------------------------------|----------------------------|
| Mr. Speaker                | Cornett     | Hearn                          | Owens                      |
| Adams <sup>(Houston)</sup> | Daniel      | Hocklander                     | Perry                      |
| Albea                      | Dickson     | Ingram                         | Phillips                   |
| Ashworth                   | Dodd        | Jenkins                        | Pierce                     |
| Avery                      | Edwards     | Johnson <sup>(Hardaway)</sup>  | Powell                     |
| Bailey                     | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ramey                      |
| Barnett                    | Franklin    | Jones <sup>(Covington)</sup>   | Rast                       |
| Bassett                    | Gilchrist   | Jones <sup>(Monroe)</sup>      | Ray                        |
| Bevill                     | Gilmer      | Lee                            | Roberts                    |
| Bishop                     | Glass       | Locke                          | Rogers                     |
| Boyd                       | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Rozelle                    |
| Brannan                    | Gordon      | Long <sup>(Perry)</sup>        | Salter                     |
| Branyon                    | Grant       | McCorquodale                   | Self                       |
| Brewer                     | Gross       | McLendon <sup>(Bullock)</sup>  | Sessions                   |
| Broadfoot                  | Grouby      | Martin                         | Smith <sup>(Russell)</sup> |
| Cabiness                   | Guthrie     | Merrill                        | Solomon                    |
| Camp                       | Hain        | Morrow                         | Steagall                   |
| Casey                      | Hankins     | Murphy                         | Sullivan                   |
| Cates                      | Hardy       | Nettles                        | Taylor                     |
| Chambers                   | Harris      | Nichols                        | Thomas                     |
| Cook                       | Harvey      | Oakley                         | Trimmier                   |
| Copeland                   | Hawkins     | Oden                           | Turner                     |

—88

And the Bill:

H. 923. To provide for the creation of the Tri-County Regional Planning Commission with jurisdiction in Morgan, Lawrence and Limestone Counties, to provide for its composition, organization, rules, procedure, appropriations, membership, terms of office, powers and duties, and for the adoption of a regional plan by such commission.

Was taken up.

Mr. Brewer offered the following amendment to the bill, H. 923:

Amend the bill, House Bill 923, by amending Section 6 thereof to read as follows:

"Section 6. Each county comprising the Commission may appropriate a sum not exceeding one thousand dollars (\$1,000.00) per year to said Commission for its expenses in carrying out the provisions of this act, which appropriation shall be paid by the governing body of each county to said Commission on or before the first day of October of each year following the effective date of this act; and said Commission may hire such personnel, legal and otherwise, as it may deem necessary or expedient in carrying out the provisions of this act.

And the amendment was adopted.

Yeas 89; Nays 0.

**Yeas:**

|                            |           |                                |                            |
|----------------------------|-----------|--------------------------------|----------------------------|
| Mr. Speaker                | Daniel    | Hocklander                     | Owens                      |
| Adams <sup>(Houston)</sup> | Dickson   | Ingram                         | Perry                      |
| Albea                      | Dodd      | Jenkins                        | Phillips                   |
| Ashworth                   | Edwards   | Johnson <sup>(Hardaway)</sup>  | Pierce                     |
| Avery                      | Faulk     | Johnson <sup>(J. T. Tom)</sup> | Powell                     |
| Bailey                     | Ferguson  | Johnston <sup>(Leonard)</sup>  | Ramey                      |
| Barnett                    | Franklin  | Jones <sup>(Covington)</sup>   | Rast                       |
| Bassett                    | Gilchrist | Jones <sup>(Monroe)</sup>      | Ray                        |
| Bevill                     | Gilmer    | Lee                            | Roberts                    |
| Bishop                     | Glass     | Locke                          | Rogers                     |
| Boyd                       | Gordon    | Long <sup>(Lauderdale)</sup>   | Rozelle                    |
| Brannan                    | Grant     | Long <sup>(Perry)</sup>        | Salter                     |
| Branyon                    | Gross     | McCorquodale                   | Self                       |
| Brewer                     | Grouby    | McLendon <sup>(Bullock)</sup>  | Sessions                   |
| Brooks                     | Guthrie   | Martin                         | Smith <sup>(Russell)</sup> |
| Cabiness                   | Hain      | Merrill                        | Solomon                    |
| Camp                       | Hankins   | Morrow                         | Steagall                   |
| Casey                      | Hardy     | Murphy                         | Sullivan                   |
| Cates                      | Harris    | Nettles                        | Taylor                     |
| Chambers                   | Harvey    | Nichols                        | Thomas                     |
| Cook                       | Hawkins   | Oakley                         | Trimmier                   |
| Copeland                   | Hearn     | Oden                           | Turner                     |
| Cornett                    |           |                                |                            |

—89

And said bill, H. 923, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

**Yeas:**

|                            |          |         |         |
|----------------------------|----------|---------|---------|
| Mr. Speaker                | Albea    | Bailey  | Bassett |
| Adams <sup>(Houston)</sup> | Ashworth | Barnett | Bevill  |

|          |            |                                |                            |
|----------|------------|--------------------------------|----------------------------|
| Bishop   | Franklin   | Johnson <sup>(Hardaway)</sup>  | Phillips                   |
| Boyd     | Gilchrist  | Johnson <sup>(J. T. Tom)</sup> | Pierce                     |
| Brannan  | Gilmer     | Johnston <sup>(Leonard)</sup>  | Powell                     |
| Branyon  | Glass      | Jones <sup>(Monroe)</sup>      | Ramey                      |
| Brewer   | Gordon     | Lee                            | Rast                       |
| Brooks   | Grant      | Locke                          | Ray                        |
| Cabiness | Gross      | Long <sup>(Lauderdale)</sup>   | Roberts                    |
| Camp     | Guthrie    | Long <sup>(Perry)</sup>        | Rogers                     |
| Casey    | Hain       | McCorquodale                   | Rozelle                    |
| Chambers | Hankins    | McLendon <sup>(Bullock)</sup>  | Self                       |
| Cook     | Hardy      | Merrill                        | Sessions                   |
| Copeland | Harris     | Morrow                         | Smith <sup>(Russell)</sup> |
| Cornett  | Harvey     | Murphy                         | Steagall                   |
| Daniel   | Hawkins    | Nettles                        | Sullivan                   |
| Dodd     | Hearn      | Nichols                        | Thomas                     |
| Edwards  | Hocklander | Oakley                         | Trimmier                   |
| Faulk    | Ingram     | Owens                          | Turner                     |
| Ferguson | Jenkins    | Perry                          |                            |

—79

And the Bill:

H. 941. Relating to Clarke County; creating the office of Second Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Second Special Deputy.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

**Yeas:**

|                            |             |                                |                            |
|----------------------------|-------------|--------------------------------|----------------------------|
| Mr. Speaker                | Copeland    | Harris                         | Nichols                    |
| Adams <sup>(Houston)</sup> | Cornett     | Harvey                         | Oakley                     |
| Albea                      | Daniel      | Hawkins                        | Oden                       |
| Ashworth                   | Dickson     | Hearn                          | Owens                      |
| Avery                      | Dodd        | Hocklander                     | Phillips                   |
| Bailey                     | Edwards     | Ingram                         | Pierce                     |
| Barnett                    | Faulk       | Jenkins                        | Powell                     |
| Bassett                    | Ferguson    | Johnson <sup>(Hardaway)</sup>  | Ramey                      |
| Bevill                     | Franklin    | Johnson <sup>(J. T. Tom)</sup> | Rast                       |
| Bishop                     | Gilchrist   | Johnston <sup>(Leonard)</sup>  | Ray                        |
| Boyd                       | Gilmer      | Jones <sup>(Covington)</sup>   | Roberts                    |
| Brannan                    | Glass       | Jones <sup>(Monroe)</sup>      | Rogers                     |
| Branyon                    | Goldthwaite | Lee                            | Self                       |
| Brewer                     | Gordon      | Long <sup>(Perry)</sup>        | Smith <sup>(Russell)</sup> |
| Brooks                     | Grant       | McCorquodale                   | Steagall                   |
| Cabiness                   | Gross       | McLendon <sup>(Bullock)</sup>  | Sullivan                   |
| Camp                       | Guthrie     | Martin                         | Taylor                     |
| Casey                      | Hain        | Merrill                        | Thomas                     |
| Cates                      | Hankins     | Murphy                         | Trimmier                   |
| Chambers                   | Hardy       | Nettles                        | Turner                     |
| Cook                       |             |                                |                            |

—81

And the Bill:

H. 942. To amend Section 2 of Act No. 64, S. 11, approved April 13, 1955, entitled "An act relating to Clarke County; creating the office of Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Special Deputy," (Acts of the 1955 second extraordinary session, Vol. 1, Page 175.)

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cornett     | Hawkins                        | Oden                         |
| Adams <sup>(Houston)</sup> | Daniel      | Hearn                          | Owens                        |
| Albea                      | Dickson     | Hocklander                     | Phillips                     |
| Ashworth                   | Dodd        | Ingram                         | Pierce                       |
| Bailey                     | Edwards     | Jenkins                        | Powell                       |
| Barnett                    | Faulk       | Johnson <sup>(Hardaway)</sup>  | Ramey                        |
| Bassett                    | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Bevill                     | Franklin    | Johnston <sup>(Leonard)</sup>  | Ray                          |
| Bishop                     | Gilchrist   | Jones <sup>(Covington)</sup>   | Rogers                       |
| Boyd                       | Gilmer      | Jones <sup>(Monroe)</sup>      | Rozelle                      |
| Brannan                    | Glass       | Lee                            | Self                         |
| Branyon                    | Goldthwaite | Locke                          | Sessions                     |
| Brewer                     | Gordon      | Long <sup>(Perry)</sup>        | Smith <sup>(Russell)</sup>   |
| Brooks                     | Grant       | McCorquodale                   | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Gross       | McLendon <sup>(Bullock)</sup>  | Steagall                     |
| Camp                       | Guthrie     | Martin                         | Sullivan                     |
| Casey                      | Hain        | Merrill                        | Taylor                       |
| Cates                      | Hankins     | Murphy                         | Thomas                       |
| Chambers                   | Hardy       | Nettles                        | Trimmier                     |
| Cook                       | Harris      | Nichols                        | Turner                       |
| Copeland                   | Harvey      | Oakley                         |                              |

—83

**And the Bill:**

H. 971. To prohibit the taking of fish from the public waters of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, with hoop and fyke nets, seines, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines; repealing conflicting laws.

Was taken up.

Messrs. Brewer and Gilchrist offered the following amendment to the bill, H. 971:

Amend the bill, House Bill 971, by striking the word "seines" where same appears in the title thereof, and by striking the word "seine" where same appears in Section 1 thereof.

And the amendment was adopted.

Yeas 80; Nays 0.

**Yeas:**

|                            |           |           |             |
|----------------------------|-----------|-----------|-------------|
| Mr. Speaker                | Brannan   | Cornett   | Goldthwaite |
| Adams <sup>(Houston)</sup> | Branyon   | Daniel    | Gordon      |
| Albea                      | Brewer    | Dickson   | Grant       |
| Ashworth                   | Broadfoot | Dodd      | Gross       |
| Bailey                     | Cabiness  | Edwards   | Grouby      |
| Barnett                    | Camp      | Faulk     | Hain        |
| Bassett                    | Casey     | Ferguson  | Hankins     |
| Bevill                     | Chambers  | Gilchrist | Hardy       |
| Bishop                     | Cook      | Gilmer    | Harris      |
| Boyd                       | Copeland  | Glass     | Hawkins     |

|                                |                               |          |          |
|--------------------------------|-------------------------------|----------|----------|
| Hearn                          | Long <sup>(Perry)</sup>       | Oden     | Rogers   |
| Hocklander                     | McCorquodale                  | Owens    | Rozelle  |
| Ingram                         | McLendon <sup>(Bullock)</sup> | Perry    | Self     |
| Jenkins                        | Martin                        | Phillips | Sessions |
| Johnson <sup>(Hardaway)</sup>  | Merrill                       | Pierce   | Steagall |
| Johnson <sup>(J. T. Tom)</sup> | Morrow                        | Powell   | Sullivan |
| Johnston <sup>(Leonard)</sup>  | Murphy                        | Ramey    | Taylor   |
| Jones <sup>(Covington)</sup>   | Nettles                       | Rast     | Thomas   |
| Jones <sup>(Monroe)</sup>      | Nichols                       | Ray      | Trimmier |
| Locke                          | Oakley                        | Roberts  | Turner   |

—80

And said bill, H. 971, as thus amended, was read a third time at length and passed.

Yeas 77; Nays 1.

**Yeas:**

|             |             |                                |                              |
|-------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker | Daniel      | Hearn                          | Oden                         |
| Albea       | Dickson     | Hocklander                     | Owens                        |
| Ashworth    | Dodd        | Ingram                         | Perry                        |
| Avery       | Edwards     | Jenkins                        | Phillips                     |
| Bailey      | Faulk       | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Bassett     | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Bevill      | Franklin    | Jones <sup>(Covington)</sup>   | Rast                         |
| Bishop      | Gilchrist   | Jones <sup>(Monroe)</sup>      | Ray                          |
| Boyd        | Gilmer      | Locke                          | Roberts                      |
| Brannan     | Glass       | Long <sup>(Perry)</sup>        | Rogers                       |
| Branyon     | Goldthwaite | McCorquodale                   | Self                         |
| Brewer      | Gordon      | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Broadfoot   | Grant       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Cabiness    | Gross       | Merrill                        | Steagall                     |
| Camp        | Grouby      | Morrow                         | Sullivan                     |
| Casey       | Hain        | Murphy                         | Taylor                       |
| Chambers    | Hankins     | Nettles                        | Thomas                       |
| Cook        | Hardy       | Nichols                        | Trimmier                     |
| Copeland    | Harris      | Oakley                         | Turner                       |
| Cornett     |             |                                |                              |

—77

**Nay:** Mr. Harvey

—1

And the Bill:

H. 980. To alter, rearrange and describe the boundary lines and corporate limits of the city of Alexander City, Tallapoosa County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

**Yeas:**

|                            |           |          |             |
|----------------------------|-----------|----------|-------------|
| Mr. Speaker                | Bevill    | Camp     | Dodd        |
| Adams <sup>(Houston)</sup> | Bishop    | Casey    | Edwards     |
| Albea                      | Boyd      | Cates    | Faulk       |
| Ashworth                   | Brannan   | Chambers | Ferguson    |
| Avery                      | Branyon   | Copeland | Franklin    |
| Bailey                     | Brewer    | Cornett  | Gilmer      |
| Barnett                    | Broadfoot | Daniel   | Glass       |
| Bassett                    | Cabiness  | Dickson  | Goldthwaite |

|            |                     |          |                   |
|------------|---------------------|----------|-------------------|
| Gordon     | Jenkins             | Murphy   | Roberts           |
| Grant      | Johnson (Hardaway)  | Nettles  | Rogers            |
| Gross      | Johnson (J. T. Tom) | Nichols  | Rozelle           |
| Grouby     | Johnston (Leonard)  | Oakley   | Self              |
| Guthrie    | Jones (Covington)   | Owens    | Sessions          |
| Hain       | Jones (Monroe)      | Perry    | Smith (St. Clair) |
| Hankins    | Locke               | Phillips | Steagall          |
| Hardy      | Long (Perry)        | Pierce   | Sullivan          |
| Harris     | McCorquodale        | Powell   | Taylor            |
| Harvey     | McLendon (Bullock)  | Ramey    | Thomas            |
| Hearn      | Martin              | Rast     | Trimmier          |
| Hocklander | Merrill             | Ray      | Turner            |
| Ingram     | Morrow              |          |                   |

—82

And the Bill:

H. 985. To alter, rearrange and extend the boundaries and corporate limits of the town of Butler, Choctaw County, so as to incorporate within the town certain additional territory.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Daniel      | Hawkins             | Oden              |
| Adams (Houston) | Dickson     | Hearn               | Owens             |
| Albea           | Dodd        | Hocklander          | Perry             |
| Ashworth        | Edwards     | Ingram              | Phillips          |
| Bailey          | Faulk       | Jenkins             | Pierce            |
| Barnett         | Ferguson    | Johnson (Hardaway)  | Powell            |
| Bassett         | Franklin    | Johnson (J. T. Tom) | Ramey             |
| Bevill          | Gilchrist   | Johnston (Leonard)  | Rast              |
| Bishop          | Gilmer      | Jones (Covington)   | Ray               |
| Boyd            | Glass       | Jones (Monroe)      | Roberts           |
| Brannan         | Goldthwaite | Locke               | Rogers            |
| Branyon         | Gordon      | Long (Perry)        | Rozelle           |
| Brewer          | Grant       | McCorquodale        | Self              |
| Broadfoot       | Gross       | McLendon (Bullock)  | Sessions          |
| Brooks          | Grouby      | Martin              | Smith (St. Clair) |
| Cabiness        | Guthrie     | Merrill             | Steagall          |
| Camp            | Hain        | Morrow              | Sullivan          |
| Casey           | Hankins     | Murphy              | Taylor            |
| Cates           | Hardy       | Nettles             | Thomas            |
| Chambers        | Harris      | Nichols             | Trimmier          |
| Cook            | Harvey      | Oakley              | Turner            |
| Copeland        |             |                     |                   |

—85

And the Bill:

H. 986. To provide additional compensation or salary for the Official Court Reporter of the 22nd Judicial Circuit and providing for the payment thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Copeland    | Harvey                         | Nichols                      |
| Adams <sup>(Houston)</sup> | Cornett     | Hawkins                        | Oakley                       |
| Albea                      | Daniel      | Hearn                          | Oden                         |
| Ashworth                   | Dickson     | Hocklander                     | Owens                        |
| Avery                      | Dodd        | Ingram                         | Perry                        |
| Bailey                     | Edwards     | Jenkins                        | Phillips                     |
| Barnett                    | Faulk       | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Bassett                    | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Bevill                     | Franklin    | Johnston <sup>(Leonard)</sup>  | Ramey                        |
| Bishop                     | Gilchrist   | Jones <sup>(Covington)</sup>   | Rast                         |
| Boyd                       | Gilmer      | Jones <sup>(Monroe)</sup>      | Ray                          |
| Brannan                    | Glass       | Lee                            | Roberts                      |
| Branyon                    | Goldthwaite | Locke                          | Rozelle                      |
| Brewer                     | Gordon      | Long <sup>(Lauderdale)</sup>   | Self                         |
| Broadfoot                  | Grant       | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Gross       | McCorquodale                   | Steagall                     |
| Cabiness                   | Grouby      | McLendon <sup>(Bullock)</sup>  | Sullivan                     |
| Camp                       | Guthrie     | Martin                         | Taylor                       |
| Casey                      | Hain        | Merrill                        | Thomas                       |
| Cates                      | Hankins     | Morrow                         | Trimmier                     |
| Chambers                   | Hardy       | Murphy                         | Turner                       |
| Cook                       | Harris      | Nettles                        |                              |

—87

H. 987. To alter, rearrange and extend the boundaries of the City of Montgomery, Alabama, so as to include within the corporate limits thereof certain additional territory in Sections 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Copeland    | Harvey                         | Oden                         |
| Adams <sup>(Houston)</sup> | Cornett     | Hawkins                        | Owens                        |
| Albea                      | Daniel      | Hearn                          | Perry                        |
| Ashworth                   | Dickson     | Hocklander                     | Phillips                     |
| Avery                      | Dodd        | Jenkins                        | Pierce                       |
| Bailey                     | Edwards     | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Barnett                    | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Bassett                    | Ferguson    | Jones <sup>(Covington)</sup>   | Rast                         |
| Bevill                     | Franklin    | Jones <sup>(Monroe)</sup>      | Ray                          |
| Bishop                     | Gilchrist   | Lee                            | Roberts                      |
| Boyd                       | Glass       | Locke                          | Rogers                       |
| Brannan                    | Goldthwaite | Long <sup>(Perry)</sup>        | Rozelle                      |
| Branyon                    | Goodwyn     | McCorquodale                   | Self                         |
| Brewer                     | Gordon      | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Broadfoot                  | Grant       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Gross       | Merrill                        | Steagall                     |
| Camp                       | Grouby      | Morrow                         | Sullivan                     |
| Casey                      | Guthrie     | Murphy                         | Taylor                       |
| Cates                      | Hain        | Nettles                        | Thomas                       |
| Chambers                   | Hankins     | Nichols                        | Trimmier                     |
| Cook                       | Harris      | Oakley                         | Turner                       |

—84

And the Bill:

H. 988. To abolish the fine and forfeiture fund of Shelby County;



to provide for the payment of all fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Daniel      | Hearn               | Oden              |
| Adams (Houston) | Dickson     | Hocklander          | Owens             |
| Albea           | Dodd        | Ingram              | Perry             |
| Ashworth        | Edwards     | Jenkins             | Phillips          |
| Avery           | Faulk       | Johnson (Hardaway)  | Pierce            |
| Bailey          | Ferguson    | Johnson (J. T. Tom) | Powell            |
| Barnett         | Franklin    | Johnston (Leonard)  | Ramey             |
| Bassett         | Gilchrist   | Jones (Covington)   | Rast              |
| Bevill          | Gilmer      | Jones (Monroe)      | Ray               |
| Bishop          | Glass       | Lee                 | Roberts           |
| Boyd            | Goldthwaite | Locke               | Rogers            |
| Brannan         | Gordon      | Long (Lauderdale)   | Rozelle           |
| Branyon         | Grant       | Long (Perry)        | Self              |
| Broadfoot       | Gross       | McCorquodale        | Sessions          |
| Cabiness        | Grouby      | McLendon (Bullock)  | Smith (St. Clair) |
| Camp            | Guthrie     | Martin              | Steagall          |
| Casey           | Hain        | Merrill             | Sullivan          |
| Cates           | Hankins     | Morrow              | Taylor            |
| Chambers        | Hardy       | Murphy              | Thomas            |
| Cook            | Harris      | Nettles             | Trimmier          |
| Copeland        | Harvey      | Nichols             | Turner            |
| Cornett         | Hawkins     | Oakley              |                   |

—87

And the Bill:

H. 998. To alter, extend and rearrange the boundary lines and corporate limits of the City of Piedmont in Calhoun County, so as to annex certain territory to the city.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

**Yeas:**

|                 |          |             |                     |
|-----------------|----------|-------------|---------------------|
| Mr. Speaker     | Brooks   | Faulk       | Hankins             |
| Adams (Houston) | Cabiness | Ferguson    | Hardy               |
| Albea           | Camp     | Franklin    | Harris              |
| Ashworth        | Casey    | Gilchrist   | Harvey              |
| Avery           | Cates    | Gilmer      | Hawkins             |
| Bailey          | Chambers | Glass       | Hearn               |
| Barnett         | Cook     | Goldthwaite | Hocklander          |
| Bassett         | Copeland | Goodwyn     | Ingram              |
| Bevill          | Cornett  | Gordon      | Jenkins             |
| Bishop          | Daniel   | Grant       | Johnson (J. T. Tom) |
| Boyd            | Dickson  | Gross       | Jones (Monroe)      |
| Branyon         | Dodd     | Guthrie     | Lee                 |
| Broadfoot       | Edwards  | Hain        | Locke               |

|                               |          |          |                              |
|-------------------------------|----------|----------|------------------------------|
| Long <sup>(Perry)</sup>       | Nichols  | Ramey    | Smith <sup>(St. Clair)</sup> |
| McCorquodale                  | Oakley   | Rast     | Steagall                     |
| McLendon <sup>(Bullock)</sup> | Oden     | Ray      | Sullivan                     |
| Martin                        | Owens    | Roberts  | Taylor                       |
| Merrill                       | Perry    | Rogers   | Thomas                       |
| Morrow                        | Phillips | Rozelle  | Trimmier                     |
| Murphy                        | Pierce   | Self     | Turner                       |
| Nettles                       | Powell   | Sessions |                              |

—83

And the Bill:

S. 259. To allow the Sheriff of Marion County, Alabama, one additional deputy sheriff in addition to those now provided by law, and to authorize the governing body of Marion County to pay the salary of the same; to fix the salary of said additional deputy and to make same payable out of the general funds of Marion County, in monthly installments; to authorize the Sheriff's supervision and control of said additional deputy and to provide for the appointment of the same.

Was read a third time at length and passed.

Yeas 85; Nays 0.

**Yeas:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Cornett   | Hawkins                        | Oden                         |
| Adams <sup>(Houston)</sup> | Daniel    | Hearn                          | Owens                        |
| Albea                      | Dickson   | Hocklander                     | Perry                        |
| Ashworth                   | Dodd      | Ingram                         | Phillips                     |
| Avery                      | Edwards   | Jenkins                        | Pierce                       |
| Bailey                     | Faulk     | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Barnett                    | Ferguson  | Johnston <sup>(Leonard)</sup>  | Ramey                        |
| Bassett                    | Franklin  | Jones <sup>(Monroe)</sup>      | Rast                         |
| Bevill                     | Gilchrist | Lee                            | Ray                          |
| Bishop                     | Gilmer    | Locke                          | Roberts                      |
| Boyd                       | Glass     | Long <sup>(Lauderdale)</sup>   | Rogers                       |
| Brannan                    | Goodwyn   | Long <sup>(Perry)</sup>        | Rozelle                      |
| Branyon                    | Gordon    | McCorquodale                   | Self                         |
| Broadfoot                  | Grant     | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Brooks                     | Gross     | Martin                         | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Guthrie   | Merrill                        | Steagall                     |
| Camp                       | Hain      | Morrow                         | Sullivan                     |
| Casey                      | Hankins   | Murphy                         | Taylor                       |
| Cates                      | Hardy     | Nettles                        | Thomas                       |
| Chambers                   | Harris    | Nichols                        | Trimmier                     |
| Cook                       | Harvey    | Oakley                         | Turner                       |
| Copeland                   |           |                                |                              |

—85

And the Bill:

S. 267. To amend further Section 1 of Act No. 691, S. 284, approved September 5, 1951 (Acts of Alabama, 1951, p. 1192), entitled "An Act to fix the compensation of court reporters, and providing for the payment thereof," in relation to the compensation of the court reporters of the Twenty-third Judicial Circuit.

Was read a third time at length and passed.

Yeas 82; Nays 0.

**Yeas:**

|                            |          |        |         |
|----------------------------|----------|--------|---------|
| Mr. Speaker                | Albea    | Avery  | Barnett |
| Adams <sup>(Houston)</sup> | Ashworth | Bailey | Bassett |

|           |             |                     |                   |
|-----------|-------------|---------------------|-------------------|
| Bevill    | Ferguson    | Johnson (J. T. Tom) | Phillips          |
| Bishop    | Franklin    | Johnston (Leonard)  | Pierce            |
| Boyd      | Gilchrist   | Jones (Monroe)      | Powell            |
| Brannan   | Gilmer      | Lee                 | Ramey             |
| Broadfoot | Glass       | Locke               | Rast              |
| Brooks    | Goldthwaite | Long (Lauderdale)   | Ray               |
| Cabiness  | Gordon      | Long (Perry)        | Roberts           |
| Camp      | Grant       | McCorquodale        | Rogers            |
| Casey     | Gross       | McLendon (Bullock)  | Rozelle           |
| Cates     | Guthrie     | Martin              | Self              |
| Chambers  | Hain        | Merrill             | Sessions          |
| Cook      | Hardy       | Morrow              | Smith (St. Clair) |
| Copeland  | Harris      | Murphy              | Steagall          |
| Cornett   | Harvey      | Nettles             | Sullivan          |
| Daniel    | Hawkins     | Nichols             | Taylor            |
| Dickson   | Hearn       | Oakley              | Thomas            |
| Dodd      | Hocklander  | Oden                | Trimmier          |
| Edwards   | Ingram      | Owens               | Turner            |
| Faulk     | Jenkins     |                     |                   |

—82

And the Bill:

S. 338. Relating to Marion County: To provide for the appointment and compensation of clerical assistance for certain county officers.

Was read a third time at length and passed.

Yeas 85; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Daniel      | Hawkins             | Oden              |
| Adams (Houston) | Dickson     | Hearn               | Owens             |
| Albea           | Dodd        | Hocklander          | Perry             |
| Ashworth        | Edwards     | Ingram              | Phillips          |
| Avery           | Faulk       | Jenkins             | Pierce            |
| Bailey          | Ferguson    | Johnson (J. T. Tom) | Powell            |
| Barnett         | Franklin    | Johnston (Leonard)  | Ramey             |
| Bassett         | Gilchrist   | Jones (Monroe)      | Rast              |
| Bevill          | Gilmer      | Lee                 | Ray               |
| Bishop          | Glass       | Locke               | Roberts           |
| Boyd            | Goldthwaite | Long (Lauderdale)   | Rogers            |
| Brannan         | Goodwyn     | Long (Perry)        | Rozelle           |
| Branyon         | Gordon      | McCorquodale        | Self              |
| Brooks          | Grant       | McLendon (Bullock)  | Sessions          |
| Cabiness        | Gross       | Martin              | Smith (St. Clair) |
| Camp            | Guthrie     | Merrill             | Steagall          |
| Casey           | Hain        | Morrow              | Sullivan          |
| Cates           | Hankins     | Murphy              | Taylor            |
| Chambers        | Hardy       | Nettles             | Thomas            |
| Cook            | Harris      | Nichols             | Trimmier          |
| Copeland        | Harvey      | Oakley              | Turner            |
| Cornett         |             |                     |                   |

—85

And the Bill:

S. 339. For the relief of Lee Other Harris; authorizing and directing the board of revenue, court of county commissioners, or other like governing body of Marion County to make an appropriation from the county treasury to compensate Lee Other Harris for certain damages.

Was read a third time at length and passed.

Yeas 81; Nays 0.

**Yeas:**

|                            |          |                                |                              |
|----------------------------|----------|--------------------------------|------------------------------|
| Mr. Speaker                | Cornett  | Hawkins                        | Owens                        |
| Adams <sup>(Houston)</sup> | Daniel   | Hearn                          | Perry                        |
| Albea                      | Dickson  | Hocklander                     | Phillips                     |
| Ashworth                   | Dodd     | Ingram                         | Pierce                       |
| Avery                      | Edwards  | Jenkins                        | Powell                       |
| Bailey                     | Faulk    | Johnson <sup>(Hardaway)</sup>  | Ramey                        |
| Barnett                    | Ferguson | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Bassett                    | Franklin | Johnston <sup>(Leonard)</sup>  | Ray                          |
| Bevill                     | Gilmer   | Jones <sup>(Monroe)</sup>      | Roberts                      |
| Bishop                     | Glass    | Lee                            | Rozelle                      |
| Boyd                       | Goodwyn  | Long <sup>(Perry)</sup>        | Self                         |
| Brannan                    | Gordon   | McCorquodale                   | Sessions                     |
| Branyon                    | Grant    | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Gross    | Martin                         | Solomon                      |
| Cabiness                   | Guthrie  | Merrill                        | Steagall                     |
| Camp                       | Hain     | Murphy                         | Sullivan                     |
| Casey                      | Hankins  | Nettles                        | Taylor                       |
| Cates                      | Hardy    | Nichols                        | Thomas                       |
| Chambers                   | Harris   | Oakley                         | Trimmier                     |
| Cook                       | Harvey   | Oden                           | Turner                       |
| Copeland                   |          |                                |                              |

—81

And the Bill:

S. 358 (with amendment). To authorize the governing body of DeKalb County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

AMENDMENT TO S. B. 358

Substitute the following for Section 12 of the bill:

"Section 12. The proceeds of any tax imposed under authority of this Act shall be paid into a special fund in the county treasury for use as provided in Section 14."

Also, in Section 13, strike out "Tax Commission of Alabama" and insert "Department of Revenue or the commissioner thereof";

Also, substitute the following for Section 14 of the bill:

"Section 14. Expenditures from the special fund provided for in Section 12 shall be made exclusively for the purpose of matching federal or state funds in the construction of improved roads and bridges in DeKalb County in the same manner as other county funds are used to match federal and state funds under the Farm to Market Road Act of 1943, as amended, and for payment of the costs incurred in the administration and enforcement of this Act."

And the amendment was adopted.

Yeas 83; Nays 1.

**Yeas:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Daniel    | Hearn                          | Owens                        |
| Adams <sup>(Houston)</sup> | Dickson   | Hocklander                     | Perry                        |
| Albea                      | Dodd      | Ingram                         | Phillips                     |
| Ashworth                   | Edwards   | Jenkins                        | Pierce                       |
| Avery                      | Faulk     | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Bailey                     | Ferguson  | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Barnett                    | Franklin  | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Bassett                    | Gilchrist | Jones <sup>(Monroe)</sup>      | Ray                          |
| Bevill                     | Gilmer    | Lee                            | Roberts                      |
| Bishop                     | Glass     | Locke                          | Rogers                       |
| Boyd                       | Gordon    | Long <sup>(Perry)</sup>        | Rozelle                      |
| Brannan                    | Grant     | McCorquodale                   | Self                         |
| Brooks                     | Gross     | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Grouby    | Martin                         | Solomon                      |
| Camp                       | Guthrie   | Merrill                        | Steagall                     |
| Casey                      | Hain      | Morrow                         | Sullivan                     |
| Cates                      | Hankins   | Murphy                         | Taylor                       |
| Chambers                   | Hardy     | Nettles                        | Thomas                       |
| Cook                       | Harris    | Nichols                        | Trimmier                     |
| Copeland                   | Harvey    | Oakley                         | Turner                       |
| Cornett                    | Hawkins   | Oden                           |                              |

—83

**Nay:** Mr. Branyon

—1

And said bill, S. 358, as thus amended, was read a third time at length and passed.

Yeas 84; Nays 1.

**Yeas:**

|                            |           |         |                                |
|----------------------------|-----------|---------|--------------------------------|
| Mr. Speaker                | Camp      | Gilmer  | Hocklander                     |
| Adams <sup>(Houston)</sup> | Casey     | Glass   | Ingram                         |
| Albea                      | Cates     | Goodwyn | Jenkins                        |
| Ashworth                   | Chambers  | Gordon  | Johnson <sup>(Hardaway)</sup>  |
| Avery                      | Cook      | Grant   | Johnson <sup>(J. T. Tom)</sup> |
| Bailey                     | Copeland  | Gross   | Johnston <sup>(Leonard)</sup>  |
| Barnett                    | Cornett   | Grouby  | Jones <sup>(Monroe)</sup>      |
| Bassett                    | Daniel    | Guthrie | Lee                            |
| Bevill                     | Dickson   | Hain    | Locke                          |
| Bishop                     | Dodd      | Hankins | Long <sup>(Perry)</sup>        |
| Boyd                       | Edwards   | Hardy   | McCorquodale                   |
| Brannan                    | Faulk     | Harris  | McLendon <sup>(Bullock)</sup>  |
| Brewer                     | Ferguson  | Harvey  | Martin                         |
| Brooks                     | Franklin  | Hawkins | Merrill                        |
| Cabiness                   | Gilchrist | Hearn   | Morrow                         |

|         |          |                   |          |
|---------|----------|-------------------|----------|
| Murphy  | Phillips | Rogers            | Steagall |
| Nettles | Pierce   | Rozelle           | Sullivan |
| Nichols | Powell   | Self              | Taylor   |
| Oakley  | Ramey    | Sessions          | Thomas   |
| Owens   | Rast     | Smith (St. Clair) | Trimmier |
| Perry   | Ray      | Solomon           | Turner   |

—84

**Nay:** Mr. Branyon

—1

And the Bill:

H. 983. To amend Section 1 of Act Number 65 H. 138 approved April 5, 1956, (Acts of Alabama Special Session 1956, page 357 entitled, "To provide that the Recorder's Court of any city having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census trying any person for violation of an ordinance of such city making it unlawful to engage in or conduct a lottery, to possess lottery paraphernalia, to possess gaming paraphernalia, to engage in bookmaking, to accept bets on horse racing or other sporting events, to conduct a house of prostitution, to possess, sell, give away or display obscene pictures, prints, drawings, or literature, or to molest children shall upon the conviction of such person, have the power and authority to impose a fine not exceeding three hundred dollars upon such person and to sentence him to hard labor upon the streets or public works, or in the workhouse or house of corrections of such city for not exceeding six months; to provide that this Act shall be cumulative and the power and authority hereby granted to any such Recorder's Court shall be in addition to any power and authority which such court may have under any other law either general or local.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cook        | Hawkins                        | Oakley                       |
| Adams <sup>(Houston)</sup> | Copeland    | Hearn                          | Oden                         |
| Albea                      | Daniel      | Hocklander                     | Owens                        |
| Ashworth                   | Dickson     | Ingram                         | Perry                        |
| Avery                      | Dodd        | Jenkins                        | Pierce                       |
| Bailey                     | Edwards     | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Barnett                    | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Bassett                    | Franklin    | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Bevill                     | Gilmer      | Jones <sup>(Monroe)</sup>      | Ray                          |
| Bishop                     | Glass       | Locke                          | Rogers                       |
| Boyd                       | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Rozelle                      |
| Brannan                    | Goodwyn     | Long <sup>(Perry)</sup>        | Self                         |
| Branyon                    | Gordon      | McCorquodale                   | Sessions                     |
| Brewer                     | Grant       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Brooks                     | Gross       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Grouby      | Merrill                        | Steagall                     |
| Camp                       | Hain        | Morrow                         | Sullivan                     |
| Casey                      | Hankins     | Murphy                         | Taylor                       |
| Cates                      | Hardy       | Nettles                        | Trimmier                     |
| Chambers                   | Harris      | Nichols                        | Turner                       |

—80

And the Bill:

H. 989. To alter and extend the boundaries of the City of Birmingham, to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Hearn                          | Perry                        |
| Adams <sup>(Houston)</sup> | Dickson     | Hocklander                     | Pierce                       |
| Albea                      | Dodd        | Jenkins                        | Powell                       |
| Ashworth                   | Edwards     | Johnson <sup>(Hardaway)</sup>  | Pruitt                       |
| Bailey                     | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Barnett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Bassett                    | Gilmer      | Lee                            | Ray                          |
| Bevill                     | Glass       | Locke                          | Rogers                       |
| Bishop                     | Goldthwaite | Long <sup>(Perry)</sup>        | Rozelle                      |
| Boyd                       | Goodwyn     | McLendon <sup>(Bullock)</sup>  | Self                         |
| Brannan                    | Gordon      | Martin                         | Sessions                     |
| Branyon                    | Grant       | Merrill                        | Smith <sup>(Russell)</sup>   |
| Brewer                     | Gross       | Morrow                         | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Grouby      | Murphy                         | Steagall                     |
| Cabiness                   | Guthrie     | Nettles                        | Sullivan                     |
| Casey                      | Hain        | Nichols                        | Taylor                       |
| Cates                      | Hankins     | Oakley                         | Thomas                       |
| Chambers                   | Hardy       | Oden                           | Trimmier                     |
| Cook                       | Harris      | Owens                          | Turner                       |
| Copeland                   | Hawkins     |                                |                              |

—78

And the Bill:

H. 992. To alter and extend the boundaries of the City of Birmingham to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

**Yeas:**

|                            |          |             |                                |
|----------------------------|----------|-------------|--------------------------------|
| Mr. Speaker                | Cabiness | Goldthwaite | Johnson <sup>(Hardaway)</sup>  |
| Adams <sup>(Houston)</sup> | Casey    | Gordon      | Johnson <sup>(J. T. Tom)</sup> |
| Albea                      | Cates    | Grant       | Johnston <sup>(Leonard)</sup>  |
| Ashworth                   | Chambers | Gross       | Lee                            |
| Bailey                     | Cook     | Grouby      | Locke                          |
| Barnett                    | Copeland | Guthrie     | Long <sup>(Perry)</sup>        |
| Bassett                    | Cornett  | Hain        | McLendon <sup>(Bullock)</sup>  |
| Bevill                     | Daniel   | Hankins     | Martin                         |
| Bishop                     | Dickson  | Hardy       | Merrill                        |
| Boyd                       | Dodd     | Harris      | Morrow                         |
| Brannan                    | Edwards  | Hawkins     | Murphy                         |
| Branyon                    | Ferguson | Hearn       | Nettles                        |
| Brewer                     | Gilmer   | Hocklander  | Nichols                        |
| Brooks                     | Glass    | Jenkins     | Oakley                         |

|        |         |                              |          |
|--------|---------|------------------------------|----------|
| Oden   | Ramey   | Self                         | Sullivan |
| Perry  | Rast    | Sessions                     | Taylor   |
| Pierce | Ray     | Smith <sup>(Russell)</sup>   | Thomas   |
| Powell | Rogers  | Smith <sup>(St. Clair)</sup> | Trimmier |
| Pruitt | Rozelle | Steagall                     | Turner   |

—76

And the Bill:

H. 994. To establish a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief or retirement and relief system heretofore established or hereafter established under Act Number 929 of Legislature of Alabama of 1951, Approved September 12, 1951 (Acts of Alabama 1951, page 1579 et seq. as amended) and on whose account, or for whose benefit, the city by whom they are employed makes no contribution, or pays no tax, to the United States of America under the Federal Social Security Act; to provide certain disability benefits for such firemen and policemen and also certain benefits for the widows and children of any such firemen or policemen who die; to make provision for a supplemental retirement benefit for such firemen and policemen, if and when said Act No. 929 is amended as stipulated in this act; to provide that from the funds of the system established by this act certain payments shall be made to the fund of the system established by said Act No. 929, subject to said Act No. 929 being amended so as to authorize the Board of Managers of the system created by said Act Number 929 to receive said payments; to establish a Board of Managers for the pension system hereby created and to provide for the method of selection of the said board and to define the power, authority and duties of the said Board of Managers; to provide for the actuarial study, investigation and report showing the probable ability or inability of the fund hereby created to meet the benefits provided for by the system created by this Act; to provide for paying from funds of the system expenses incurred in securing any such actuarial study, investigation and report; to provide that at least sixty days prior to the convening of the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to each member of the House of Representatives and of the Senate of the Legislature of Alabama residing in any county or Senatorial District wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall give such opinion separately and severally with respect to each of the said benefits, and which said report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what change or changes he considers necessary; and to provide that the Board of Managers shall present to the members of the House of Representatives and the Senator designated above a similar actuarial report or survey at least once every four years sixty days prior to the convening of a Regular Session of the Legislature of Alabama.

Was taken up.

Mr. Sessions offered the following amendment to the bill, H. 994:

#### AMENDMENT TO H. B. 994

Substitute the following for Section 2 of the bill:

Section 2. Purpose of this Act. It is the intent of the Legislature



that the additional benefits provided by this Act shall be payable solely from the fund established by Section 6 hereof, and that in no event shall any such additional benefit be payable from the fund established under Act No. 929, or from any other fund, account or revenues of the city. If it shall be disclosed by the financial condition of the fund as determined by the actuarial report or survey required in Section 4 of this Act that the fund, together with the anticipated interest thereon and the estimated future contributions provided in Section 6 hereof will be or is insufficient to maintain the additional benefits herein provided, then the Board of Managers shall be chargeable with the duty of placing into effect immediately such reduction or elimination of benefits, pro rata, as will cause the fund to be sufficient to maintain the benefits herein provided, in the following order of priority of reduction or elimination: First, the supplemental Retirement Allowances payable (then or thereafter) under Section 8 hereof; second, the Supplementary Ordinary Disability allowances payable (then or thereafter) under Section 7 hereof; third, the Death Benefit for widows and Children provided in Section 9 hereof. It is further the intent of the Legislature that the payments to be made out of the fund created by this Act into the fund of the General Retirement and Relief System, as provided in Section 4 hereof, shall be a first charge against the assets and revenues of the fund.

Also, add at the end of Section 11 the following:

Without limiting the generality of the foregoing it is hereby expressly declared and provided that if every provision of this Act excepting the enacting clause and the provisions requiring contributions from the salaries of firemen and policemen and matching contributions from funds of the city to be paid into the fund created by this Act should be held invalid or inoperative, then in that event the said enacting clause and the said provisions requiring contributions from the salaries of firemen and policemen and requiring matching contributions from the city shall remain in force and effect so as to establish a supplemental pension fund out of which there can hereafter be made provision for paying to the said firemen and policemen out of said supplemental fund such additional benefits as it may hereafter be established can be paid from the said supplemental fund on a sound actuarial basis.

Also, on page 8A, line 5, after "city," insert "or the General Retirement and Relief System,"

And the amendment was adopted.

Yeas 73; Nays 0.

**Yeas:**

|                            |          |             |                                |
|----------------------------|----------|-------------|--------------------------------|
| Mr. Speaker                | Brooks   | Edwards     | Harris                         |
| Adams <sup>(Houston)</sup> | Cabiness | Faulk       | Hawkins                        |
| Albea                      | Camp     | Ferguson    | Hearn                          |
| Ashworth                   | Casey    | Gilmer      | Jenkins                        |
| Bailey                     | Cates    | Goldthwaite | Johnson <sup>(Hardaway)</sup>  |
| Barnett                    | Chambers | Gordon      | Johnson <sup>(J. T. Tom)</sup> |
| Bassett                    | Cook     | Grant       | Johnston <sup>(Leonard)</sup>  |
| Bevill                     | Copeland | Gross       | Locke                          |
| Bishop                     | Cornett  | Grouby      | Long <sup>(Perry)</sup>        |
| Boyd                       | Daniel   | Guthrie     | McLendon <sup>(Bullock)</sup>  |
| Branyon                    | Dickson  | Hain        | Martin                         |
| Brewer                     | Dodd     | Hankins     | Merrill                        |

|         |        |                              |          |
|---------|--------|------------------------------|----------|
| Morrow  | Pierce | Rogers                       | Steagall |
| Murphy  | Powell | Rozelle                      | Sullivan |
| Nichols | Pruitt | Self                         | Taylor   |
| Oakley  | Ramey  | Sessions                     | Thomas   |
| Oden    | Rast   | Smith <sup>(Russell)</sup>   | Trimmier |
| Owens   | Ray    | Smith <sup>(St. Clair)</sup> | Turner   |
| Perry   |        |                              |          |

—73

And said bill, H. 994, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

**Yeas:**

|                            |          |                                |                              |
|----------------------------|----------|--------------------------------|------------------------------|
| Mr. Speaker                | Copeland | Hocklander                     | Pierce                       |
| Adams <sup>(Houston)</sup> | Cornett  | Jenkins                        | Powell                       |
| Albea                      | Daniel   | Johnson <sup>(Hardaway)</sup>  | Pruitt                       |
| Ashworth                   | Dickson  | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Bailey                     | Dodd     | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Barnett                    | Edwards  | Jones <sup>(Monroe)</sup>      | Ray                          |
| Bassett                    | Faulk    | Lee                            | Rogers                       |
| Bevill                     | Ferguson | Locke                          | Rozelle                      |
| Bishop                     | Gilmer   | Long <sup>(Perry)</sup>        | Self                         |
| Boyd                       | Glass    | McCorquodale                   | Sessions                     |
| Brannan                    | Gordon   | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Branyon                    | Grant    | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Gross    | Merrill                        | Steagall                     |
| Brooks                     | Grouby   | Morrow                         | Sullivan                     |
| Cabiness                   | Guthrie  | Murphy                         | Taylor                       |
| Casey                      | Hain     | Nichols                        | Thomas                       |
| Cates                      | Hankins  | Oden                           | Trimmier                     |
| Chambers                   | Harris   | Owens                          | Turner                       |
| Cook                       | Hearn    | Perry                          |                              |

—75

And the Bill:

H. 995. To provide for designating the 109th Evacuation Hospital building in Jefferson County, "Fort Mortimer H. Jordan."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

**Yeas:**

|                            |           |           |                               |
|----------------------------|-----------|-----------|-------------------------------|
| Mr. Speaker                | Broadfoot | Faulk     | Harris                        |
| Adams <sup>(Houston)</sup> | Brooks    | Ferguson  | Harvey                        |
| Albea                      | Cabiness  | Franklin  | Hawkins                       |
| Ashworth                   | Camp      | Gilchrist | Hearn                         |
| Avery                      | Casey     | Gilmer    | Hocklander                    |
| Bailey                     | Cates     | Glass     | Johnson <sup>(Hardaway)</sup> |
| Barnett                    | Chambers  | Gordon    | Johnston <sup>(Leonard)</sup> |
| Bassett                    | Cook      | Grant     | Lee                           |
| Bevill                     | Copeland  | Gross     | Locke                         |
| Bishop                     | Cornett   | Grouby    | Long <sup>(Perry)</sup>       |
| Boyd                       | Daniel    | Guthrie   | McLendon <sup>(Bullock)</sup> |
| Brannan                    | Dickson   | Hain      | Merrill                       |
| Branyon                    | Dodd      | Hankins   | Morrow                        |
| Brewer                     | Edwards   | Hardy     | Murphy                        |

|         |        |                              |          |
|---------|--------|------------------------------|----------|
| Nichols | Powell | Rozelle                      | Sullivan |
| Oakley  | Pruitt | Self                         | Taylor   |
| Oden    | Ramey  | Sessions                     | Thomas   |
| Owens   | Rast   | Smith <sup>(Russell)</sup>   | Trimmer  |
| Perry   | Ray    | Smith <sup>(St. Clair)</sup> | Turner   |
| Pierce  | Rogers | Steagall                     |          |

—79

And the Bill:

H. 996. To authorize the incorporation in any county in this state having a population of 500,000 or more, according to the last or any succeeding Federal Census, of a health care authority as a public corporation for hospital purposes, including, among others, the making of provisions for medical and hospital aid to the indigent sick of such county; to provide a method of effecting the incorporation of such authority and electing the members of its board of directors and its officers; to specify the powers of such board of directors and the powers of such authority; to provide for the payment to such authority by the county in which it is organized of all revenue received and held by such county from any tax levied by the state for the benefit of the county for health and medical care of indigent residents of the county, and to authorize such county to allocate and pay other funds to such authority; to provide for the expenditure of the funds of such authority for any of its corporate purposes; to authorize the sale and issuance of securities by such authority for any of its purposes; to authorize such authority to provide the details of such securities and the pledge of revenues of the authority and the execution of mortgages or deeds of trust as security thereof; to provide that such securities shall constitute negotiable instruments; to provide that the properties and income of such authority, the securities issued by it and the interest payable thereon, and all mortgages and other instruments executed as security therefor shall be exempt from taxation; to authorize investment of fiduciary funds in securities by such authority; to require the making of annual reports and the submission of an annual budget to the governing body of such county; to provide the time and method of dissolution of such authority; to provide that the formation and dissolution of one or more such authorities shall not prevent the subsequent formation of another authority in the same county; and to authorize such county and any municipality therein to transfer to such authority projects and funds acquired or allocated for any of the purposes for which such authority shall have been organized.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

|                            |           |          |                               |
|----------------------------|-----------|----------|-------------------------------|
| Mr. Speaker                | Brewer    | Dickson  | Guthrie                       |
| Adams <sup>(Houston)</sup> | Broadfoot | Dodd     | Hain                          |
| Albea                      | Brooks    | Edwards  | Hankins                       |
| Ashworth                   | Cabiness  | Faulk    | Hardy                         |
| Bailey                     | Camp      | Ferguson | Harris                        |
| Barnett                    | Casey     | Franklin | Harvey                        |
| Bassett                    | Cates     | Gilmer   | Hawkins                       |
| Bevill                     | Chambers  | Glass    | Hearn                         |
| Bishop                     | Cook      | Gordon   | Hocklander                    |
| Boyd                       | Copeland  | Grant    | Jenkins                       |
| Brannan                    | Cornett   | Gross    | Johnson <sup>(Hardaway)</sup> |
| Branyon                    | Daniel    | Grouby   | Johnston <sup>(Leonard)</sup> |

|                               |         |                            |                              |
|-------------------------------|---------|----------------------------|------------------------------|
| Jones <sup>(Monroe)</sup>     | Morrow  | Ramey                      | Smith <sup>(St. Clair)</sup> |
| Lee                           | Murphy  | Rast                       | Steagall                     |
| Locke                         | Nichols | Ray                        | Sullivan                     |
| Long <sup>(Lauderdale)</sup>  | Oden    | Rogers                     | Taylor                       |
| Long <sup>(Perry)</sup>       | Perry   | Rozelle                    | Thomas                       |
| McCorquodale                  | Pierce  | Self                       | Trimmier                     |
| McLendon <sup>(Bullock)</sup> | Powell  | Sessions                   | Turner                       |
| Merrill                       | Pruitt  | Smith <sup>(Russell)</sup> |                              |

—79

And the Bill:

H. 999. To amend further Act No. 259, H. 530, approved June 24, 1943, an act providing for appeals to the circuit court in certain counties having a population of 400,000 or more, according to the last or any subsequent federal decennial census, from decisions of the board of equalization (General Acts, Regular Session 1943, p. 230), which is known as "The Expeditious and Economical Tax Appeals Act."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Cornett     | Hearn                         | Phillips                     |
| Adams <sup>(Houston)</sup> | Daniel      | Hocklander                    | Pierce                       |
| Albea                      | Dodd        | Jenkins                       | Powell                       |
| Ashworth                   | Edwards     | Johnson <sup>(Hardaway)</sup> | Pruitt                       |
| Avery                      | Faulk       | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Bailey                     | Ferguson    | Jones <sup>(Monroe)</sup>     | Rasi                         |
| Barnett                    | Franklin    | Lee                           | Ray                          |
| Bevill                     | Gilmer      | Locke                         | Rogers                       |
| Bishop                     | Glass       | Long <sup>(Lauderdale)</sup>  | Rozelle                      |
| Boyd                       | Goldthwaite | Long <sup>(Perry)</sup>       | Self                         |
| Brannan                    | Gordon      | McCorquodale                  | Sessions                     |
| Brewer                     | Grant       | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Gross       | Merrill                       | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Guthrie     | Morrow                        | Steagall                     |
| Cabiness                   | Hain        | Murphy                        | Sullivan                     |
| Camp                       | Hankins     | Nettles                       | Taylor                       |
| Casey                      | Hardy       | Nichols                       | Thomas                       |
| Cates                      | Harris      | Oakley                        | Trimmier                     |
| Chambers                   | Harvey      | Oden                          | Turner                       |
| Copeland                   | Hawkins     | Perry                         |                              |

—79

And the Bill:

H. 962. Prescribing duties and powers of stenographic secretary of Circuit Solicitor of Fifth Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

**Yeas:**

|                            |          |         |         |
|----------------------------|----------|---------|---------|
| Mr. Speaker                | Ashworth | Bassett | Boyd    |
| Adams <sup>(Houston)</sup> | Bailey   | Bevill  | Brannan |
| Albea                      | Barnett  | Bishop  | Brewer  |

|           |                               |                               |                              |
|-----------|-------------------------------|-------------------------------|------------------------------|
| Broadfoot | Gilchrist                     | Long <sup>(Lauderdale)</sup>  | Pruitt                       |
| Brooks    | Gilmer                        | Long <sup>(Perry)</sup>       | Ramey                        |
| Cabiness  | Glass                         | McCorquodale                  | Rast                         |
| Camp      | Goldthwaite                   | McLendon <sup>(Bullock)</sup> | Ray                          |
| Casey     | Gordon                        | Martin                        | Rogers                       |
| Chambers  | Grant                         | Merrill                       | Rozelle                      |
| Cook      | Gross                         | Morrow                        | Self                         |
| Copeland  | Guthrie                       | Murphy                        | Sessions                     |
| Cornett   | Hardy                         | Nettles                       | Smith <sup>(St. Clair)</sup> |
| Daniel    | Harris                        | Nichols                       | Steagall                     |
| Dickson   | Harvey                        | Oakley                        | Sullivan                     |
| Dodd      | Hawkins                       | Oden                          | Taylor                       |
| Edwards   | Johnston <sup>(Leonard)</sup> | Perry                         | Thomas                       |
| Faulk     | Jones <sup>(Monroe)</sup>     | Phillips                      | Trimmier                     |
| Ferguson  | Lee                           | Pierce                        | Turner                       |
| Franklin  | Locke                         | Powell                        |                              |

—75

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Rogers to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 66 and H. 67, was adopted.

And the Bill:

H. 66. To authorize any county board of registrars which is not furnished clerical assistance to reserve certain meeting days for the performance of such necessary clerical work as may be required of the board in connection with the discharge of its duties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

## Yeas:

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Copeland    | Harvey                        | Owens                        |
| Adams <sup>(Houston)</sup> | Cornett     | Hawkins                       | Perry                        |
| Albea                      | Daniel      | Hocklander                    | Phillips                     |
| Ashworth                   | Dickson     | Jenkins                       | Pierce                       |
| Bailey                     | Dodd        | Johnson <sup>(Hardaway)</sup> | Powell                       |
| Barnett                    | Edwards     | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Bassett                    | Faulk       | Jones <sup>(Covington)</sup>  | Ramey                        |
| Bevill                     | Ferguson    | Jones <sup>(Monroe)</sup>     | Rast                         |
| Bishop                     | Gilchrist   | Lee                           | Ray                          |
| Boyd                       | Gilmer      | Locke                         | Rogers                       |
| Brannan                    | Glass       | Long <sup>(Lauderdale)</sup>  | Rozelle                      |
| Branyon                    | Goldthwaite | Long <sup>(Perry)</sup>       | Sessions                     |
| Brewer                     | Goodwyn     | McCorquodale                  | Smith <sup>(Russell)</sup>   |
| Brooks                     | Gordon      | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Grant       | Martin                        | Solomon                      |
| Callahan                   | Gross       | Merrill                       | Steagall                     |
| Camp                       | Grouby      | Morrow                        | Sullivan                     |
| Casey                      | Hain        | Nettles                       | Taylor                       |
| Cates                      | Hankins     | Nichols                       | Thomas                       |
| Chambers                   | Hardy       | Oakley                        | Trimmier                     |
| Cook                       | Harris      | Oden                          | Turner                       |

—84

And the Bill:

H. 67. To amend further Section 26 of Title 17, Code of Alabama (1940), which relates to meetings of county boards of registrars.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Cook        | Harvey                        | Oden                         |
| Adams <sup>(Houston)</sup> | Copeland    | Hawkins                       | Owens                        |
| Albea                      | Cornett     | Hearn                         | Perry                        |
| Ashworth                   | Daniel      | Hocklander                    | Phillips                     |
| Avery                      | Dickson     | Ingram                        | Pierce                       |
| Bailey                     | Dodd        | Jenkins                       | Powell                       |
| Barnett                    | Edwards     | Johnson <sup>(Hardaway)</sup> | Pruitt                       |
| Bassett                    | Faulk       | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Bevill                     | Ferguson    | Jones <sup>(Covington)</sup>  | Rast                         |
| Bishop                     | Gilchrist   | Jones <sup>(Monroe)</sup>     | Ray                          |
| Boyd                       | Gilmer      | Lee                           | Rogers                       |
| Brannan                    | Glass       | Locke                         | Rozelle                      |
| Branyon                    | Goldthwaite | Long <sup>(Lauderdale)</sup>  | Sessions                     |
| Brewer                     | Goodwyn     | Long <sup>(Perry)</sup>       | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Gordon      | McCorquodale                  | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Grant       | McLendon <sup>(Bullock)</sup> | Solomon                      |
| Cabiness                   | Gross       | Martin                        | Steagall                     |
| Callahan                   | Grouby      | Merrill                       | Sullivan                     |
| Camp                       | Hain        | Morrow                        | Taylor                       |
| Casey                      | Hankins     | Nettles                       | Thomas                       |
| Cates                      | Hardy       | Nichols                       | Trimmier                     |
| Chambers                   | Harris      | Oakley                        | Turner                       |

—88

**REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 971. To prohibit the taking of fish from the public waters of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, with hoop and fyke nets, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines; repealing conflicting laws.

CHAS. C. ADAMS,  
Chairman.

The above and foregoing report of the Standing Committee on Rules was concurred in and adopted.

**MOTION TO SUSPEND RULES LOST**

The motion of Mr. Brewer to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 862, was lost.

Yeas 50; Nays 22.

**Yeas:**

|             |             |                               |                            |
|-------------|-------------|-------------------------------|----------------------------|
| Mr. Speaker | Copeland    | Hardy                         | Oden                       |
| Albea       | Cornett     | Harris                        | Perry                      |
| Ashworth    | Dodd        | Hawkins                       | Pierce                     |
| Bevill      | Edwards     | Ingram                        | Powell                     |
| Bishop      | Ferguson    | Johnson <sup>(Hardaway)</sup> | Rast                       |
| Boyd        | Franklin    | Lee                           | Ray                        |
| Brannan     | Gilchrist   | Locke                         | Roberts                    |
| Brewer      | Goldthwaite | Long <sup>(Lauderdale)</sup>  | Rogers                     |
| Broadfoot   | Goodwyn     | Long <sup>(Perry)</sup>       | Smith <sup>(Russell)</sup> |
| Callahan    | Gordon      | McLendon <sup>(Bullock)</sup> | Steagall                   |
| Camp        | Gross       | Merrill                       | Thomas                     |
| Casey       | Guthrie     | Morrow                        | Turner                     |
| Cook        | Hain        |                               |                            |

—50

**Nays:**

|          |                               |          |          |
|----------|-------------------------------|----------|----------|
| Messrs.: | Grant                         | Martin   | Ramey    |
| Avery    | Hocklander                    | Murphy   | Rozelle  |
| Brooks   | Johnston <sup>(Leonard)</sup> | Nettles  | Sessions |
| Daniel   | Jones <sup>(Covington)</sup>  | Oakley   | Taylor   |
| Dickson  | Jones <sup>(Monroe)</sup>     | Phillips | Trimmier |
| Glass    | McCorquodale                  | Pruitt   |          |

—22

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Brewer to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 843, was adopted.

And the Bill:

H. 843. To redefine the term "authorized emergency vehicle" as used in Chapter 1 of Title 36, Code of Alabama 1940; amending further Section 1 of said Title 36, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

**Yeas:**

|                            |             |                               |                               |
|----------------------------|-------------|-------------------------------|-------------------------------|
| Mr. Speaker                | Cook        | Guthrie                       | McLendon <sup>(Bullock)</sup> |
| Adams <sup>(Houston)</sup> | Cornett     | Hain                          | Merrill                       |
| Albea                      | Daniel      | Hankins                       | Morrow                        |
| Ashworth                   | Dickson     | Harris                        | Murphy                        |
| Bailey                     | Dodd        | Hawkins                       | Nettles                       |
| Barnett                    | Edwards     | Hearn                         | Nichols                       |
| Bevill                     | Faulk       | Hocklander                    | Oakley                        |
| Bishop                     | Ferguson    | Ingram                        | Oden                          |
| Boyd                       | Franklin    | Jenkins                       | Owens                         |
| Brannan                    | Gilchrist   | Johnson <sup>(Hardaway)</sup> | Perry                         |
| Branyon                    | Gilmer      | Johnston <sup>(Leonard)</sup> | Phillips                      |
| Brewer                     | Glass       | Jones <sup>(Monroe)</sup>     | Pierce                        |
| Broadfoot                  | Goldthwaite | Lee                           | Powell                        |
| Brooks                     | Gordon      | Locke                         | Pruitt                        |
| Camp                       | Grant       | Long <sup>(Lauderdale)</sup>  | Rast                          |
| Casey                      | Gross       | Long <sup>(Perry)</sup>       | Ray                           |
| Chambers                   | Grouby      | McCorquodale                  | Roberts                       |

|          |                              |        |          |
|----------|------------------------------|--------|----------|
| Rogers   | Smith <sup>(Russell)</sup>   | Taylor | Trimmier |
| Rozelle  | Smith <sup>(St. Clair)</sup> | Thomas | Turner   |
| Sessions | Sullivan                     |        |          |

—78

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Dodd to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 373, was adopted.

And the Bill:

H. 373. To amend Section 171 of Title 7, Code of Alabama 1940, relating to actions for validation of obligations of political subdivisions of the state.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

## Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Jenkins                        | Phillips                     |
| Adams <sup>(Houston)</sup> | Dickson     | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Albea                      | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Ashworth                   | Ferguson    | Johnston <sup>(Leonard)</sup>  | Pruitt                       |
| Avery                      | Franklin    | Jones <sup>(Covington)</sup>   | Ramey                        |
| Bailey                     | Gilchrist   | Jones <sup>(Monroe)</sup>      | Rast                         |
| Barnett                    | Gilmer      | Lee                            | Ray                          |
| Bevill                     | Glass       | Locke                          | Roberts                      |
| Bishop                     | Coldthwaite | Long <sup>(Lauderdale)</sup>   | Rogers                       |
| Boyd                       | Gordon      | Long <sup>(Perry)</sup>        | Rozelle                      |
| Brannan                    | Grant       | McCorquodale                   | Self                         |
| Branyon                    | Gross       | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Brewer                     | Grouby      | Martin                         | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Guthrie     | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Hain        | Murphy                         | Solomon                      |
| Callahan                   | Hankins     | Nettles                        | Steagall                     |
| Camp                       | Harris      | Nichols                        | Sullivan                     |
| Casey                      | Hawkins     | Oakley                         | Taylor                       |
| Chambers                   | Hearn       | Oden                           | Thomas                       |
| Cook                       | Hocklander  | Owens                          | Trimmier                     |
| Cornett                    | Ingram      | Perry                          | Turner                       |

—84

## MOTION TO SUSPEND RULES

Mr. Smith (Russell) moved to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 683, H. 684, H. 685 and H. 686.

## MOTION TO ADJOURN LOST

The motion of Mr. Harris that the House adjourn until Wednesday, October 28, 1959, at one o'clock P.M. was lost.

## MOTION TO SUSPEND RULES LOST

The motion of Mr. Smith (Russell) to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 683, H. 684, H. 685 and H. 686, was lost.

Yeas 58; Nays 25.



**Yeas:**

|                 |             |                     |                 |
|-----------------|-------------|---------------------|-----------------|
| Mr. Speaker:    | Edwards     | Johnson (J. T. Tom) | Pierce          |
| Adams (Houston) | Faulk       | Johnston (Leonard)  | Powell          |
| Albea           | Franklin    | Jones (Covington)   | Pruitt          |
| Ashworth        | Gilmer      | Locke               | Rast            |
| Bailey          | Glass       | McCorquodale        | Roberts         |
| Brewer          | Goldthwaite | McLendon (Bullock)  | Rogers          |
| Cabiness        | Goodwyn     | Martin              | Rozelle         |
| Callahan        | Grant       | Merrill             | Salter          |
| Camp            | Grouby      | Morrow              | Sessions        |
| Cates           | Hain        | Murphy              | Smith (Russell) |
| Chambers        | Hardy       | Nettles             | Solomon         |
| Cook            | Hawkins     | Nichols             | Sullivan        |
| Cornett         | Hocklander  | Perry               | Thomas          |
| Daniel          | Ingram      | Phillips            | Turner          |
| Dodd            | Jenkins     |                     |                 |

—58

**Nays:**

|          |           |                   |        |
|----------|-----------|-------------------|--------|
| Messrs.: | Broadfoot | Hankins           | Oakley |
| Avery    | Brooks    | Harris            | Oden   |
| Barnett  | Casey     | Harvey            | Owens  |
| Bassett  | Dickson   | Lee               | Ramey  |
| Bevill   | Ferguson  | Long (Lauderdale) | Ray    |
| Bishop   | Gilchrist | Long (Perry)      | Self   |
| Boyd     | Guthrie   |                   |        |

—25

**MOTION TO SUSPEND RULES LOST**

The motion of Mr. Smith (Russell) to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 616, was lost.

Yeas 52; Nays 32.

**Yeas:**

|                 |           |                     |                 |
|-----------------|-----------|---------------------|-----------------|
| Mr. Speaker:    | Edwards   | Harris              | Phillips        |
| Adams (Houston) | Faulk     | Harvey              | Pierce          |
| Albea           | Ferguson  | Hawkins             | Pruitt          |
| Ashworth        | Franklin  | Hearn               | Rast            |
| Bailey          | Gilchrist | Hocklander          | Ray             |
| Bevill          | Gilmer    | Johnson (J. T. Tom) | Roberts         |
| Boyd            | Goodwyn   | Long (Lauderdale)   | Rogers          |
| Branyon         | Gordon    | Long (Perry)        | Rozelle         |
| Callahan        | Grant     | McLendon (Bullock)  | Smith (Russell) |
| Cates           | Gross     | Merrill             | Solomon         |
| Cook            | Grouby    | Murphy              | Steagall        |
| Cornett         | Hain      | Nichols             | Sullivan        |
| Daniel          | Hardy     | Oden                | Thomas          |

—52

**Nays:**

|           |             |                    |                   |
|-----------|-------------|--------------------|-------------------|
| Messrs.:  | Casey       | Johnston (Leonard) | Powell            |
| Avery     | Copeland    | Jones (Covington)  | Ramey             |
| Barnett   | Dickson     | Lee                | Self              |
| Bassett   | Dodd        | Locke              | Sessions          |
| Bishop    | Glass       | McCorquodale       | Smith (St. Clair) |
| Brewer    | Goldthwaite | Martin             | Taylor            |
| Broadfoot | Ingram      | Oakley             | Trimmier          |
| Brooks    | Jenkins     | Perry              | Turner            |
| Camp      |             |                    |                   |

—32

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Long (Perry) to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 90, was adopted.

And the Bill:

S. 90 (with amendment): To amend further Section 462 of Title 37 of the Code of 1940 relating to publication and recording of ordinances.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend Senate Bill 90 by deleting the word "zoning" in Section One (1) thereof.

On motion of Long (Perry) the amendment reported by the Standing Committee on Local Government was laid upon the table.

Mr. Long (Perry) offered the following substitute for the bill, S. 90:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Title 37 Section 462 of the Code of Alabama 1940, as amended, relating to the publication and recording of ordinances.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 462 of Title 37, Code of Alabama 1940 be and the same is hereby further amended to read as follows: "Section 462. (1999)(1258) Publication and recording of ordinances.

"(a) All ordinances shall, as soon as practicable after their passage, be recorded in a book kept for that purpose and be authenticated by the signature of the clerk.

"(b) All ordinances of a general or permanent nature, except as hereinafter provided, shall be published in some newspaper of general circulation published in the municipality, but if no such newspaper is published in the municipality, such ordinances may be published by posting copies thereof in three public places within the municipality, one of which shall be at the post office or the mayor's office in such city or town; in the event there is no newspaper published in the municipality and there is a newspaper published in the county in which the municipality is located having general circulation in the municipality, at the option of the governing body of such municipality, the ordinance may be published in such newspaper. In towns having a population of less than 2000 inhabitants, as shown by the last or any subsequent federal census, the governing body of such town shall have the option of publication of the ordinance by posting as above provided, or in a newspaper published in the town, or in the county having a general circulation in the town.

"When the ordinance is published in the newspaper it shall take effect from and after the time it shall first appear therein and when published by posting it shall take effect five days thereafter.

"(c) Immediately following the record of any ordinance the clerk shall append a certificate stating therein the time and manner of publication, which certificate shall be presumptive of the facts stated therein.

"(d) All ordinances granting a franchise shall be published at the expense of the party or parties to whom the franchise is granted.

"(e) Ordinances may adopt by reference thereto, without setting the same out at length in the ordinance, rules and regulations which have been printed as a code in books or pamphlet form, for: (1) the construction, erection, alteration, or improvement of buildings; (2) installation of plumbing or plumbing fixtures; (3) installation of electric wiring or lighting fixtures; (4) installation of gas or gas fixtures; (5) fire prevention; (6) health and sanitation; (7) milk and milk products; (8) parks; (9) airports; (10) water works and sewers and (11) traffic, if, before adopting such code in book or pamphlet form, the governing body of the city or town shall by resolution hold a public hearing of which there shall be at least 15 day notice of the time, place and purpose of such hearing by publication of the resolution once a week for two successive weeks, or by posting notices of such for such length of time, as the case may be, under subsection (b); such resolution shall provide that not less than three copies of such code shall be filed for not less than 15 days prior to the holding of the public meeting for use and examination by the public in the office of the city or town clerk. Amendments to such rules or regulations adopted as a code thereafter shall be adopted by ordinances published as herein provided in subsection (b).

"(f) The following shall not be deemed ordinances of a general or permanent nature requiring publication:

"(1) Authorizing or ratifying contracts with public utilities for utility services for a specified term.

"(2) Authorizing the issuance or sale or security of bonds, debentures, notes, warrants and other obligations, whether full faith and credit obligations or payable from general revenues, or special taxes, or from revenues of a utility or other property of a municipality.

"(g) The provisions of this section shall not apply to the adoption of a code for the revision and codification of the ordinances of a municipality and the adoption of such code by ordinance as provided in Title 37, Section 461 of the Code of Alabama 1940."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

And the substitute was adopted.

Yeas 57; Nays 5.

**Yeas:**

|                            |         |           |        |
|----------------------------|---------|-----------|--------|
| Mr. Speaker:               | Avery   | Boyd      | Brooks |
| Adams <sup>(Houston)</sup> | Bailey  | Brewer    | Cates  |
| Albea                      | Barnett | Broadfoot | Cook   |

|             |                                |                               |                              |
|-------------|--------------------------------|-------------------------------|------------------------------|
| Cornett     | Hain                           | Long <sup>(Perry)</sup>       | Powell                       |
| Daniel      | Hardy                          | McCorquodale                  | Roberts                      |
| Dickson     | Harris                         | McLendon <sup>(Bullock)</sup> | Rogers                       |
| Faulk       | Ingram                         | Martin                        | Rozelle                      |
| Ferguson    | Jenkins                        | Merrill                       | Salter                       |
| Gilmer      | Johnson <sup>(Hardaway)</sup>  | Murphy                        | Self                         |
| Glass       | Johnson <sup>(J. T. Tom)</sup> | Nettles                       | Smith <sup>(St. Clair)</sup> |
| Goldthwaite | Johnston <sup>(Leonard)</sup>  | Nichols                       | Steagall                     |
| Goodwyn     | Jones <sup>(Monroe)</sup>      | Oakley                        | Taylor                       |
| Grant       | Lee                            | Phillips                      | Thomas                       |
| Gross       | Long <sup>(Lauderdale)</sup>   | Pierce                        | Turner                       |
| Grouby      |                                |                               |                              |

—57

**Nays:** Messrs. Callahan, Casey, Dodd, Edwards and Hankins —5

And said bill, S. 90, as amended, was read a third time at length and passed.

Yeas 69; Nays 3.

**Yeas:**

|                            |             |                                |                            |
|----------------------------|-------------|--------------------------------|----------------------------|
| Mr. Speaker:               | Daniel      | Hearn                          | Perry                      |
| Adams <sup>(Houston)</sup> | Dickson     | Ingram                         | Phillips                   |
| Albea                      | Dodd        | Jenkins                        | Pierce                     |
| Ashworth                   | Edwards     | Johnson <sup>(Hardaway)</sup>  | Powell                     |
| Avery                      | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ramey                      |
| Bailey                     | Ferguson    | Johnston <sup>(Leonard)</sup>  | Rast                       |
| Barnett                    | Franklin    | Jones <sup>(Monroe)</sup>      | Roberts                    |
| Bassett                    | Gilmer      | Lee                            | Rogers                     |
| Bevill                     | Goldthwaite | Locke                          | Rozelle                    |
| Boyd                       | Goodwyn     | Long <sup>(Lauderdale)</sup>   | Salter                     |
| Branyon                    | Gordon      | Long <sup>(Perry)</sup>        | Self                       |
| Brewer                     | Grant       | McCorquodale                   | Sessions                   |
| Broadfoot                  | Gross       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup> |
| Brooks                     | Grouby      | Merrill                        | Steagall                   |
| Camp                       | Hain        | Murphy                         | Sullivan                   |
| Cates                      | Hardy       | Nichols                        | Trimmier                   |
| Cook                       | Harris      | Oakley                         | Turner                     |
| Cornett                    |             |                                |                            |

—69

**Nays:** Messrs. Callahan, Casey and Hankins —3

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Long (Perry) to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 92, was adopted.

Yeas 53; Nays 4.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker:               | Cook        | Gross                          | Jones <sup>(Covington)</sup> |
| Adams <sup>(Houston)</sup> | Cornett     | Grouby                         | Jones <sup>(Monroe)</sup>    |
| Albea                      | Daniel      | Hain                           | Lee                          |
| Barnett                    | Dickson     | Hardy                          | Locke                        |
| Boyd                       | Dodd        | Harris                         | Long <sup>(Lauderdale)</sup> |
| Branyon                    | Edwards     | Hawkins                        | McCorquodale                 |
| Brewer                     | Franklin    | Hearn                          | Murphy                       |
| Brooks                     | Gilmer      | Jenkins                        | Nettles                      |
| Camp                       | Goldthwaite | Johnson <sup>(J. T. Tom)</sup> | Nichols                      |
| Casey                      | Grant       | Johnston <sup>(Leonard)</sup>  | Oakley                       |

|          |         |                              |          |     |
|----------|---------|------------------------------|----------|-----|
| Phillips | Roberts | Salter                       | Steagall |     |
| Pierce   | Rogers  | Sessions                     | Thomas   |     |
| Powell   | Rozelle | Smith <sup>(St. Clair)</sup> | Trimmier |     |
| Rast     |         |                              |          | —53 |

**Nays:** Messrs. Broadfoot, Callahan, Cates and Ferguson —4

And the bill:

S. 92 (with substitute): To provide that all municipalities shall have the authority to license businesses which are subject to a state license under Section 1 of Act No. 159, approved June 23, 1945 (General Acts of Alabama 1945, page 200), as amended, for the privilege of engaging in or carrying on such business in the city or town, and that such power and authority shall not be limited or restricted.

Was taken up.

### ADJOURNMENT

On motion of Mr. Jenkins the House adjourned until Tuesday, October 27, 1959, at one o'clock P.M.

Yeas 43; Nays 36.

#### Yeas:

|           |                    |                     |                   |
|-----------|--------------------|---------------------|-------------------|
| Messrs.:  | Dickson            | Johnson (J. T. Tom) | Owens             |
| Ashworth  | Edwards            | Johnston (Leonard)  | Perry             |
| Bishop    | Ferguson           | Jones (Covington)   | Phillips          |
| Brannan   | Franklin           | Jones (Monroe)      | Ramey             |
| Branyon   | Glass              | Lee                 | Rast              |
| Broadfoot | Gordon             | Locke               | Self              |
| Brooks    | Hankins            | Long (Lauderdale)   | Smith (St. Clair) |
| Camp      | Hearn              | McCorquodale        | Sullivan          |
| Casey     | Ingram             | Martin              | Taylor            |
| Chambers  | Jenkins            | Merrill             | Thomas            |
| Cook      | Johnson (Hardaway) | Murphy              | Trimmier          |

—43

#### Nays:

|                 |             |              |                 |
|-----------------|-------------|--------------|-----------------|
| Mr. Speaker:    | Copeland    | Gross        | Pierce          |
| Adams (Houston) | Cornett     | Grouby       | Powell          |
| Albea           | Daniel      | Hain         | Pruitt          |
| Bailey          | Dodd        | Hardy        | Roberts         |
| Barnett         | Gilchrist   | Hawkins      | Rogers          |
| Bevill          | Gilmer      | Hocklander   | Rozelle         |
| Boyd            | Goldthwaite | Long (Perry) | Smith (Russell) |
| Brewer          | Goodwyn     | Nettles      | Steagall        |
| Cates           | Grant       | Nichols      | Turner          |

—36

### THIRTY-FIRST DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, October 27, 1959

The House met pursuant to adjournment.

#### PRAYER

The session was opened with prayer by the Reverend J. P. West, Pastor, First Methodist Church, Goodwater, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                 |                    |                     |                     |
|-----------------|--------------------|---------------------|---------------------|
| Mr. Speaker:    | Faulk              | Johnson (J. T. Tom) | Pruitt              |
| Adams (Houston) | Ferguson           | Johnston (Leonard)  | Ramey               |
| Albea           | Franklin           | Jones (Covington)   | Rast                |
| Ashworth        | Gilchrist          | Jones (Monroe)      | Ray                 |
| Avery           | Gilmer             | Lee                 | Reynolds (Chambers) |
| Bailey          | Glass              | Locke               | Reynolds (Madison)  |
| Barnett         | Goldthwaite        | Long (Lauderdale)   | Roberts             |
| Bassett         | Goodwyn            | Long (Perry)        | Rogers              |
| Bevill          | Gordon             | McClendon (Chamb)   | Rozelle             |
| Bishop          | Grant              | McCorquodale        | Salter              |
| Boyd            | Gross              | McLendon (Bullock)  | Self                |
| Brannan         | Grouby             | Martin              | Sessions            |
| Branyon         | Guthrie            | Meade               | Shumate             |
| Brewer          | Hain               | Merrill             | Smith (Russell)     |
| Britton         | Hanby              | Morrow              | Smith (St. Clair)   |
| Broadfoot       | Hankins            | Murphy              | Solomon             |
| Brooks          | Hardy              | Nettles             | Speaks              |
| Cabiness        | Harris             | Nichols             | Steagall            |
| Callahan        | Harvey             | Oakley              | Sullivan            |
| Camp            | Hawkins            | Oden                | Taylor              |
| Casey           | Hearn              | Owens               | Thomas              |
| Cates           | Hocklander         | Perry               | Torbert             |
| Cook            | Ingram             | Phillips            | Trimmier            |
| Daniel          | Jenkins            | Pierce              | Turner              |
| Dickson         | Johnson (Hardaway) | Powell              | Turnham             |
| Edwards         |                    |                     |                     |

—101

A quorum was present.

## LEAVES OF ABSENCE

On motion of Mr. Solomon leave of absence was granted to Mr. Chambers because of a death in his family.

On motion of Mr. Hanby leave of absence was granted to Mr. Copeland.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirtieth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the thirtieth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirtieth legislative day was approved.

## REPORT OF STANDING COMMITTEE ON RULES

Mr. Adams (Tallapoosa), Chairman of the Standing Committee on Rules, reported that said committee in session, had originated and acted

on the following resolution, and ordered same returned to the House with the recommendation that it be adopted.

By Rules Committee.

H. R. 84. BE IT RESOLVED BY THE HOUSE that the following bills in the order named be made continuing Special Order, taking precedence over any other bills on the Calendar; except uncontested local bills.

|                    |         |
|--------------------|---------|
| H. B. No. 668..... | Page 66 |
| H. B. No. 669..... | Page 66 |
| H. B. No. 839..... | Page 45 |
| H. B. No. 522..... | Page 18 |
| H. B. No. 552..... | Page 19 |
| H. B. No. 553..... | Page 20 |
| H. B. No. 554..... | Page 20 |
| H. B. No. 555..... | Page 20 |
| H. B. No. 372..... | Page 5  |
| H. B. No. 931..... | Page 63 |
| H. B. No. 616..... | Page 59 |
| H. B. No. 618..... | Page 87 |
| H. B. No. 660..... | Page 86 |
| H. B. No. 540..... | Page 31 |
| H. B. No. 717..... | Page 39 |
| H. B. No. 745..... | Page 45 |
| H. B. No. 615..... | Page 21 |
| H. B. No. 754..... | Page 40 |
| H. B. No. 755..... | Page 40 |
| H. B. No. 757..... | Page 41 |
| H. B. No. 256..... | Page 18 |
| H. B. No. 342..... | Page 12 |
| H. B. No. 343..... | Page 12 |
| H. B. No. 291..... | Page 4  |
| H. B. No. 161..... | Page 7  |
| H. B. No. 300..... | Page 15 |
| H. B. No. 504..... | Page 20 |
| H. B. No. 724..... | Page 46 |
| H. B. No. 725..... | Page 46 |
| H. B. No. 730..... | Page 47 |

|                     |         |
|---------------------|---------|
| H. B. No. 770.....  | Page 56 |
| H. B. No. 771.....  | Page 56 |
| H. B. No. 827.....  | Page 41 |
| H. B. No. 683.....  | Page 26 |
| H. B. No. 684.....  | Page 26 |
| H. B. No. 685.....  | Page 26 |
| H. B. No. 686.....  | Page 27 |
| H. B. No. 775.....  | Page 36 |
| H. B. No. 17.....   | Page 45 |
| H. B. No. 232.....  | Page 23 |
| H. B. No. 809.....  | Page 34 |
| H. B. No. 773.....  | Page 56 |
| H. B. No. 958.....  | Page 60 |
| H. B. No. 609.....  | Page 60 |
| H. B. No. 801.....  | Page 57 |
| H. B. No. 802.....  | Page 57 |
| H. B. No. 752.....  | Page 43 |
| H. B. No. 916.....  | Page 45 |
| H. B. No. 952.....  | Page 60 |
| H. B. No. 984.....  | Page 56 |
| H. B. No. 887.....  | Page 58 |
| H. B. No. 774.....  | Page 27 |
| H. B. No. 207.....  | Page 29 |
| H. B. No. 1046..... | Page 86 |
| H. B. No. 1010..... | Page 87 |
| H. B. No. 831.....  | Page 63 |
| H. B. No. 667.....  | Page 60 |
| H. B. No. 426.....  | Page 15 |
| H. B. No. 551.....  | Page 27 |
| H. B. No. 862.....  | Page 48 |
| H. B. No. 662.....  | Page 88 |
| H. B. No. 624.....  | Page 32 |
| H. B. No. 471.....  | Page 10 |
| H. B. No. 727.....  | Page 47 |
| H. B. No. 729.....  | Page 47 |



H. B. No. 722.....Page 49

Mr. Ashworth moved to adopt the resolution, H. R. 84.

The motion of Mr. Cabiness to lay the motion of Mr. Ashworth on the table was lost.

And the motion of Mr. Ashworth to adopt the resolution, H. R. 84, was adopted.

Yeas 48; Nays 40.

#### Yeas:

|                            |           |                                |                               |
|----------------------------|-----------|--------------------------------|-------------------------------|
| Mr. Speaker:               | Edwards   | Hearn                          | Phillips                      |
| Adams <sup>(Houston)</sup> | Faulk     | Hocklander                     | Pierce                        |
| Ashworth                   | Franklin  | Ingram                         | Pruitt                        |
| Bailey                     | Gilchrist | Johnson <sup>(J. T. Tom)</sup> | Rast                          |
| Bassett                    | Goodwyn   | Jones <sup>(Covington)</sup>   | Reynolds <sup>(Madison)</sup> |
| Bevill                     | Gordon    | McClendon <sup>(Chamb)</sup>   | Roberts                       |
| Boyd                       | Gross     | McLendon <sup>(Bullock)</sup>  | Rogers                        |
| Brannan                    | Grouby    | Meade                          | Rozelle                       |
| Callahan                   | Hain      | Merrill                        | Smith <sup>(Russell)</sup>    |
| Camp                       | Hanby     | Nettles                        | Sullivan                      |
| Casey                      | Harvey    | Nichols                        | Torbert                       |
| Cates                      | Hawkins   | Perry                          | Turner                        |

—48

#### Nays:

|           |                               |                              |                                |
|-----------|-------------------------------|------------------------------|--------------------------------|
| Messrs.:  | Cook                          | Lee                          | Ray                            |
| Albea     | Daniel                        | Long <sup>(Lauderdale)</sup> | Reynolds <sup>(Chambers)</sup> |
| Avery     | Dickson                       | Long <sup>(Perry)</sup>      | Salter                         |
| Barnett   | Ferguson                      | McCorquodale                 | Self                           |
| Bishop    | Goldthwaite                   | Martin                       | Smith <sup>(St. Clair)</sup>   |
| Branyon   | Harris                        | Murphy                       | Speaks                         |
| Brewer    | Jenkins                       | Oden                         | Steagall                       |
| Britton   | Johnson <sup>(Hardaway)</sup> | Owens                        | Taylor                         |
| Broadfoot | Johnston <sup>(Leonard)</sup> | Powell                       | Thomas                         |
| Brooks    | Jones <sup>(Monroe)</sup>     | Ramey                        | Turnham                        |
| Cabiness  |                               |                              |                                |

—40

#### POINT OF ORDER

Mr. Broadfoot rose to a point of order as to whether or not the titles of bills were given in House Resolution 84 according to House Rule 6.

In accordance with Mr. Broadfoot's point of order the Speaker instructed the Clerk to add the titles of the bills on the resolution, H. R. 84. Thereupon the titles were added to the resolution, H. R. 84, as follows:

By Rules Committee:

H. R. 84. BE IT RESOLVED BY THE HOUSE that the following bills in the order named be made continuing Special Order, taking precedence over any other bills on the Calendar; except uncontested local bills.

H. B. No. 668

Page 66

H. 668. To implement the power of the Governor as conservator of the peace throughout the State; to define such powers with respect to

the operation of public schools; to prevent violence and disorder in connection with the operation of public schools; to provide for the closing of public schools and for the education of pupils from such schools; to confer power upon the Governor with respect to such schools; and to provide for the effective date of this Act.

H. B. No. 669

Page 66

H. 669. To implement the powers of the Governor as conservator of the peace and to authorize the Governor to close any school, trade school, or institution or any branch or department thereof under the control of the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Institute for Deaf and Blind or the State Board of Education; and to provide for the effective date of this Act.

H. B. No. 839

Page 45

H. 839. To amend Section 4 and 7 of Title 51, Code of Alabama 1940, which relate to applications for exemptions of factories, industries, and plants from ad valorem tax.

H. B. No. 522

Page 18

H. 522. To amend Section 3 of an act approved July 9, 1943, creating the Elementary Teachers Scholarship Fund (Act No. 535, S. 371, General Acts 1943, p. 509) so as to provide that funds available to each teachers college for the purpose of making scholarship grants directly may be used instead to match federal funds made available for a like purpose.

H. B. No. 552

Page 19

H. 552. To amend Section 91 of Title 8, Code of Alabama 1940, as amended by Act No. 707, 1951 Acts of Alabama, Vol II, page 1246, approved September 5, 1951, entitled "An Act To amend Section 91 of Title 8, Code of Alabama 1940, which relates to licenses to capture and kill fur-bearing animals."

H. B. No. 553

Page 20

H. 553. To amend Title 8, Section 98, Code of Alabama 1940 pertaining to transporting furs, pelts, etc. without having fur catchers license.

H. B. No. 554

Page 20

H. 554. To amend Title 8, Section 97, Code of Alabama 1940, pertaining to funds from the sale of fur catchers licenses.

H. B. No. 555

Page 20

H. 555. To repeal Title 8, Section 99, Code of Alabama 1940, pertaining to receiving furs, pelts, etc., when license not issued.

H. B. No. 372

Page 5

H. 372. To amend further the act approved July 7, 1945 (Act No. 412, S. 261, Gen. Acts 1945, p. 647) providing for the adoption, selection, purchase, and distribution of textbooks to be used in the tax-supported public schools of Alabama.

H. B. No. 931 Page 63

H. 931 (with amendment): Relating to schools; to provide for a Committee on Courses of Study; to prescribe the qualification and compensation of its members; to define its duties; and to repeal Sections 404, 405, 406, 407 of Title 52, Code of Alabama 1940 as amended.

H. B. No. 616 Page 59

H. 616 (with amendment): To create the position of Chief Engineer in the State Highway Department; to provide for his appointment, qualifications, duties, responsibilities and salary; and to provide for the effective date of this Act.

H. B. No. 618 Page 87

H. 618 (with amendment): To fix the salary of the Director of Finance.

H. B. No. 660 Page 86

H. 660. To provide that the State Budget Officer shall be the Deputy Director of Finance: To provide for the duties and compensation therefor.

H. B. No. 540 Page 31

H. 540. To amend Section 22 of Title 12, Code of Alabama 1940, in relation to the publication of reports showing the receipts and expenditures of money by counties, providing for the publication of such reports annually on the first day of October of each year.

H. B. No. 717 Page 39

H. 717 (with substitute): To amend Act No. 643, H. 489, entitled "An Act To regulate the teaching and practice of cosmetology; requiring the registration and licensing of cosmetologist and cosmetologists' apprentices, and schools of cosmetology, creating for the administration of this Act a State Board of Cosmetology, and defining violation of this Act and prescribing penalties therefor," approved September 20, 1957 (Acts of Alabama 1957, page 981).

H. B. No. 745 Page 45

H. 745. To amend Section 2, Item III, B (4) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

H. B. No. 615 Page 21

H. 615. Relating to the traveling expenses allowable to state officers and employees; amending further Section 154 of Title 41, Code of Alabama 1940.

H. B. No. 754 Page 40

H. 754 (with substitute): To provide for and regulate elections in the cities and towns of this state which have a commission form of government; designating the date for regular elections, and authorizing the board of commissioners to call special elections; prescribing

the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting, the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

H. B. No. 755

Page 40

H. 755 (with amendment): To regulate further elections in the cities and towns of this state: Authorizing, regulating, and providing for the holding of municipal primary elections for the purpose of nominating candidates of political parties for municipal offices.

H. B. No. 757

Page 41

H. 757 (with substitute): To provide for and regulate general and special elections in the cities and towns of this state, except those cities and towns which have a commission form of government; designating the date for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections, and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

H. B. No. 256

Page 18

H. 256 (with substitute): Relating to the registration of vessels and motor boats and their operation on the waters of this state and providing for water safety; providing for definitions; registration and identification of vessels and boats used on the waters of this state by the Conservation Department of this state; the enforcement of this Act; duties of the Director of the State Department of Conservation; fee schedule for vessel and motor boat registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent Amendment thereto; prohibiting vessel and motor boat operation when un-numbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveryes; requiring accident reports to be filed with Conservation Department; certain operations of vessels and motor boats prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this Act; the establishment of License Fees on vessels and motor boats and providing penalties for violation of the provisions of

this Act and repealing all laws in conflict with the provisions of this Act.

H. B. No. 342

Page 12

H. 342. To amend Section 1 of Act No. 455, 1945 General Acts of Alabama, page 689, approved July 6, 1945, entitled an Act "To authorize the Department of State Docks and Terminals of the State of Alabama to carry fire and casualty and public liability insurance of all kinds and to pay the premiums thereon and to fix the liability in connection therewith and to authorize suits directly against the insurance carriers on any such policies and to repeal all laws, or parts of laws, in conflict herewith."

H. B. No. 343

Page 12

H. 343. To provide for the management, control and ownership of McDuffie Island in Mobile Bay; to provide for the transfer of deeds and records to the Department of State Docks pertaining to McDuffie Island; to provide for the lease, sale or other disposition of properties on McDuffie Island; to provide for the disposition of all revenues obtained from the sale or other disposition of lands on McDuffie Island; to repeal all laws in conflict with the provisions of this act.

H. B. No. 291

Page 4

H. 291. To provide for the construction, maintenance and repair of streets, roads, drives, and parking areas on the campus of any state institution of higher learning.

H. B. No. 161

Page 7

H. 161. To provide for the licensing of day care facilities for children; to define the term "day care facilities for children"; to provide that reasonable standards for such day care facilities shall be established by the State Board of Pensions and Security; to authorize the State Department of Pensions and Security to grant annual licenses pursuant to these standards; to require the keeping of certain records by the operators of day care facilities; to authorize the revocation of any license issued; and to prescribe penalties for violation of this Act.

H. B. No. 300

Page 15

H. 300. To repeal the Act of September 18, 1957 entitled "An Act to provide for the further promotion of river development in this State; to create the Alabama River Development Authority; to prescribe its powers and duties; to prescribe the authority and functions of the Authority; to provide for the appointment of an administrator of the Authority, and to prescribe his powers and duties; and to make an appropriation for the purposes of the Act," (Act No. 618, H. 294, Acts 1957, Vol. II, pp. 887-890).

H. B. No. 504

Page 20

H. 504. To authorize commissioned officers and warrant officers of the Alabama army and air national guard to organize into an association; and to prescribe the power and authority of the association.

H. B. No. 724

Page 46

H. 724. To amend Sections 92 and 117 of Title 17 of the Code of Alabama of 1940 so as to authorize any county or city or other poli-

tical subdivision of the state to authorize and direct the use of voting machines for registering or recording and computing the vote at all elections held in such county or city or other political subdivision or portion of any thereof without the requirement of submitting the question of the authorization or installation of voting machines to a vote of the qualified electors of such county, city, or other political subdivision, and so as to make the pertinent and necessary laws pertaining to the use of voting machines in counties also apply to the use of voting machines in any municipality or other political subdivision in which voting machines may be adopted.

H. B. No. 725

Page 46

H. 725. To authorize each county in this state, in which voting machines may now or hereafter be authorized or required to be used in the conduct of elections to sell and issue from time to time interest bearing warrants or certificates of indebtedness of such county for the purpose of acquiring or providing voting machines for the conduct of elections in such county; authorizing each such county to pledge and use, for payment of the principal of and interest on such warrants and certificates, so much as may be necessary for such purpose of the  $\frac{1}{2}$  of 1% ad valorem tax which such county is now authorized to levy without reference to its purpose, and specifying the effect and priority of any such pledge; and authorizing the refunding of such warrants and certificates.

H. B. No. 730

Page 47

H. 730. To amend further Section 12 of Title 17, Code of Alabama 1940, which relates to qualifications to vote.

H. B. No. 770

Page 56

H. 770 (with amendment): To revise and amend Chapter 4 of Title 46 of the Code of Alabama (1940), relating to the licensing of general contractors.

H. B. No. 771

Page 56

H. 771. To make an additional appropriation to the State Licensing Board for General Contractors.

H. B. No. 827

Page 41

H. 827. To amend Section 695, Title 51, Code of Alabama 1940, in relation to an apportionment of the license taxes payable by certain common carriers of passengers.

H. B. No. 683

Page 26

H. 683. To amend Act No. 664, H. 791, approved July 5, 1940 (General Acts of Alabama, 1939, p. 1050), which provides for the levy, assessment, and collection of mileage taxes from motor carriers in the State of Alabama, so as to eliminate the imposition of such tax on vehicles transporting property for hire.

H. B. No. 684

Page 26

H. 684. To amend further Section 713, Title 51, Code of Alabama (1940), which relates to the distribution of motor vehicle and trailer license tax funds.

H. B. No. 685

Page 26

H. 685 (with substitute): To amend Section 703, Title 51, Code of

Alabama (1940), which relates to the license tax payable on trailers and semi-trailers.

H. B. No. 686

Page 27

H. 686 (with substitute): To amend Section 697 of Title 51, Code of Alabama (1940), which prescribes the license taxes imposed upon motor trucks using fuel on which tax has been paid or is to be paid, to provide for the basing of such licenses on owner-declared gross vehicle weight.

H. B. No. 775

Page 36

H. 775. To amend Section 125 of Title 12, Code of Alabama 1940, which relates to the interest rate and maturity of temporary loans made by county governing bodies in anticipation of taxes.

H. B. No. 17

Page 45

H. 17 (with amendment): To amend Title 51, Section 703, Code of Alabama, 1940, as amended, relating to ad valorem taxation of trailers.

H. B. No. 232

Page 23

H. 232. To amend Section 14 of Act No. 703, Acts of Alabama, Regular Session 1951, "To create a State Department of Public Welfare; to provide for a State Board of Public Welfare and to prescribe its powers and duties; to provide for the appointment of a Commissioner, as executive and administrative officer, and other employees; to authorize the allocation of Federal and State funds in a manner to provide equitable treatment of needy individuals in similar circumstances; to prescribe the duties, powers and responsibilities of the Department; to create county departments of public welfare and to describe their duties; to provide for county boards of public welfare and to prescribe their duties; to authorize county and city governing bodies to make other and further provisions for the needy; to define who is entitled to old age assistance, aid to the blind, aid to dependent children, and aid to the permanently and totally disabled; to provide for the method of making application, the determination of eligibility, and the amount of assistance; to authorize payment after death for the month in which the recipient dies; to define the obligations of persons applying for or receiving assistance; to define the rights of persons applying for or receiving assistance to appeal; to authorize state and county departments to subpoena witnesses; to authorize the State Department to develop standards of assistance and to further define the authority of the State Department; to provide penalty for false representation; to exempt assistance grants from taxes, levy, garnishment, or other process; to authorize old age assistance for eligible confederate pensioners; to provide for payments over maximum in which the Federal government will share for hospital care for old age assistance applicants and recipients; to authorize county boards to review public assistance cases; to appropriate surplus and residue from the proceeds of the levy of the one mill tax for the relief of needy confederate soldiers and sailors and their widows; to provide for the severability of the provisions; and to provide for the time the Act shall take effect.

H. B. No. 809

Page 34

H. 809. To amend Section 1 of Act No. 296, page 493, 1945 General Acts of Alabama, approved July 7, 1945, entitled "An Act To amend

Section 55 of Title 8 of the Code of Alabama 1940" which pertains to the fees of arresting officers in game and fish cases.

H. B. No. 773 Page 56

H. 773. Proposing an amendment of the Constitution of 1901 authorizing the levying of special taxes for public hospital purposes.

H. B. No. 958 Page 60

H. 958. To amend Section 2, Item III G (6) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

H. B. No. 609 Page 60

H. 609. to authorize the governing body of each county and municipality to appropriate public funds to provide financial assistance to a local program for the aged, including the establishment and maintenance of nursing homes and rehabilitation, vocational, and educational centers, the making of job surveys, and the securing of specially trained personnel to carry out the program.

H. B. No. 801. Page 57

H. 801. Relating to State Educational Institutions: Proposing an amendment to the Constitution of Alabama authorizing certain State educational institutions to pledge certain existing revenues for the acquisition or improvement of facilities.

H. B. No. 802 Page 57

H. 802. To authorize the state board of education and the boards of trustees of all state institutions to make investments of endowment funds and other funds held for investment in the same manner as the Teachers Retirement System of Alabama is authorized to make.

H. B. No. 752 Page 43

H. 752. To make additional appropriations to the State Department of Education for each of the fiscal years ending September 30, 1960, and September 30, 1961.

H. B. No. 916 Page 45

H. 916. To provide for the issuance of special motor vehicle license tags or plates to certain disabled veterans.

H. B. No. 952 Page 60

H. 952. To provide for an additional judge of the Thirteenth Judicial Circuit of Alabama.

H. B. No. 984 Page 56

H. 984. To amend further Section 152 of Title 41, Code of Alabama 1940, which relates to the salaries and compensation payable to certain officers and employees of the State of Alabama.

H. B. No. 887 Page 58

H. 887. To authorize the Attorney General to employ not more than two investigators and to make an appropriation therefor.



H. B. No. 774

Page 27

H. 774. To make an appropriation to the Water Resources Study Commission for each of the two fiscal years ending September 30, 1960 and September 30, 1961 for expenditure by said Commission in the performance of its duties.

H. B. No. 207

Page 29

H. 207. Relating to elections; amending further Sections 77 and 80 of Title 17, Code of Alabama 1940, to provide further for establishing election precincts, districts, polling places, and correct lists of qualified voters.

H. B. No. 1046

Page 86

H. 1046. To amend Section 1 of Title 58 of the Code of Alabama of 1940.

H. B. No. 1010

Page 87

H. 1010. For the relief of L. B. Kilpatrick, contractor,: To make an appropriation of State Highway Departments funds to compensate such contractor for certain construction work done on Alabama Highway Projects, S-522 (2) Shelby County, \$16,323.51; Coffee County S-886, S-887, S-888, S-889, \$3,419.03. Total \$19,742.54.

H. B. No. 831

Page 63

H. 831. To provide for grants in aid for educational purposes and for the administration and enforcement of the Act.

H. B. No. 667

Page 60

H. 667. To provide for jury service by women; amending Sections 20 and 21 of Title 30, Code of Alabama 1940.

H. B. No. 426.

Page 15

H. 426. To amend further Section 186 of Title 13, Code of Alabama 1940 to increase the pay of bailiffs.

H. B. No. 551

Page 27

H. 551. To amend an act approved February 10, 1956, entitled "An Act to authorize and provide for the planning, designation, establishment, use, regulation, alteration, improvement, maintenance, and vacation of controlled access facilities; defining such terms; providing for the acquisition of lands required therefor; the restriction of intersections and control of approaches; the establishment of local service roads; the prohibition of certain acts thereon and provision for penalties therefor; and for other purposes" (Act No. 104, H. B. 148, Acts 1956, p. 148).

H. B. No. 862

Page 48

H. 862. To provide for the taking of depositions of witnesses and parties upon oral examination for discovery or for use as evidence; to prescribe the scope of such examination, the use of such depositions, and the effect of using such depositions; to provide a method of compelling the attendance of the person sought to be examined; to prescribe the penalties for failure of such person to appear for such examination; to regulate and conform practice and

procedure with respect to such examinations and depositions; to make said examinations and depositions available to litigants in suits in equity; to validate certain depositions taken under pre-existing law; and to repeal conflicting statutes and rules of practice.

H. B. No. 662

Page 88

H. 662 (with amendment): For the relief of Robins Engineering, Inc: To make an appropriation of State Highway Department funds to compensate such company for certain construction work done on Alabama Highway Project S-532-B Lauderdale County, Alabama.

H. B. No. 624

Page 32

H. 624. To amend Section 3 and Section 15 of Act No. 351, General Acts of 1947, page 231, approved August 14, 1947, same being an act "To provide for auditing periodically the books, accounts, vouchers, and records of public officers, agencies, and institutions: creating a Department of Examiners of Public Accounts and a supervisory Legislative Committee on Public Accounts; abolishing the Division of Examiners of Public Accounts of the Department of Finance and transferring its functions, funds, books, records, furniture, fixtures, supplies, equipment, and personnel; and prescribing penalties for violations of this Act.

H. B. No. 471

Page 10

H. 471. To amend Section 508 of Title 7 of the Code of Alabama 1940 so as to permit the issuance of execution for costs in certain cases even though issuance of execution as to the judgment be stayed.

H. B. No. 727

Page 47

H. 727. To amend Act No. 817, S. 420, approved September 19, 1953 (Acts of Alabama, Regular Session, 1953, p. 1103), entitled "An Act To regulate further the granting of certain scholarships to the University of Alabama."

H. B. No. 729

Page 47

H. 729. To amend Sections 279 and 280 of Title 17, Code of Alabama 1940, relating to the filing of political campaign expense statements.

H. B. No. 722

Page 49

H. 722 (with amendment): To amend the act approved August 19, 1949, relating to absentee voting (Act No. 424, H. 351, 1949 Acts 601).

The Speaker then ruled that said resolution, H. R. 84, was now in proper form, and had previously been adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 77. To amend Section 81 of Title 38, Code of Alabama 1940, in relation to the pay of bar pilots.

Also:

H. 475. To amend Section 1 of Act 515 approved July 9, 1945, as

amended, which relates to the Employees' Retirement System of Alabama.

Also:

H. 537. To provide a retirement benefit to any state employee who had attained age 60 on or before October 1, 1945, who declined membership in the Employees' Retirement System of Alabama in the manner prescribed in Section 3 of Act 515 approved July 9, 1945, and who retires with a minimum of fifteen years of service as a state employee; and to provide a supplement to the retirement benefits of certain state employees who are now or will be retired by the Board of Control of the Employees' Retirement System under the provisions of Act 515, approved July 9, 1945; to set forth the requirements under which said retirement and supplemental benefits shall be granted; and to provide for the management of the fund from which said assistance payments shall be made; and to repeal Act 571 approved September 18, 1957 relating to certain benefits to retired state employees, and to provide the appropriation necessary to carry out the provisions of this act.

Also:

H. 459. To amend further Section 254 of Title 13, Code of Alabama (1940), which relates to the appointment and compensation of deputy circuit solicitors of the thirteenth judicial circuit.

Also:

H. 830. To provide for the appointment, tenure, and compensation of a stenographic secretary for the judge of the county court of Walker County.

Also:

H. 856. To abolish the office of comptroller of Walker County, and establish in lieu thereof a county depository; and to provide for the performance of certain duties relative to county funds by the county depository and other duties relative thereto by the Board of Finance and Control of Walker County and the President thereof, or any other like governing body of such county and its presiding officer.

Also:

H. 851. To provide for the relief of W. E. Sikes, of Roanoke, by Randolph County.

Also:

H. 861. To alter and re-arrange the boundary lines of the City of Homewood, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 642. Relating to and providing for the reidentification of electors in Choctaw County; directing the board of registrars to purge

the lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

Also:

H. 814. To alter, extend and rearrange the boundary line and corporate limits of the Town of Glen Allen in Marion and Fayette Counties, Alabama.

Also:

H. 805. To levy in Walker County a county license tax, in addition to all other taxes or licenses now required by law, on each package of cigarettes sold, stored, or received, for the purpose of distribution to any person, firm, corporation, club, or association within the county; to provide for the payment of the tax by the purchase and sale of stamps to be affixed to each package of cigarettes sold or distributed in such county; to provide for the ascertainment, collection, payment, distribution, and use of such license tax and for the enforcement of this Act; and to prescribe penalties and fix the punishment for violations of the Act.

Also:

H. 806. To make an annual appropriation from the general fund of Walker County to support the Peoples' Hospital of Walker County.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 645. To apply in all counties of this State having a population of not less than 94,000 and not more than 134,000 according to the latest or any subsequent Federal decennial census and to allow the Boards of Revenue or other like governing body of such counties to fix and set aside, by resolution, certain days of the week for the closing of the offices in the court house of such counties.

Also:

H. 791. To fix the compensation of the clerk of the Inferior Civil Court of Mobile County.

Also:

H. 706. Proposing an amendment to the Constitution of Alabama relating to the industrial development of Franklin County and the municipalities therein.

Also:

H. 812. To levy additional county privilege license and excise taxes for public school purposes in Chilton County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state

department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act, and prescribing penalties.

Also:

H. 828. To encourage and promote medical and scientific research and the establishment of medical research facilities, and the development of scientific research devices, by exempting certain activities, persons, organizations, and properties from building and zoning restrictions, permits, and fees, and public health and sanitary inspection fees, charges, and limitations, in all counties having a population of not less than 125,000 nor more than 225,000, according to the most recent federal decennial census.

Also:

H. 832. To repeal Act No. 336 of the Regular Session of the Legislature of Alabama of 1951, entitled "An Act Relating to Winston County: To prevent the disclosure of the identity of persons drawn or summoned for jury service at any session of court prior to the beginning of the session; and prescribing penalties for violation of this Act," approved August 1, 1951 (Acts of Alabama, 1951, page 624.)

Also:

H. 833. To authorize, direct, and require the state department of revenue to collect any sales and use taxes which may be levied in the municipality of Double Springs, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said municipality; to prescribe the power, duties, and authority of the state department of revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Also:

H. 834. To create and establish a single governing body in and for Winston County, to be known as the Board of Revenue of Winston County, Alabama, to be composed of three members, one of whom shall be chairman of said Board; to provide for the selection and election of the chairman and associate members of said Board; to fix their qualifications and term of office; to fix their compensation and prescribe the funds from which it may be paid; to define and prescribe the jurisdiction, power, and authority of said Board of Revenue, its chairman, and its members, and to repeal all laws, local and general, in conflict herewith.

Also:

H. 837. To levy additional county privilege license and excise taxes for public school purposes in Hale County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 86, H. 388, approved June 21, 1957 (Acts 1957, vol. I, pp. 127-130).

Also:

H. 854. To create in the City of Tuscaloosa, Alabama, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departments, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such fund of a proportion of the monthly salary of such members of the fire department and police department of such city as are eligible to participate in the benefits of such fund; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies including mutual and industrial fire insurance companies, doing business within such city, and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such fund, and to prescribe the penalty for failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerk by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such city, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such fund certain witness fees and certain rewards and gratuities received by firemen and policemen; to provide for the payment into such fund of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing body of such city to make appropriations to such fund out of the city treasury; to create in such city a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the transfer of all monies, securities, property, assets, and things of value in any Firemen's and Policemen's Fund in the City heretofore created to the jurisdiction and control of the Board of Trustees created under this Act; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of elected the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees of such fund; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department and police department and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind.

Also:

H. 859. To alter, re-arrange and extend the boundaries and cor-

porate limits of the municipality of Greensboro in Hale County; annexing certain territory to said municipality.

Also:

H. 822. To apply in and only in counties in Alabama having a population of 400,000 inhabitants or more, according to the last or any subsequent Federal census, and to empower and authorize the County Commission, board of revenue, or like governing body of all such counties to authorize and approve a monetary allowance not to exceed the sum of Six Hundred Dollars annually, payable in monthly installments, to be made to the Judge of Probate in such county for and on account of the use of an automobile owned or controlled by such Judge of Probate in the event such automobile is used by such Judge of Probate partially or entirely in connection with the performance of his official duties as such Judge of Probate, which sum shall include any other expenses incurred by such Judge of Probate in travelling in his official duties.

Also:

H. 721. To amend further Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, Vol. II, p. 981).

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Givhan:

S. 404. To amend Section 1 of Act No. 486, H. 765, approved July 9, 1943, an act providing for the appointment of a board of trustees to acquire, maintain, and protect certain properties and objects of historical interest located at the first permanent seat of government of the State of Alabama at Cahaba in Dallas County, (General Acts 1943, p 449), so as to provide for the appointment of two additional members of the board of trustees of the Cahaba Historical Commission.

Also:

By Mr. Farmer:

S. 412. To provide for the education or training of deputies sheriff or the sheriff in Houston County, Alabama at the Alabama Police Academy or to similar schools of training and for payment of expenses incident thereto.

With notice and proof thereto attached and herewith exhibited as follows:

#### A BILL TO BE ENTITLED AN ACT

TO PROVIDE FOR THE EDUCATION OR TRAINING OF DEPUTIES SHERIFF OR THE SHERIFF IN HOUSTON COUNTY, ALABAMA AT THE ALABAMA POLICE ACADEMY OR TO SIMILAR

**SCHOOLS OF TRAINING AND FOR PAYMENT OF EXPENSES INCIDENT THERETO.****Be It Enacted by the Legislature of Alabama:**

Section 1. The Sheriff of Houston County, Alabama is hereby authorized to designate deputies sheriff or himself to attend the Alabama Police Academy or any similar training school. The salary of said deputies sheriff or Sheriff shall continue while they are in attendance at said training courses and the actual, reasonable and necessary expenses for their attendance at said training courses may be paid by the County out of the general fund upon resolution of the County Commission or other similar governing body of the County.

Section 2. That all laws or parts of law in conflict herewith are hereby repealed.

Section 3. This act shall become effective upon its approval by the Governor or its otherwise becoming law.

**STATE OF ALABAMA  
HOUSTON COUNTY**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mirl Crosby, who is known to me and who, being by me first duly sworn, deposes and says: That he is Business Manager of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 weeks, on the following dates: June 25, July 2, 9, Oct. 1, 1959 in The Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published, and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

**MIRL CROSBY.**

Sworn to and subscribed before me on this 1st day of Oct., 1959.

**B. WALLACE MILLER,**  
Notary Public.

Also:

By Mr. Caffey:

S. 418. To amend Section 1 of the Act of the Legislature approved on the 9th day of August, 1949, General and Local Acts, 1949, Page 536, entitled: "To provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being served by the Mobile Public Library."

With notice and proof thereto attached and herewith exhibited as follows:

**LEGAL NOTICE****STATE OF ALABAMA,  
COUNTY OF MOBILE.**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama during the present Regular



Session and application for its passage and enactment will be made, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 1 of the Act of the Legislature approved on the 9th day of August, 1949, General and Local Acts 1949, page 536, entitled:

"To provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being served by the Mobile Public Library."

**Be It Enacted by the Legislature of Alabama:**

Section 1. That the Board of Revenue and Road Commissioners of the County of Mobile commencing on October 1, 1960 and until September 30, 1962 shall pay annually out of the general fund of such county to the board, commission or other governing body duly constituted by public law, of each public library situated in any incorporated town or city, sums at least equal to Fifteen Cents (\$.15) per capita of the population of Mobile County, in such manner as to pay to each public library situated in any incorporated town or city other than the county seat, Fifteen Cents (\$.15) per capita of the population of each such incorporated town or city and to the board, commission or other governing body duly constituted by public law of each public library situated in the county seat of such county, Fifteen Cents (\$.15) per capita of the population of such incorporated town or county seat together with Fifteen Cents (\$.15) per capita of the population of other parts of the county other than incorporated towns maintaining public libraries.

That commencing October 1, 1962 and thereafter said sum of Fifteen Cents (\$.15) shall be increased to Sixteen Cents (\$.16).

**MOBILE PUBLIC LIBRARY.**

Reg. Aug. 1, 8, 15, 22.

A. A. Johnson being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The The Mobile Register 9/1. 8. 15. 22 1959.

**A. A. JOHNSON.**

Sworn to and subscribed before me This 22nd day of September 1959.

**GREG L. KENNY,**  
Notary Public.

**J. E. SPEIGHT,**  
Secretary.

**SENATE MESSAGE**

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 404. Local Legislation No. 1

S. 412. Local Legislation No. 1

S. 418. Local Legislation No. 1

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Godfrey:

S. 409. To provide for returning to the court of county commissioners, board of revenue, or other like governing body of Cherokee County, jurisdiction, supervision, and control over the establishment, construction, reconstruction, maintenance, and repair of county roads and bridges; repealing Act No. 261, H. 808, approved August 23, 1955, providing for the construction, maintenance, and repair of the roads and bridges of Cherokee County by the state highway department (Acts 1955, Vol. I, pp. 606-609).

With notice and proof thereto attached and herewith exhibited as follows:

### STATE OF ALABAMA COUNTY OF CHEROKEE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

To provide for returning to the court of county commissioners, board of revenue, or other like governing body of Cherokee County, jurisdiction, supervision, and control over the establishment, construction, reconstruction, maintenance, and repair of county roads and bridges; repealing Act No. 261, H. 808, approved August 23, 1955, providing for the construction, maintenance, and repair of the roads and bridges of Cherokee County by the State highway department (Acts 1955, Vol. 1, pp. 606-609).

### Be It Enacted by the Legislature of Alabama:

Section I. After this Act takes effect, the court of county commissioners, board of revenue, or other like governing body of Cherokee County shall have and exercise jurisdiction, supervision, and control over the establishment, construction, reconstruction, maintenance, and repair of county roads and bridges to the same extent as courts of county commissioners have and exercise under the general laws of the state.

Section 2. Within thirty days after this Act takes effect the director of the state highway department shall transfer, or cause to be transferred to Cherokee County all of the property of the county (including money) turned over to the state highway department when Act No. 261, H. 808, approved August 23, 1955, became effective, or property of like kind and equal value, or in lieu thereof, pay the county the value of such property in cash. The highway director shall also pay over to the custodian of county road and bridge funds all money held by the department for the use of Cherokee County when this

Act takes effect. Provided, that the director may retain so much thereof as may be necessary to pay obligations previously incurred for the benefit of Cherokee County.

Section 3. Act No. 261, H. 808 approved August 23, 1955, entitled, "An act relating to the construction, maintenance and repair of the county roads and bridges of Cherokee County; providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department and relieving the county and the officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials to the State Highway Department of certain funds, including Cherokee County's proportionate share of the State gasoline tax, State motor vehicle license tax allocated to the county, supplies, equipment, machinery and materials for the construction, maintenance and repair of county roads and bridges; and repealing conflicting laws" (Acts 1955 Regular Session, Vol. I, pp. 606-609), is hereby repealed. Provided, that such repeal shall not affect, impair, or abridge the obligations and commitments of the state highway department, or the director thereof, with respect to the construction, reconstruction, and maintenance of roads and bridges in the water area of Cherokee County pursuant to contracts or agreements made or entered into with the Alabama Power Company or its officers or agents before the date of this enactment; provided further, the state highway department, or the director thereof, is authorized and directed to carry out such contracts or agreements and spend the money provided for such purposes in Cherokee County after this Act takes effect.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5: The substantial provisions of this Act shall not become operative unless the Act is approved by a majority of the qualified electors of Cherokee County who vote thereon at a referendum election to be held for that purpose. The election shall be held on the same date as the next countywide election held in the county after the date of this enactment, and shall be held and conducted as nearly as may be in the manner provided by law for holding elections on proposed constitutional amendments. The court of county commissioners, board of revenue, or other like governing body of Cherokee County shall give notice of the election by publication in a newspaper published in the county once a week for four successive weeks next preceding the date set for holding the election. And the court of county commissioners, board of revenue, or other like governing body of the county shall provide for holding the election, which shall be held by the same officers appointed to hold the other election held on the same date. If a majority of the electors voting at the election vote in favor of the county being made responsible for maintaining county roads and bridges, this Act shall become operative on the first day of the month next following the month during which the election was held; if, however, a majority of the electors voting at the election vote against this proposition, this Act shall have no further effect. The ballots to be used at the election shall have printed thereon the following:

"I favor the state highway department being responsible for maintaining county roads and bridges. ( )

"I favor the county being made responsible for maintaining county roads and bridges. ( )

"Instruction to voter Make a crossmark after the statement expressing your choice."

The result of the election shall be certified to the secretary of state of the state of Alabama by the judge of probate of Cherokee County within ten days after the canvass of the votes and ascertainment of the results of the election, and the results shall likewise be certified by the judge of probate to the state highway director.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF CHEROKEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joe Shaw, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 9-9-59, 9-16-59, 9-23-59, and 9-30-59, all in the year 1959.

JOE SHAW, JR.

Sworn to and subscribed before me October 5, 1959.

FAYRENE D. CHAMBLESS,  
Notary Public.

Also:

By Mr. Graham:

S. 371. To establish for Chilton County, Alabama a Law and Equity Court; to define its jurisdiction and power; to provide for its officers and appointment, election, terms of office, powers, duties and compensation; to provide for a Court Reporter for said Court and to fix and prescribe his duties, compensation and to provide for the payment of his salary; to provide that said Court shall be open at all times for the trial of causes and the transaction of business; to provide the rules and procedures of said Court; to provide a fine and forfeiture fund of said Court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court and the Juvenile Court of Chilton County, Alabama; and to give said Court Juvenile and Domestic Relations Jurisdiction; and to abolish the County Court of Chilton County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

##### STATE OF ALABAMA, CHILTON COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and an application for its passage and enactment will be made, to-wit:

#### AN ACT

To Establish for Chilton County, Alabama a law and Equity Court; to define its jurisdiction and power; to provide for its officers and appointment, election, terms of office, powers, duties and compensation; to provide for a Court Reporter for said Court and to fix and prescribe his duties, compensation and to provide for the payment of his salary; to

provide that said Court shall be open at all times for the trial of causes and the transaction of business; to provide the rules and procedures of said Court; to provide a fine and forfeiture fund of said Court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court and the Juvenile Court of Chilton County, Alabama and to give said court Juvenile and Domestic Relations jurisdiction; and to abolish the County Court of Chilton County, Alabama.

**Be It Enacted by the Legislature of Alabama:**

Section 1. That there be and hereby is created and established, in and for Chilton County, Alabama a Law and Equity Court which shall be called "Chilton County Law and Equity Court," and which shall be a court of record and which shall have and exercise concurrent jurisdiction, authority, functions and powers now conferred or may be hereafter conferred upon the several Circuit Courts of the State of Alabama, provided however that the Chilton County Law and Equity Court shall not have final jurisdiction to try persons indicted and charged with felonies, nor organize and impanel a Grand Jury. Said Chilton County Law and Equity Court shall have concurrent jurisdiction with the Justices of the Peace in Chilton County, Alabama in all matters whatsoever, including preliminary hearings of persons charged with a felony.

Section 2. That the Honorable J. B. Atkinson, who was elected to the office of the Judge of the County Court of Chilton County, Alabama, and who is now serving as Judge of said County Court of Chilton County, Alabama, shall hold the office and be the Judge of the Chilton County Law and Equity Court created by this Act, until the second Tuesday after the first Monday in January, 1961 and until his successor shall be elected and qualified. A Judge of said Chilton County Law and Equity Court shall be elected by the qualified electors of Chilton County, Alabama, at the general election to be held in 1960 and each four years thereafter and the term of the Judge of said Court shall commence on the second Tuesday after the first Monday in January, following his election and shall continue for a period of four years and until his successor shall be elected and qualified. The Judge of said Court, before entering upon the duties of said office, shall take the oath required by law to be taken by Judges of the Circuit Court of Alabama. That said Judge shall be a qualified elector of Chilton County, Alabama and shall be learned in the law and shall be a member of the Alabama Bar in good standing and shall be not less than 25 years of age. Said Judge shall devote his entire time to the duties of his office and shall be barred from the practice of law during the term of his office. Said Judge may be removed from office in the same manner and for the causes now provided by law for the removal of Circuit Judges.

Section 3. Vacancies in the office of the Judge of said Court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the Constitution and law of this State.

Section 4. That the Clerk of the Circuit Court of Chilton County, Alabama, shall be Ex-Officio Clerk of the Chilton County Law and Equity Court and shall have the same powers and discharge the same duties as clerks of the Circuit Courts, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees, commissions and emoluments as are now, or as may hereafter be, allowed to Circuit Clerks of Alabama, except as hereinafter provided, and the same shall be collected as such fees and commissions are collected in the Circuit Courts; except that in civil matters where suit is brought for \$100.00 or less only the fees and commissions allowed by law to Justices of the Peace shall be collected; and said clerk

shall exercise the same powers and perform the same duties as are exercised and performed in the Circuit Court. That the Register of the Circuit Court in Equity shall be Ex-Officio Register of the Chilton County Law and Equity Court and shall have the powers and discharge the duties which shall devolve upon the Register of the Chilton County Law and Equity Court and shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees and commissions as are now, or as may hereafter be, allowed to the Register of Circuit Courts in Equity and the same shall be collected as such fees are collected in Circuit Courts.

Section 5. That the Judge of said Chilton County Law and Equity Court shall receive a salary of \$7,200.00 per annum, payable in equal monthly installments out of the county treasury at the end of each month, his signed receipt being required.

Section 6. That Honorable Lawrence F. Gerald, Deputy Solicitor of Chilton County, Alabama, who was elected to said office at the general election held in 1958, shall be the Solicitor of the Chilton County Law and Equity Court during the term of office for which he was elected at said election, and thereafter the duly elected Deputy Solicitor of Chilton County, Alabama, shall be the solicitor of the said Chilton County Law and Equity Court and all solicitor's fees taxed and collected in said Court shall be paid into the county treasury of Chilton County, Alabama, for the benefit of the general fund of said county.

It shall be the duty of said Solicitor to prosecute all criminal causes pending in said Court, and to assist the Judge of the Court in the handling of Juvenile cases, upon the request of the Judge or the Department of Pensions and Security and for the extra duties required of the Deputy Solicitor ~~he shall be paid \$100.00 per month, in addition to the salary now paid him and it shall be the duty of the Board of Revenue and Control of Chilton County, Alabama to pay said extra compensation to the Deputy Solicitor at the end of each month, taking his receipt for the same.~~

Section 7. That the said Chilton County Law and Equity Court shall be held at the court house of Chilton County, Alabama, and that said court shall be open at all times for the trial of cases and transaction of business. In case of sickness or disqualification of the Judge of said Court, the law applicable to the appointment and service of special Judges in the Circuit Court shall apply, and the special Judge appointed shall receive for his services the same pay that special Circuit Judges receive for their services and the same to be paid out of the general funds of Chilton County, Alabama, on the certificate of the Clerk or the Register making the appointment. The Judge of said Court shall be subject to the same penalties for failure to attend upon the Court as are Circuit Judges of this State. The Judge of said Court shall keep an office in the court house of Chilton County, Alabama, or at such other suitable place as may be provided by the Board of Revenue and Control of Chilton County, Alabama, and it shall be the duty of the Board of Revenue and Control of Chilton County, Alabama, to provide such office and to supply the same with all furnishings, fixtures, library, stationery, telephone and other supplies necessary to enable the Judge of said Court to efficiently conduct the affairs of his office.

Section 8. A session of said Court for the trial of criminal cases shall be held on the first Monday of each month and at such other times as the Judge of said Court may order. A session of said Court for the trial of Non-Jury civil cases shall be held on the second Monday in January, April, July and October of each year. A session of said Court for the trial of Civil Jury cases shall be held on the third

Monday in February and October of each year. A session of said Court for the trial of Equity cases shall be held on the fourth Monday in January, April, July and October of each year. The Judge of said court may call a special session for the trial of any cases pending on the dockets of said Court, as is provided or may hereafter be provided by law for the calling of special sessions for the trial of causes in the Circuit Court.

Section 9. In all criminal cases of conviction in said Chilton County Law and Equity Court, the defendant shall have the right of appeal to the Circuit Court of Chilton County, Alabama, on entering into bond, with sufficient surety, to appear at the term of the Court to which the appeal is taken, and from term to term until discharged; the bond to be in such penalty as the Judge of the said Chilton County Law and Equity Court may prescribe, and to be approved by the Judge or Clerk of said Court. If the defendant does not make the bond required he shall remain in custody and said defendant may, within ten days after taking said appeal, demand in said Circuit Court a trial by jury; otherwise, said case shall be tried by the Court without a jury.

Section 10. That the Supreme Court and Court of Appeals of this State shall have appellate and supervisory jurisdiction over said court and the Judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the Circuit Courts of the State and the Judge thereof, and appeals may be taken from the decrees, orders and Judgments of said Court, except in criminal cases, to the Supreme Court or Court of Appeals of Alabama in the same manner, and within the same time, as appeals are now taken from the decrees, orders and judgements of the Circuit Courts of Alabama.

Section 11. That the Judge of the Chilton County Law and Equity Court shall draw the petit jury for said court for the trial of civil and equity cases in the same way and manner as juries are drawn in the Circuit Courts for the trial of such cases and in accordance with the law, as provided for drawing petit juries in the several Circuit Courts of Alabama or as may be hereafter provided by law.

Section 12. That any civil and equity cases now or hereafter pending in the Circuit Court of Chilton County, Alabama, may be, by agreement of the parties thereto, transferred from the Circuit Court to the Chilton County Law and Equity Court and any civil or equity cases hereinafter pending in the Chilton County Law and Equity Court may be, by agreement of the parties thereto, transferred from said Chilton County Law and Equity Court to the Circuit Court of Chilton County, Alabama.

Section 13. That the procedures, practice and rules governing the Circuit Courts of Alabama now, or which hereafter may be adopted, shall in all things apply to and govern the procedure and practice of the Chilton County Law and Equity Court except as otherwise provided herein.

Section 14. The Sheriff of Chilton County, Alabama, shall in person or by a deputy, or deputies appointed by him, said appointment to be approved by the Judge of said Court, be required to attend upon said Court in preserving order, and execute all writs of process and perform such other duties, in all respects as in the Circuit Courts of this State, and each deputy required, not exceeding three, for attendance upon said session of said court, shall receive the sum of \$3.00 per day, payable out of the county treasury upon the warrant of the judge of said court, provided that such deputies shall not receive pay except for the time that the Court is actually in session and

none of such compensation to the deputies shall be shared in by the sheriff, and for the service by the sheriff of the process of said court, he shall receive such compensation as he receives under the law of the State of Alabama or any laws enacted in the future by the Legislature of Alabama for the compensation of the sheriff for similar services in the Circuit Court, except as herein otherwise provided.

Section 15. That if, for any reason, forfeiture be taken on any bond on the criminal side of said Court, the court may order the alias capias returnable instantor or within ten days, and unless the party or parties against whom the forfeiture is taken shall appear and show cause, when the forfeiture is returnable, why the forfeiture should be set aside, then the Court is hereby authorized and empowered to make the judgment final.

Section 16. That the Judge of the Chilton County Law and Equity Court shall adopt a seal for the law side of the docket of the Chilton County Law and Equity Court which shall be kept in the custody and control of the clerk of the Court.

Section 17. That the Judge of the Chilton County Law and Equity Court shall adopt a seal for the equity side of the docket of the Chilton County Law and Equity Court which shall be kept in the custody and control of the Register of the Court.

Section 18. When the summons, writ of attachment, summons and complaint in attachment, or other process either in law or in equity has been executed on the defendant or service perfected on him, as required by law, the defendant shall appear and plead, answer or demur thereto, within the time now or which hereafter may be, provided by law, in the Circuit Courts of Alabama.

Section 19. That said Chilton County Law and Equity Court shall have exclusive jurisdiction over children and the Judge of said Chilton County Law and Equity Court shall be the Judge of the Juvenile Court; it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the Chilton County Law and Equity Court of all juvenile matters and juvenile jurisdiction in Chilton County, Alabama, as now provided under Title 13, Chapter 7, Sections 350 to 383, both inclusive, of the Code of Alabama of 1940, or as hereafter amended and appeals in such cases shall be as provided by law. The Clerk of the Circuit Court is hereby made the Clerk of such Juvenile Court.

Section 20. That this Court shall have exclusive and original jurisdiction of all cases arising under Title 34, Article 3, Sections 89 to 104, both inclusive, of the Code of Alabama of 1940, or as hereafter amended, which Article 3 is entitled Desertion and Non-Support. That the trial of such cases shall be by the Court without a jury and appeals in such cases shall be as provided by law. That the Judge of said Chilton County Law and Equity Court shall be the Judge of the Domestic Relations Court, it being the intention to confer complete, full, unlimited and exclusive jurisdiction upon the Chilton County Law and Equity Court of all domestic relations matters arising under Title 34, Article 3, Section 89 to 104 both inclusive of the Code of Alabama of 1940, as amended or hereafter may be amended.

Section 21. Prosecutions for misdemeanors committed in Chilton County, Alabama may be instituted in the said court by making an affidavit before the Judge of said Court or the Clerk, with the approval of the deputy solicitor, the writ on said affidavit to be issued by the Judge or Clerk of said Court, and when the defendant is



arrested on said affidavit and warrant, the case shall go on the docket for trial, and be tried as though the defendant has been indicted by a grand jury, provided, however, that the affidavit or complaint may be amended, as now provided for amendment or such papers by Section 347, Title 13, of the Code of Alabama of 1940. All affidavits or warrants for criminal or quasi criminal acts, of whatever kind issued by the Justices of Peace of Chilton County, Alabama shall be returnable to this Court.

Section 22. The Judge of said Court shall have power to issue search warrants, writs of habeas corpus, prohibition, certiorari, quo warranto, injunctions, mandamus and all other special and extraordinary writs, and the procedure, practice and rules of the Circuit Courts of Alabama relating to such writs as are now, or which hereafter may be provided by law, except as otherwise provided in this Act, shall prevail in the Chilton County Law and Equity Court, and the Judge thereof shall have the same powers and authority, including punishment for contempt as is or hereafter may be conferred upon the judges of the Circuit Courts of Alabama unless otherwise provided in this Act.

Section 23. The Judge of the Chilton County Law and Equity Court shall have the authority and power to appoint a competent court reporter to attend the terms of the Court and report all cases tried in said Court and said court reporter shall be paid out of the General Fund of Chilton County, Alabama a salary of \$300.00 per month payable at the end of each month on a certificate and order of the Judge of said Court. The Judge of said court may remove the court reporter, at his will, without assigning any cause for his action in doing so. The court reporter when not actively engaged in the work of the court as court reporter, shall serve as secretary to the Judge of said Court, in his office. In addition to the compensation herein provided, said reporter shall be entitled to tax and collect from the litigants or their attorneys for whom he or she is making a transcript of the evidence, the sum of fifteen cents per hundred words for said transcript and five cents per hundred words for each copy thereof, and when such transcript is made the reporter shall append thereto his or her certificate to the correctness of the same as such official reporter. The court reporter's notes shall be preserved and filed as now provided by law in the Circuit Court.

Section 24. That from and after the passage of this Act all fines and forfeitures assessed and collected in said court shall be deposited in the Fine and Forfeiture Fund of Chilton County, Alabama.

Section 25. That claims accruing in the Chilton County Law and Equity Court will be claims against said fund, and such claims must be paid in the order in which they are registered, as provided by law.

Section 26. It shall be the duty of the clerk of said Court to keep a record upon which shall be recorded all affidavits made before the Judge or Clerk of said Court, or returnable by a justice of the peace or judge of an Inferior Court in said County, to said Court and if any of said affidavits should be lost or destroyed, a certified copy of the said record shall be used the same, as the original affidavit and for recording each of said affidavits, the clerk shall receive a fee of seventy-five cents to be taxed as costs in case the defendant's conviction.

Section 27. Judgements or decrees rendered by the Chilton County Law and Equity Court shall be a lien on the property of the judgment debtor which is subject to levy and sale under execution

in the same manner and for the same period of time as it is now, or as hereafter may be, provided by law for courts of record of this state upon the filing in the office of a Judge of Probate of a certificate of the said judgment or decree issued by the Clerk or Register of the said Court as it now or as hereafter may be, provided by law; and the said judgment or decree may be revived in the manner now, or as hereafter may be provided by law.

Section 28. The venue of any case in the said Chilton County Law and Equity Court may be changed to other counties as it is now, or at it hereafter may be, provided by law for the several Circuit Courts of like jurisdiction.

Section 29. That final judgments rendered in said court shall, after the expiration of thirty days from their rendition, be taken and deemed to have passed beyond the control of said court, as if the term of court at which judgments were rendered had ended, provided, however, that nothing herein contained shall prevent the parties applying for a new trial or rehearing within thirty days or change or destroy the office of motion for new trials or rehearings, when so made, or shall prevent parties from applying to the court for rehearing under statutes authorizing applications for rehearing in the Circuit Court.

Section 30. That there shall be taxed against the defendant on conviction the same solicitor's fee and the same shall be collected in the way provided by law for taxing and collecting solicitor's fees in the Circuit Court, and when collected shall be paid into the treasury of Chilton County, Alabama.

Section 31. That the County Court of Chilton County, Alabama, as created by Act No. 403, 1955 Legislature, page 941, and the County Court of Chilton County, as created by Chapter 6, Title 13, of 1940 Code of Alabama, be and the same is hereby abolished, and from and after the passage of this Act shall no longer exist and no officers of this state shall collect any fees or salaries, because of said courts, or for service rendered in said courts, and all cases pending in the County Court of Chilton County, Alabama, as created by said Act No. 403, 1955 Legislature of Alabama, when this Act becomes a law, shall immediately become pending upon the docket of the Chilton County Law and Equity Court, as though originally brought in said Court, and shall be called for trial, as above provided, provided however, that in all civil cases transferred from the County Court of Chilton County to the Chilton County Law and Equity Court that the plaintiff, defendant, claimant, or any party interested, or his attorney of record shall have the right, within 30 days from the effective date of this Act, to file with the Ex-Officio Clerk a demand, in writing, for a jury trial of the issues of fact in said cause, and all judgments and decrees heretofore rendered in the County Court of Chilton County, Alabama, and pending in said County Court shall be transferred to the Chilton County Law and Equity Court and said Chilton County Law and Equity Court shall have the same powers and control over such judgments and decrees and shall issue execution and other processes thereon in all respects as if the judgment and decree had been originally rendered in the Chilton County Law and Equity Court.

Section 32. That a trial tax of three dollars (\$3.00) shall be imposed in each case, civil, criminal and equity, which is docketed in said Chilton County Law and Equity Court, to be taxed and collected as other costs, and when collected, to be paid by the Clerk or Register of said Chilton County Law and Equity Court, into the general funds of the county as other costs, provided, however, that in civil

cases at law where the amount involved is Fifty Dollars or less, a trial tax fee of only \$1.00 shall be imposed and collected, provided further that in all criminal cases where the defendant is charged with violating any of the provisions of Title 36 of the 1940 Code of Alabama and pleads guilty, no trial tax shall be imposed or collected.

Section 33. Witnesses summoned and attending the Chilton County Law and Equity Court shall be entitled to the same per diem and mileage as are paid witnesses in the Circuit Court of Chilton County, Alabama, and also witnesses summoned for the State in preliminary hearings shall be paid in the same manner as State witnesses are paid in the Circuit Court.

Section 34. That the **Ex-Officio** Clerk of the Chilton County Law and Equity Court shall receive as ex-officio fees for ex-officio duties performed as clerk of the Chilton County Law and Equity Court the same amount which he is paid by the Circuit Court as provided by Title 11, Section 4, 1940 Code of Alabama, as amended. Such sum to be paid in twelve monthly installments out of the General Fund of Chilton County, Alabama.

Section 35. That the Clerk and Register, with the approval of the Judge of said Court, are hereby authorized and required to purchase all necessary furnishings, records, stationery and supplies for the equipment and maintenance of said court, and the same shall be paid out of the county treasury upon warrants drawn by the Judge and signed by the Clerk.

Section 36. That if, for any reason, any section, provision or clause of this Act shall be held to be unconstitutional or invalid, that fact shall not destroy the constitutionality of this Act except as to that cause or section.

Section 37. That all laws in conflict with this Act are hereby repealed.

Section 38. That this Act shall become effective immediately upon its passage and approval by the Governor. 9-3-4tch

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA

#### COUNTY OF CHILTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared T. E. Wyatt, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was manager of The Union-Banner, a newspaper of general circulation published in Chilton County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 3, Sept. 10, Sept. 17, and Sept. 24, all in the year 1959.

T. E. WYATT

Sworn to and subscribed before me September 24, 1959.

JOE G. BURNETT  
Notary Public

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 409. Local Legislation No. 1

S. 371. Local Legislation No. 1

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 75. To amend Section 77 of Title 38 of the Code of Alabama of 1940, as amended, which relates to the pay of pilots.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Hocklander the House concurred in and adopted the Senate substitute for the bill, H. 75, said Senate substitute being as follows:

## SUBSTITUTE FOR HOUSE BILL 75

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 77 of Title 38 of the Code of Alabama of 1940, as amended, which relates to the pay of pilots.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 77 of Title 38 of the Code of Alabama of 1940, as amended, be and the same is hereby amended so as to read as follows:

"Section 77. Pay of Pilots. The master, owner or consignee of any ship or vessel must pay the pilot who conducts a vessel into or out of the bay or harbor of Mobile a fee to be fixed by the board of pilotage commission at not exceeding the following rates, for actual draft of water at the time of pilotage: For every vessel crossing the outer bar of Mobile Bay drawing not more than nineteen feet eleven inches of water the sum of six dollars and fifty cents per foot; for every vessel drawing twenty feet or more of water the sum of seven dollars per foot, provided however, the minimum pilot fee shall be computed on a minimum draft of eight feet regardless whether or not such vessel has a draft of less than eight feet at the time of pilotage. But vessels trading between any domestic port on the Gulf of Mexico and the port of Mobile, drawing seven feet or less of water, shall not be required to employ a pilot, but if they do, their regular pilotage shall be paid. No fishing smack shall be subject to pilotage."

Section 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Section 3. That this Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

Yeas 92; Nays 0,

**Yeas:**

|                 |                     |                    |                     |
|-----------------|---------------------|--------------------|---------------------|
| Mr. Speaker:    | Dickson             | Johnston (Leonard) | Pruitt              |
| Adams (Houston) | Faulk               | Jones (Covington)  | Ramey               |
| Albea           | Ferguson            | Jones (Monroe)     | Rast                |
| Ashworth        | Gilchrist           | Lee                | Ray                 |
| Avery           | Gilmer              | Locke              | Reynolds (Chambers) |
| Bailey          | Glass               | Long (Lauderdale)  | Reynolds (Madison)  |
| Barnett         | Goldthwaite         | McClendon (Chamb)  | Roberts             |
| Bassett         | Goodwyn             | McCorquodale       | Rogers              |
| Bevill          | Gordon              | McLendon (Bullock) | Rozelle             |
| Bishop          | Grant               | Martin             | Self                |
| Boyd            | Gross               | Meade              | Sessions            |
| Brannan         | Grouby              | Merrill            | Shumate             |
| Branyon         | Guthrie             | Morrow             | Smith (Russell)     |
| Brewer          | Hain                | Murphy             | Smith (St. Clair)   |
| Britton         | Hanby               | Nettles            | Speaks              |
| Broadfoot       | Hankins             | Nichols            | Steagall            |
| Brooks          | Hardy               | Oakley             | Sullivan            |
| Cabiness        | Hearn               | Oden               | Taylor              |
| Camp            | Hocklander          | Owens              | Thomas              |
| Casey           | Ingram              | Perry              | Torbert             |
| Cates           | Jenkins             | Phillips           | Trimmier            |
| Cook            | Johnson (Hardaway)  | Pierce             | Turner              |
| Daniel          | Johnson (J. T. Tom) | Powell             | Turnham             |

—92

And said bill, H. 75, as amended by the Senate substitute, was again read at length and passed.

Yeas 92; Nays 0.

**Yeas:**

|                 |              |                     |                     |
|-----------------|--------------|---------------------|---------------------|
| Mr. Speaker:    | Daniel       | Johnson (Hardaway)  | Pruitt              |
| Adams (Houston) | Dickson      | Johnson (J. T. Tom) | Ramey               |
| Albea           | <b>Faulk</b> | Johnston (Leonard)  | Rast                |
| Ashworth        | Ferguson     | Jones (Monroe)      | Ray                 |
| Avery           | Gilchrist    | Lee                 | Reynolds (Chambers) |
| Bailey          | Gilmer       | Locke               | Reynolds (Madison)  |
| Barnett         | Glass        | McClendon (Chamb)   | Roberts             |
| Bassett         | Goldthwaite  | McCorquodale        | Rogers              |
| Bevill          | Goodwyn      | McLendon (Bullock)  | Rozelle             |
| Bishop          | Gordon       | Martin              | Self                |
| Boyd            | Grant        | Meade               | Sessions            |
| Brannan         | Gross        | Merrill             | Shumate             |
| Branyon         | Grouby       | Morrow              | Smith (Russell)     |
| Brewer          | Guthrie      | Murphy              | Smith (St. Clair)   |
| Britton         | Hain         | Nettles             | Speaks              |
| Broadfoot       | Hanby        | Nichols             | Steagall            |
| Brooks          | Hankins      | Oakley              | Sullivan            |
| Cabiness        | Hardy        | Oden                | Taylor              |
| Callahan        | Harvey       | Owens               | Thomas              |
| Camp            | Hearn        | Perry               | Torbert             |
| Casey           | Hocklander   | Phillips            | Trimmier            |
| Cates           | Ingram       | Pierce              | Turner              |
| Cook            | Jenkins      | Powell              | Turnham             |

—92

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill, and returns same herewith to the House:

H. 102. Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of five hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

J. E. SPEIGHT,  
Secretary.

## SUBSTITUTE FOR H. B. 102

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of two hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Legislative Intent. The Legislature finds as facts and determines that:

1. There exists among citizens of this state a widespread demand for small loans. The scope and intensity of this demand have been increased progressively by many social and economic forces.

2. The expense of making and collecting small loans, which are usually made on comparatively unsubstantial security to wage-earners, salaried employees and other persons of relatively low incomes is necessarily high in relation to the amounts lent.

3. Such loans cannot be made profitably under the limitations imposed by existing laws relative to interest and usury. These limitations have tended to exclude lawful enterprises from the small loan field. Since the demand for small loans cannot be legislated out of existence, many small borrowers have been left to the mercy of those willing to bear the opprobrium and risk the penalties of usury for a large profit.

4. Interest charges are often disguised by the use of subterfuges to evade the usury law. These subterfuges are so complicated and technical that the usual borrower of small sums is defenseless even if he is aware of the usurious nature of the transaction and of his legal rights.

5. As a result, borrowers of small sums are being exploited, to the injury of the borrower, his dependents, and the general public.

Charges are generally exorbitant in relation to those necessary to the conduct of a legitimate small loan business; trickery and fraud are common; and oppressive collection practices are prevalent.

6. These evils characterize and distinguish loans of two hundred dollars (\$200) or less. Legislation to control this class of loans is necessary to protect the public welfare.

7. It is the intent of the legislature in enacting this law to bring under public supervision those engaged in the business of making such loans, to eliminate practices that facilitate abuse of borrowers, to establish a system of regulation for the purpose of insuring honest and efficient small loan service and of stimulating competitive reductions in charges, to allow lenders who meet the conditions of this Act a rate of charge sufficiently high to permit a business profit, and to provide the administrative machinery necessary for effective enforcement.

Section 2. Definitions. The following words and terms when used in this Act shall have the following meanings unless the context clearly requires a different meaning. The meaning ascribed to the singular form shall apply also to the plural.

"Person" shall include individuals, co-partnerships, associations, trusts, corporations, and any other legal entities.

"License" shall mean a license, issued under the authority of this Act, to make loans in accordance with the provisions of this Act at a single place of business.

"Licensee" shall mean a person to whom one or more licenses have been issued.

"Supervisor" shall mean the Supervisor of the Bureau of Loans of the State Banking Department.

"Bureau" shall mean the Bureau of Loans of the State Banking Department.

"Cash Advance" means the amount of cash or its equivalent that the borrower actually receives or is paid at his direction or on his behalf.

Section 3. Scope (a) No person shall engage in the business of lending in amounts of two hundred dollars (\$200) or less and contract for, exact, or receive, directly or indirectly, on or in connection with any such loan, any charges whether for interest, insurance, compensation, consideration, or expense, which in the aggregate are greater than the interest that the lender would be permitted by law to charge for a loan of money if he were not a licensee under this Act, except as provided in and authorized by this Act and without first having obtained a license from the supervisor. For the purpose of this section a loan shall be deemed to be in the amount of two hundred dollars (\$200) or less if the net amount or value advanced to or on behalf of the borrower, after deducting all payments for interest, expenses, and charges of any nature taken substantially contemporaneously with the making of the loan, does not exceed two hundred dollars (\$200).

(b) Exemptions. This Act shall not apply to any person doing business under the authority of, and as permitted by, any law of this State or of the United States relating to Banks, Savings Banks, Trust

Companies, Savings or Building and Loan Associations, Credit Unions as defined by law nor to any lawful, bona fide pawnbroking business nor shall this Act apply to any person making loans to their tenants engaged in agriculture, nor to loans by agricultural suppliers to persons whose principal business is farming, nor shall it apply to agricultural credit corporations or associations organized under an Act of the Congress of the United States, nor shall it apply to the business of financing the purchase of motor vehicles, refrigerators or other personal property, nor shall this apply to loans insured or guaranteed by the United States or any of its Agencies.

(c) Evasions. The provisions of subsection (a) of this section shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever including, but not thereby limiting the generality of the foregoing: the loan, forbearance, use, or sale of credit (as guarantor, surety, endorser, co-maker, or otherwise), money, insurance, goods, or things in action; the use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided; and the real or pretended negotiation, arrangement, or procurement of a loan through any use or activity of a third person, whether real or fictitious.

(d) Penalty. Whoever violates or participates in the violation of any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500) nor less than one hundred dollars (\$100), or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court. Any contract of loan in the making or collection of which any act shall have been done which violates this section shall be void and the lender shall have no right to collect, receive, or retain any principal, interest, or charges whatsoever.

Section 4. Application and Fee. Application for a license shall be in writing, under oath, and in the form prescribed by the supervisor. The application shall give the approximate location where the business is to be conducted and shall contain such further relevant information as the supervisor may require, including the names and addresses of the partners, officers, directors, or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by section 5 of this Act. Provided, however, that such application shall contain a statement made by the applicant under oath that he is not at the time of making the application a member of the National Association for the Advancement of Colored People or of the Communist party or any front thereof and that he has not prior to making said application contributed funds to any such organization and that he has never been a member of any such organization. At the time of making such application, the applicant shall pay to the supervisor the sum of one hundred dollars (\$100) as a fee for investigating the application. All licensees under this Act shall pay an annual license of two hundred dollars (\$200) which shall be due on October 1 of each year and shall be for one year ending September 30 following, and shall be delinquent on the first day of November of each year. And there shall be a penalty of ten percent (10%) added to such license upon delinquency and collected by the bureau. If any applicant licensed under this Act for the first time shall commence business after the first day of April in any year, the amount of the license shall be one-half of the amount of a full year's



license. The amount of the license (and penalties if any) shall be paid to the supervisor of the bureau of loans, who shall remit the same to the treasurer of the State of Alabama, as provided by law. The license herein provided for shall be in addition to all other licenses now or hereafter provided for by law, and shall be in addition to the tax provided for by Chapter 18, Title 51, Code of Alabama (1940) as amended; and the amount of the license levied by this section shall not be credited upon or deducted from, in whole or in part, the tax levied by said Chapter 18, as amended, as to the current state tax year or as to any prior or subsequent state tax year. No refunds for the current or any prior or subsequent state tax year or any portion of the tax levied by said Chapter 18, as amended, shall be made on the ground that the license levied by this section was not credited upon or deducted from the tax levied by said Chapter 18, as amended; and no suit or action shall lie to enforce any claim for such refund.

Section 5. (a) Investigation of Application. Upon the filing of such application and the payment of such fees, the supervisor shall investigate the facts concerning the application and the requirements provided for in subsection (b) of this section. The supervisor shall grant or deny such application for a license within ninety days from the filing thereof with the required information and fees unless the period is extended by written agreement between the applicant and the supervisor.

(b) Issuance of License. If the supervisor shall find that the liquid assets, financial responsibility, experience, character, the general fitness of the applicant are such as to warrant the belief that the business will be operated lawfully, honestly, fairly, and efficiently, within the purposes of this Act, and that allowing such applicant to engage in the business would promote the convenience and advantage of the community in which the business of the applicant is to be conducted, he shall thereupon enter an order granting such application, and file his findings with the bureau, and forthwith issue and deliver a license to the applicant.

(c) Denial of License. If the supervisor shall not so find, he shall notify the applicant in writing who may request a hearing on the application. The request for a hearing must be within thirty (30) days of the rejection with the hearing to be held within thirty (30) days of the date of the request. After such hearing, or, if no hearing is demanded, the supervisor may deny such application by written order, accompanied by his findings of fact, and shall deliver a copy of such order and findings to the applicant. The investigation fee shall be retained by the supervisor while the license fee shall be returned to the applicant.

Section 6. (a) Posting of License. Each license shall state the address at which the business is to be conducted and shall state fully the name of the licensee, and if the licensee is a copartnership or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Each license shall be kept conspicuously posted in the licensed place of business and shall not be transferable or assignable.

(b) Continuing License. Each license shall remain in full force and effect until surrendered, revoked, or suspended as hereinafter provided.

Section 7. (a) Place of Business. Not more than one place of business shall be maintained under the same license, but the supervisor may issue additional licenses to the same licensee upon his compliance

with all the provisions of this Act governing the issuance of the first or original license.

(b) Removal. No change in the place of business of a license to a location outside of the original municipality shall be permitted under the same license. When a licensee wishes to change his place of business within the same municipality, he shall give written notice thereof to the supervisor who shall investigate the facts, and if he shall find the proposed location is reasonably accessible to borrowers under existing loan contracts, he shall enter an order permitting the change and shall amend the license accordingly. If the supervisor shall not so find he shall enter an order denying the licensee such permission in the manner specified in and subject to the provisions of Section 5 (c) of this Act.

(c) Residence of Borrower. Nothing in this Act shall be construed to restrict the loans of any licensee to residents of the community in which the licensed place of business is situated.

Section 8. (a) Revocation of license. The supervisor shall, upon ten days' written notice to the licensee stating the contemplated action and in general the grounds therefor, and upon reasonable opportunity to be heard, revoke any license issued hereunder if he finds that:

1. The licensee has failed to pay the annual license fee; or that

2. The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provisions of this Act or any regulation or order lawfully made pursuant to and within the authority of this Act; or that

3. Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for such license, clearly would have justified the supervisor in refusing originally to issue such license, except the license shall not be revoked because of convenience and advantage; or that

4. The licensee is found guilty by the supervisor of using unreasonable collection tactics.

(b) Suspension of License. If the supervisor finds that probable cause for revocation of any license exists and that enforcement of the Act requires immediate suspension of such license pending investigation, he may, upon three days' written notice and a hearing, enter an order suspending such license for a period not exceeding thirty days.

(c) Records and Notice. Whenever the supervisor shall revoke or suspend a license issued pursuant to this Act, he shall enter an order to that effect and forthwith notify the licensee of the revocation or suspension. Within five days after the entry of such an order he shall file with the bureau his findings and a summary of the evidence supporting them, and he shall forthwith deliver a copy thereof to the licensee.

(d) Surrender of License. Any licensee may surrender any license by delivering it to the supervisor with written notice of its surrender, but such surrender shall not affect his civil or criminal liability for acts committed prior thereto.

(e) Pre-Existing Contracts. No revocation, suspension or surrender of any license shall impair or affect the obligation of any pre-existing contract between the licensee and any borrower.

(f) Reinstatement of License. The supervisor may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which clearly would have justified the supervisor in refusing originally to issue such license under this Act.

(g) Complaints of Violation Investigated. The supervisor shall, upon sworn complaint of any borrower, investigate or cause to be investigated any alleged violation of this Act.

Section 9. (a) Annual Examinations of Licensees. At least once each year and at such other time as may be deemed necessary by the supervisor of the bureau of loans an examination shall be made of the place of business of each licensee and of the loans, transactions, books, papers and records of such licensee so far as they pertain to the business licensed under this Act. As cost of examination the licensee shall pay to the bureau of loans under such rules and regulations as may be reasonably prescribed by the supervisor thereof with the approval of the superintendent of banks an examining fee of fifty dollars (\$50) per day or any part thereof for each examiner and in addition thereto ten dollars (\$10) per day per examiner as per diem; provided, however, that no licensee whose business is free from willful violations of this Act shall be required to pay more than a total sum of four hundred dollars (\$400) in any twelve (12) month period as examiners fees; provided, further, that all fees collected by the bureau of loans under the terms of this section shall be paid into a special fund to be set up by the State Treasury; the special fund shall be used to pay the salaries of the officials and employees and the expenses of the bureau of loans, and all moneys deposited therein are hereby appropriated for that purpose; provided, however, nothing herein shall be construed to mean that all salaries of the officials and employees and expenses of operating the bureau of loans shall come from the special fund.

(b) Investigations. For the purpose of discovering violations of this Act or of securing information lawfully required hereunder, the supervisor or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers, and records used therein, of (1) any licensee, (2) any other person engaged in the business described in Section 3(a) of this Act or participating in such business as principal, agent, broker, or otherwise, and (3) any person who the supervisor had reasonable cause to believe is violating or is about to violate any provision of this Act, whether or not such person shall claim to be within the authority or beyond the scope of this Act. For purposes of this section, any person who shall advertise for, solicit, or hold himself out as willing to make loan transactions in the amount or of the value of two hundred dollars (\$200) or less shall be presumed to be engaged in the business described in Section 3(a) of this Act.

(c) Access to Records: Witnesses. For the purposes of this section, the supervisor or his duly authorized representatives shall have and be given free access to the offices and places of business, files, safes, and vaults of all such persons, and shall have authority to require the attendance of any person and to examine him under oath relative to such loans or such business or to the subject matter of any examination, investigation, or hearing.

(d) Cease and Desist Orders: Injunctions; Receivers. Whenever the supervisor has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this Act, he may in addition to all actions provided for in this Act, and in addition to all other remedies that he may have at law or in equity, and

without prejudice thereto enter an order requiring such person to desist or to refrain from such violation; and an action may be brought on the relation of the Attorney General or the supervisor to enjoin such person from engaging in or continuing such violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding such preliminary or final injunction as may be deemed proper. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which such action is brought shall have power and jurisdiction to impound, and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records pertaining thereto or so much thereof as the court may deem reasonably necessary to prevent violations of this Act through or by means of the use of said property and business. Such receiver, when appointed and qualified, shall have such powers and duties as to custody, collection, administration, winding up, and liquidation of such property and business as shall from time to time be conferred upon him by the court.

Section 10. (a) Books and Records. Each licensee shall keep and use in his business such books, accounts, and records as will enable the supervisor to determine whether such licensee is complying with the provisions of this Act and with the orders and regulations lawfully made by the supervisor hereunder. Each licensee shall preserve such books, accounts, and records for at least two years after making the final entry on any loan recorded therein.

(b) Annual Reports. (1) Each licensee shall annually, on or before the first day of May, file a report with the supervisor as to each licensed place of business under this Act, covering the preceding calendar year. This report shall include the following information, all reported in accordance with sound and generally accepted accounting practice;

(a) Balance sheets at the beginning and end of the period.

(b) A statement of income and expense for the period.

(c) A reconciliation of surplus or net earning with the balance sheets.

(d) A schedule of assets used and useful in the business.

(e) An analysis of charges, sizes of loans and types of security on loans and an analysis of delinquent accounts.

(f) An analysis of suits, reposessions and sales of chattels.

(g) The type of business organization and if the licensee is a corporation, the principal officers and the resident agent, the partners, if the licensee is a partnership or, the owner, if a sole proprietorship.

(2) If the licensee conducts other business or is affiliated with other licensees under this Act, or, if any other situation exists under which allocations are necessary, the licensee shall make such allocation according to appropriate and reasonable methods.

(3) If the licensee is affiliated with other licensees under this Act, a composite report may be filed on behalf of all affiliated licensees within the State of Alabama, but such composite report shall not be required by the supervisor.

(4) Such report shall be made under oath and shall be in the form prescribed by the supervisor who shall make and publish annually an analysis and recapitulation of such reports.

Section 11. (a) Rules, Regulations and Orders. The supervisor shall have authority to make reasonable rules, regulations and orders for the administration and enforcement of this Act, in addition hereto and not inconsistent herewith. Such regulation or order shall be referenced to the section or sections of the Act which set forth the legislative standard which it interprets or to which it applies. Every regulation shall be promulgated by an order, and any ruling, demand, requirement, or similar administrative act may be promulgated by an order. Every order shall be in writing, shall state its effective date and the date of its promulgation, and shall be entered in an indexed permanent book which shall be a public record. A copy of every order promulgating a regulation and of every other order containing a requirement of general application shall be mailed to each licensee at least ten days before the effective date thereof. The failure of a licensee to receive a copy of the regulations shall not exempt him from the duty of compliance with the valid regulations lawfully issued.

(b) Certified Copies of Official Documents. On application of any person and payment of the costs thereof, the supervisor shall furnish, under his seal and signed by him or his deputy, a certified copy of any license, regulation, or order. In any court or proceeding such copy shall be prima facie evidence of the fact of the issuance of such license, regulation or order.

Section 12. (a) Advertising. No licensee or other person subject to this Act shall advertise, display, distribute, or broadcast or cause to permit to be advertised, displayed, distributed, or broadcast, in any manner whatsoever, any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for loans in the amount or of the value of two hundred dollars (\$200) or less. The supervisor may require that charges or rates of charge, if stated by a licensee, be stated fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers. The supervisor may permit or require licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by him to prevent an erroneous impression as to the scope or degree of protections provided by this Act.

(b) Schedule of Charges. Each licensee shall prominently display in each licensed place of business a full and accurate schedule of the rates of charge upon all classes of loans currently to be made by him.

Section 13. (a) Other Business in Same Office. No licensee shall conduct the business of making loans under this Act within any office, suite, room, or place of business in which any other business is solicited or engaged in or in association or conjunction with any other business until three days' written notice of an intention so to do has been given the supervisor. Upon receipt of written notification, the supervisor may investigate the facts and, if he finds that the character of the licensee and the nature of the other business warrant belief that such conduct of business would conceal violation or evasion of this Act or of regulations lawfully made hereunder, he shall enter an order directing the licensee to discontinue said other business. The order shall be entered in the manner specified in and subject to the provisions of Section 5 (c) of this Act.

(b) Business Confined to Licensed Office. No licensee shall conduct the business of making loans provided for by this Act under any name, or at any place of business within this state, other than that stated in the license. Nothing herein shall prevent the making of loans

by mail nor prohibit accommodations to individual borrowers when necessitated by sickness or other emergency situations.

(c) Liens on Real Estate. No licensee shall take a lien upon real estate as security for any loan made under this Act, except such lien as is created by law through the rendition or recording of a judgment.

Section 14. (1) Maximum Rate of Charge. Every licensee hereunder may contract for and receive, on any cash advanced (amount of the cash, or its equivalent, that the borrower actually receives or is paid out at his direction or on his behalf) not exceeding two hundred dollars (\$200) in amount, charges not in excess of twenty dollars (\$20) per year per one hundred dollars (\$100) on that part of the cash advanced not exceeding one hundred dollars (\$100) and sixteen dollars (\$16) per year per one hundred dollars (\$100) on that part of the cash advanced exceeding one hundred dollars (\$100) but not exceeding two hundred dollars (\$200), when the cash advanced is made for a period of one year, and proportionately at these rates for a greater or lesser amount within said limits or for a greater or lesser period of time, notwithstanding any agreement to repay the loan obligation in installments. Said charges and the cash advanced shall be aggregated at the date of the loan for the entire period of the loan and this aggregated amount shall be repayable in installments in the manner provided in subsection 7 of this section. For the purpose of computing charges for a fraction of a month, a day shall be considered one-thirtieth of a month.

(2) Charges on Loans of Ninety Dollars (\$90) or less. On a cash advance of ninety dollars (\$90) or less a licensee may charge, in lieu of charges specified in subsection (1) of this section, not in excess of one dollar (\$1) for each five dollars (\$5) of cash advanced to the borrower, up to the amount of ninety dollars (\$90); and a period of at least fifteen (15) days must be allowed for the repayment of each five dollars (\$5) of the cash advanced, such charges cannot be assessed by any subterfuge or device on any loan over ninety dollars (\$90) or on any balance of ninety dollars (\$90) or less when the original cash advanced was greater than ninety dollars (\$90).

(2-A) Charges on Loans of Fifteen Dollars (\$15) or Less. On a cash advance of fifteen dollars (\$15) or less a licensee may charge, collect and receive, in lieu of charges specified in subsections (1) and (2) of this section, not in excess of one dollar for each five dollars (\$5) of cash advanced to the borrower up to the amount of fifteen dollars (\$15); and a period of at least fifteen (15) days must be allowed for the repayment of each such loan; such charges cannot be assessed by any subterfuge or device on any loan over fifteen dollars (\$15) or on any balance of fifteen dollars (\$15) or less when the original cash advanced was greater than fifteen dollars (\$15).

(3) Refund. When any loan contract is paid in full by cash, a new loan, renewal or otherwise, one month or more before the final installment date, the licensee shall refund or credit the borrower with that portion of the total charges which shall be due the borrower as determined by schedules prepared under the rule of 78th or sum of the digits principle as follows: The amount of the refund or credit shall be as great a proportion of the total charges originally contracted for as the sum of the periodic time balances of the contract scheduled to follow the date of prepayment bears to the sum of all the periodic time balances of the contract, both sums to be determined according to the payment schedule originally contracted for. No refund shall be re-

quired for any partial prepayment and no refund of less than one dollar (\$1) need be made.

(4) Default or Extension Charges. If the contract so provides, the additional charge for any installment past due five (5) or more days whether by reason of default or extension agreement, may be five per cent (5%) of the installment past due and said amount may be charged once and no more.

(5) Recording Fees. The licensee may collect from the borrower the actual fees paid a public official, or agency of the State, for filing, recording or releasing any instrument securing the loan.

(6) No Further Charges, no Splitting Contracts, Certain Contracts Void. No further or other charges shall be directly or indirectly contracted for or received by any licensee, including insurance premiums of any kind, except those specifically authorized by this Act. No licensee shall divide into separate parts any contract made for the purpose of or with the effect of obtaining charges in excess of those authorized by this Act. All balances due to a licensee from any person, as a borrower, or as an endorser, guarantor or surety for any borrower or otherwise, or due from any husband or wife, jointly or severally, shall be considered a part of any loan being made by a licensee to such person for the purpose of computing charges. If any amount in excess of the charges permitted by this Act is charged, contracted for, or received, except as the result of an accidental and bona fide error of computation, the contract of loan shall be void and the licensee shall have no right to collect or receive any cash advanced, charges or recompense whatsoever; and the licensee and the several members, officers, directors, agents and employees thereof who shall have participated in such violation, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500) and not less than one hundred dollars (\$100) or by imprisonment of not more than six months, or by both such fine and imprisonment, in the discretion of the court. Any borrower may recover the full amount of principal and charges paid by him on any contract made in violation of this section, together with a reasonable attorney fee, by action at law or in equity brought within twelve months from the date of the last payment of principal or charges on such contract.

(7) Installment Payment, Contract Period. No licensee shall enter into any contract of loan under this Act in which the borrower agrees to make any scheduled repayment of the cash advance more than twenty-five (25) calendar months from the date of making such contract of loan. Every loan contract shall require payment of the cash advance and charges in installments which shall be payable at approximately equal periodic intervals except that payment dates may be omitted to accommodate borrowers with seasonable incomes. No installment contracted for shall be substantially larger than any preceding installment.

(8) Interest as provided in this Act shall not accrue or be recovered or charged on any loan made under this Act for any longer than six months after the due date of the final installment of principal or interest. After the expiration of said six months period interest may be charged at a rate not to exceed eight per cent per annum.

(9) No licensee shall induce or permit any person, or any husband and wife jointly or severally, to become obligated directly or contingently, or both, under more than one contract of loan at the same time, for the purpose of obtaining a higher rate of charge than would otherwise be permitted by this section. And it shall be unlawful for any licensee to evade, or attempt to evade this section by inducing a cus-

tomer to borrow from another loan company in which he has a pecuniary interest or with whom he has an arrangement for exchange of customers.

Section 15. (a) Requirements for Making and Payment of Loans. Every licensee shall:

1. At the time a loan is made deliver to the borrower or if there be two or more borrowers, to one of them a copy of the loan contract, or a written statement in the English language showing in clear and distinct terms:

(i) The name and address of the lender and one of the primary obligors on the loan;

(ii) The date of the loan contract;

(iii) Schedule of installments or description thereof;

(iv) The cash advance;

(v) The face amount of the note evidencing the loan;

(vi) The amount collected or paid for insurance, if any;

(vii) The amount collected or paid for filing or other fees allowed by this Act;

(viii) The collateral or security for the loan.

2. Give to the person making any cash payment on account of any loan a receipt at the time such payment is made which receipt need only show the total amount of such cash payment. No receipt shall be required in the case of payments made by the borrower's check or money order, and the use of a coupon book system shall be deemed in compliance with this section.

3. Permit the payment to be made in advance in any amount on any contract of loan at any time during a licensee's regular business hours.

4. Upon repayment of the loan in full, mark plainly every obligation and security signed by any obligor with the word "Paid" or "Cancelled," and release any mortgage, restore any pledge, and cancel and return any note and any assignment given to the licensee.

(b) Confessions of Judgment; Incomplete Instruments. No licensee shall (1) take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for the borrower in a judicial proceeding; nor (2) take any note, promise to pay that does not disclose the total amount to be repaid, a schedule of payments or a description thereof, and the agreed rate or aggregate amount of charge, nor any instrument in which blanks are left to be filled in after execution.

Section 16. Additional Security for Loans.

(1) On loans in amounts of one hundred dollars (\$100) or more, a licensee may accept as additional security for a loan, insurance written on the life of one of the principal obligors under the loan contract. Such insurance must be reasonably related to the hazard or risk of the loan and must not exceed the term of the loan or the approximate amount of the indebtedness at any time during the life thereof.



(2) The premium, or identifiable charge, collected by licensee or its officers, agents or employees on life insurance shall not exceed the lowest premium or identifiable charge for such insurance as filed with and approved by the insurance commissioner of the State of Alabama by a company licensed to do business in the State of Alabama and writing such insurance; provided however that in no event shall the premium or identifiable charge exceed \$1.00 per annum for each \$100 of life insurance.

(3) Every insurance policy or certificate written in connection with the loan transaction shall provide for cancellation of the coverage and a refund of the unearned premium or identifiable charge upon the discharge of the loan obligation for which such insurance is security, without prejudice to any claim. Such refund shall be made under a formula filed by the insurer with the department of insurance except no refund of less than \$1.00 need be made.

(4) In accepting such insurance as security for the loan, the licensee, or an employee, may deduct the premiums or identifiable charge for such insurance from the proceeds of the loan and transmit them to the insurance company.

(5) Any gain or advantage in the form of commission or otherwise, to the licensee or to any employee, affiliate or associate of the licensee from such insurance or its sale shall not be considered an additional or further charge in connection with the loan.

(6) All such insurance shall be written by a company authorized to conduct business in this state and the licensee shall not require the purchase of such insurance from any agent or broker designated by the licensee, nor shall the licensee decline existing coverages which equal or exceed the standards of this section.

Section 16½. Loans of More Than Two Hundred Dollars (\$200). No licensee, person, firm or corporation who makes a loan in excess of two hundred dollars (\$200) shall charge, contract for or receive interest in excess of the rates prescribed in Sections 60 or 61 of Title 9, Code of Alabama, 1940, as amended. The foregoing prohibition shall also apply to any licensee who permits any person, as borrower, or as endorser, guarantor, or surety for any borrower, or otherwise or any husband and wife jointly or severally, to owe directly or contingently, or both, to the licensee at any time a sum of more than two hundred dollars (\$200) for principal. The supervisor may suspend or revoke the license of any licensee who violates this section, in the manner prescribed by Section 8 of this Act, and the penalties provided for in Section 23(c) of this Act shall apply to any person, firm or corporation violating this section.

Section 17. Loans made Elsewhere. Any loans made outside this state in accordance with the law applicable to such loan in the state in which the loan was made may be collected in this state.

Section 18. Review. In addition to any other remedy he may have, any licensee and any person considering himself aggrieved by any act or order of the supervisor hereunder may, within thirty days from the entry of the order complained of, or within sixty days of the act complained of if there is no order, petition the circuit court of Montgomery County to review such act or order; provided such petition shall be docketed, heard and tried in the same manner as other extraordinary writs issued by the court and a copy of the petition and order setting the same for hearing shall be served on the supervisor,

giving him such notice of the time and place of the hearing as may be directed by the court.

Section 19. Suits on Debts. If any suit filed on any debt or evidence of any indebtedness governed hereby in any court, the judge thereof shall not render any judgment by default, *nil dicit* or otherwise until he has heard the testimony of the licensee or of a representative of such licensee, and the judge must on his own motion interrogate such licensee or such other witness to determine whether there has been any violation of the provisions of this Act and whether any charges have been contracted for, made or received in excess of the amount allowed under this Act. If it be made to appear that the provisions of this Act have been violated or that charges in excess of those allowed have been contracted for, made or received, then the suit shall be dismissed at the cost of the plaintiff. In any such suit the plaintiff must allege that he is a licensee under this Act, and if such plaintiff is subject to this Act and fails to allege in his complaint that he is a licensee hereunder, or if it is shown to the court that he is subject to this Act and is not a licensee then the court *ex mero motu* shall dismiss the suit at the cost of the plaintiff. No garnishment shall issue in such suit or in connection therewith until after judgment has been rendered.

Section 20. Pre-Existing Contracts. This Act or any part thereof may be modified, amended, or repealed so as to effect a cancellation or alteration of any license or right of a licensee hereunder, provided that such cancellation or alteration shall not impair or affect the obligation of any pre-existing lawful contract between any licensee and any borrower.

Section 21. Status of Pre-Existing Licensees. Any person having a license under Act No. 159, H. 233, approved June 23, 1945, (General Acts of Alabama, 1945, page 200), as amended, in force when this Act becomes effective, or had such a license in effect on September 30, 1959, shall be deemed to have a license under this Act for a period expiring six months after the effective date hereof, if not sooner revoked. Any such license so continued in effect under the provisions of this Act shall be subject to revocation during such six months' period as provided in Section 8 of this Act; except that such license may not be revoked nor shall an application for a new license be denied upon the ground that the convenience and advantage of such community will not be promoted by the operation therein of such business.

Section 22. Records. (a) The supervisor shall cause to be kept on file in the bureau of loans, open to public inspection during business hours, an alphabetical listing of all licensees doing business in Alabama; and such list shall reveal the true ownership of the licensee companies. If the company is a corporation, the list shall indicate the name of the corporation, the address of the home office, and the names and addresses of its officers and directors.

(b) Except as provided in subsection (a) of this section, all applications, reports, and other papers and documents submitted by licensees to the supervisor or to the bureau shall be open to public inspection only upon approval of the supervisor; but the supervisor shall not deny any person access to such records when the disclosure thereof to such person is in the public interest.

Section 23. (a) Repealer. The provisions of Act No. 159, H. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), as amended, in conflict herewith are hereby repealed. And all other laws or parts of laws which conflict with this Act are also repealed. But

such repeal shall not be considered an abolition of the bureau of loans, whose existence is hereby continued as a state agency, for the purpose of administering and enforcing this Act.

(b) Status of Pre-Existing Obligations. Nothing herein contained shall be so construed as to impair or affect the obligation of any contract of loan between any licensee under Act No. 159, H. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200) as amended, and any borrower which was entered into prior to the effective date of this Act.

(c) Any person, firm, corporation or association who shall willfully violate any of the provisions of this Act for which a specific penalty is not herein specifically provided shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500), nor less than one hundred dollars (\$100), or by imprisonment for not more than six months or by both such fine and imprisonment, in the discretion of the court.

Section 24. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of the Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 25. Citation of Act. This Act shall be known and may be cited as the "Alabama Small Loan Act."

Section 26. Effective Date. This Act shall become effective 60 days after its passage and approval by the Governor, or 60 days after its otherwise becoming a law.

#### SENATE MESSAGE

On motion of Mr. Gilchrist the House non-concurred in the Senate substitute for the bill, H. 102, set out in the above and foregoing Message from the Senate, and requests a Committee on Conference.

Yeas 80; Nays 16.

#### Yeas:

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker:               | Edwards     | Ingram                         | Powell                        |
| Adams <sup>(Houston)</sup> | Faulk       | Johnson <sup>(Hardaway)</sup>  | Pruitt                        |
| Albea                      | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Ramey                         |
| Ashworth                   | Franklin    | Johnston <sup>(Leonard)</sup>  | Rast                          |
| Bailey                     | Gilchrist   | Jones <sup>(Covington)</sup>   | Ray                           |
| Barnett                    | Glass       | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Madison)</sup> |
| Bassett                    | Goldthwaite | Locke                          | Roberts                       |
| Bevill                     | Goodwyn     | Long <sup>(Perry)</sup>        | Rogers                        |
| Bishop                     | Gordon      | McClendon <sup>(Chamb)</sup>   | Self                          |
| Boyd                       | Gross       | Meade                          | Sessions                      |
| Branyon                    | Grouby      | Merrill                        | Shumate                       |
| Brewer                     | Guthrie     | Morrow                         | Smith <sup>(Russell)</sup>    |
| Broadfoot                  | Hain        | Murphy                         | Smith <sup>(St. Clair)</sup>  |
| Cabiness                   | Hanby       | Nichols                        | Speaks                        |
| Callahan                   | Hankins     | Oakley                         | Steagall                      |
| Camp                       | Harris      | Oden                           | Sullivan                      |
| Casey                      | Harvey      | Owens                          | Torbert                       |
| Cates                      | Hawkins     | Perry                          | Trimmier                      |
| Cook                       | Hearn       | Phillips                       | Turner                        |
| Dickson                    | Hocklander  | Pierce                         | Turnham                       |

**Nays:**

|          |         |              |                                |
|----------|---------|--------------|--------------------------------|
| Messrs.: | Gilmer  | Lee          | Reynolds <sup>(Chambers)</sup> |
| Brannan  | Grant   | McCorquodale | Rozelle                        |
| Britton  | Hardy   | Martin       | Taylor                         |
| Brooks   | Jenkins | Nettles      | Thomas                         |
| Daniel   |         |              |                                |

—16

And the Speaker named as a Committee on Conference on the part of the House Messrs. Ashworth, Gilchrist and Boyd.

**POINT OF PERSONAL PRIVILEGE**

On the request of Messrs. Lee and Broadfoot the following was ordered inserted in the Journal:

Mr. Speaker:

As a point of personal privilege we would like for the Journal of this house to show in our opinion the rules of this house were not adhered to in the matter of a special order of business in violation of House rule 6 on the 31st legislative day in that a vote was taken on the special order before the title was read to the members of this house and that the resolution was purportedly adopted and was then amended and after such amendment was not resubmitted nor adopted by the house.

**MOTION TO ADJOURN LOST**

The motion of Mr. Reynolds (Chambers) that the House adjourn until Friday, October 30, 1959, at ten o'clock A.M. was lost.

Yeas 17; Nays 68.

**Yeas:**

|          |                           |                                |          |
|----------|---------------------------|--------------------------------|----------|
| Messrs.: | Dickson                   | Nettles                        | Shumate  |
| Brooks   | Ferguson                  | Ramey                          | Solomon  |
| Cabiness | Goldthwaite               | Reynolds <sup>(Chambers)</sup> | Taylor   |
| Cook     | Jones <sup>(Monroe)</sup> | Rozelle                        | Trimmier |
| Daniel   | Murphy                    |                                |          |

—17

**Nays:**

|              |            |                                |                               |
|--------------|------------|--------------------------------|-------------------------------|
| Mr. Speaker: | Gilmer     | Johnson <sup>(Hardaway)</sup>  | Pruitt                        |
| Albea        | Glass      | Johnson <sup>(J. T. Tom)</sup> | Rast                          |
| Ashworth     | Gordon     | Johnston <sup>(Leonard)</sup>  | Ray                           |
| Bailey       | Grant      | Locke                          | Reynolds <sup>(Madison)</sup> |
| Bevill       | Gross      | Long <sup>(Lauderdale)</sup>   | Roberts                       |
| Bishop       | Grouby     | Long <sup>(Perry)</sup>        | Rogers                        |
| Brannan      | Guthrie    | McClendon <sup>(Chamb)</sup>   | Salter                        |
| Branyon      | Hain       | McLendon <sup>(Bullock)</sup>  | Self                          |
| Brewer       | Hanby      | Martin                         | Sessions                      |
| Broadfoot    | Hankins    | Meade                          | Smith <sup>(Russell)</sup>    |
| Camp         | Hardy      | Merrill                        | Smith <sup>(St. Clair)</sup>  |
| Casey        | Harris     | Morrow                         | Steagall                      |
| Cates        | Harvey     | Oakley                         | Sullivan                      |
| Edwards      | Hawkins    | Oden                           | Thomas                        |
| Faulk        | Hearn      | Perry                          | Torbert                       |
| Franklin     | Hocklander | Phillips                       | Turner                        |
| Gilchrist    | Ingram     | Pierce                         | Turnham                       |

—68

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 413. Relating to the Alabama Polytechnic Institute, a public corporation; changing the name of such institution to Auburn University.

Also:

H. 651. To make additional appropriations to the Alabama Institute for Deaf and Blind for each of the fiscal years ending September 30, 1960, and September 30, 1961.

J. E. SPEIGHT,  
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 413. Relating to the Alabama Polytechnic Institute, a public corporation; changing the name of such institution to Auburn University.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 651. To make additional appropriations to the Alabama Institute for Deaf and Blind for each of the fiscal years ending September 30, 1960, and September 30, 1961.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at

length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 77. To amend Section 81 of Title 38, Code of Alabama 1940, in relation to the pay of bar pilots.

Also:

H. 459. To amend further Section 254 of Title 13, Code of Alabama (1940), which relates to the appointment and compensation of deputy circuit solicitors of the thirteenth judicial circuit.

Also:

H. 475. To amend Section 1 of Act 515 approved July 9, 1945, as amended, which relates to the Employees' Retirement System of Alabama.

Also:

H. 537. To provide a retirement benefit to any state employee who had attained age 60 on or before October 1, 1945, who declined membership in the Employees' Retirement System of Alabama in the manner prescribed in Section 3 of Act 515 approved July 9, 1945, and who retires with a minimum of fifteen years of service as a state employee; and to provide a supplement to the retirement benefits of certain state employees who are now or will be retired by the Board of Control of the Employees' Retirement System under the provisions of Act 515, approved July 9, 1945; to set forth the requirements under which said retirement and supplemental benefits shall be granted; and to provide for the management of the fund from which said assistance payments shall be made; and to repeal Act 571 approved September 18, 1957 relating to certain benefits to retired state employees, and to provide the appropriation necessary to carry out the provisions of this act.

Also:

H. 642. Relating to and providing for the reidentification of electors in Choctaw County; directing the board of registrars to purge the lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

Also:

H. 645. To apply in all counties of this State having a population of not less than 94,000 and not more than 134,000 according to the latest or any subsequent Federal decennial census and to allow the Boards of Revenue or other like governing body of such counties to fix and set aside, by resolution, certain days of the week for the closing of the offices in the court house of such counties.

Also:

H. 721. To amend further Section 30½ of the act approved Sep-

tember 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, Vol. II, p. 981).

Also:

H. 791. To fix the compensation of the clerk of the Inferior Civil Court of Mobile County.

Also:

H. 812. To levy additional county privilege license and excise taxes for public school purposes in Chilton County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act, and prescribing penalties.

Also:

H. 814. To alter, extend and rearrange the boundary line and corporate limits of the Town of Glen Allen in Marion and Fayette Counties, Alabama.

Also:

H. 822. To apply in and only in counties in Alabama having a population of 400,000 inhabitants or more, according to the last or any subsequent Federal census, and to empower and authorize the County Commission, board of revenue, or like governing body of all such counties to authorize and approve a monetary allowance not to exceed the sum of Six Hundred Dollars annually, payable in monthly installments, to be made to the Judge of Probate in such county for and on account of the use of an automobile owned or controlled by such Judge of Probate in the event such automobile is used by such Judge of Probate partially or entirely in connection with the performance of his official duties as such Judge of Probate, which sum shall include any other expenses incurred by such Judge of Probate in travelling in his official duties.

Also:

H. 828. To encourage and promote medical and scientific research and the establishment of medical research facilities, and the development of scientific research devices, by exempting certain activities, persons, organizations, and properties from building and zoning restrictions, permits, and fees, and public health and sanitary inspection fees, charges, and limitations, in all counties having a population of not less than 125,000 nor more than 225,000, according to the most recent federal decennial census.

Also:

H. 830. To provide for the appointment, tenure, and compensation of a stenographic secretary for the judge of the county court of Walker County.

Also:

H. 832. To repeal Act No. 336 of the Regular Session of the Legislature of Alabama of 1951, entitled "An Act Relating to Winston County: To prevent the disclosure of the identity of persons drawn or sum-

moned for jury service at any session of court prior to the beginning of the session; and prescribing penalties for violation of this Act," approved August 1, 1951 (Acts of Alabama, 1951, page 624.)

Also:

H. 833. To authorize, direct, and require the state department of revenue to collect any sales and use taxes which may be levied in the municipality of Double Springs, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said municipality; to prescribe the power, duties, and authority of the state department of revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Also:

H. 834. To create and establish a single governing body in and for Winston County, to be known as the Board of Revenue of Winston County, Alabama, to be composed of three members, one of whom shall be chairman of said Board; to provide for the selection and election of the chairman and associate members of said Board; to fix their qualifications and term of office; to fix their compensation and prescribe the funds from which it may be paid; to define and prescribe the jurisdiction, power, and authority of said Board of Revenue, its chairman, and its members, and to repeal all laws, local and general, in conflict herewith.

Also:

H. 854. To create in the City of Tuscaloosa, Alabama, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departments, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such fund of a proportion of the monthly salary of such members of the fire department and police department of such city as are eligible to participate in the benefits of such fund; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies including mutual and industrial fire insurance companies, doing business within such city, and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such fund, and to prescribe the penalty for failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerk by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such city, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such fund certain witness fees and certain rewards and gratuities received by firemen and policemen; to provide for the payment into such fund of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing body of such city to make appropriations to such fund out of the city treasury; to create in such city a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the transfer of all monies, securities, property, assets, and things of value in any Firemen's and Policemen's Fund in the City



heretofore created to the jurisdiction and control of the Board of Trustees created under this Act; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees of such fund; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department and police department and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind.

Also:

H. 837. To levy additional county privilege license and excise taxes for public school purposes in Hale County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 86, H. 388, approved June 21, 1957 (Acts 1957, vol. I, pp. 127-130).

Also:

H. 851. To provide for the relief of W. E. Sikes, of Roanoke, by Randolph County.

Also:

H. 856. To abolish the office of comptroller of Walker County, and establish in lieu thereof a county depository; and to provide for the performance of certain duties relative to county funds by the county depository and other duties relative thereto by the Board of Finance and Control of Walker County and the President thereof, or any other like governing body of such county and its presiding officer.

Also:

H. 859. To alter, re-arrange and extend the boundaries and corporate limits of the municipality of Greensboro in Hale County; annexing certain territory to said municipality.

Also:

H. 861. To alter and re-arrange the boundary lines of the City of Homewood, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Also:

H. 75. To amend Section 77 of Title 38 of the Code of Alabama of 1940, as amended, which relates to the pay of pilots.

Also:

H. 706. Proposing an amendment to the Constitution of Alabama relating to the industrial development of Franklin County and the municipalities therein.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 102. Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of five hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

And the President and Presiding Officer of the Senate appointed as conferees on part of the Senate Messrs. Webb, Robison and Graham.

J. E. SPEIGHT,  
Secretary.

#### BILLS ON SECOND READING

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 315. To provide in addition to all other revenues heretofore appropriated to the Division of State Parks, Monuments and Historical Sites the sum of \$50,000.00 for each of the fiscal years 1959-60 and 1960-61 from the revenues derived from the sale of sand and gravel and timber and timber products.

H. 890. To provide administrative consultants for the constitutional executive officers of the state government; to prescribe the conditions under which a constitutional executive officer of the State may become such an administrative consultant; to prescribe the qualifications, tenure of office, duties, compensation, and method of re-

moval of such administrative consultants; and to make an appropriation for the payment of their compensation.

H. 369. Regulating further the issuance of motor vehicle license tags or plates; providing for the issuance of only one license tag or plate for each motor vehicle for two-year periods; and repealing conflicting laws.

H. 1073. To provide for monthly retirement pensions for certain teachers employed at the Alabama Vocational School for Girls.

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1008 (with substitute): To designate as a felony the offense of armed resistance to lawful arrest and prescribe the punishment therefor.

Mr. Ferguson, Chairman of the Standing Committee on Constitution & Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1051. Proposing an amendment to the Constitution of Alabama relative to the meetings and sessions of the legislature.

The above bill was read a second time at length as required by the Constitution.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1065. To alter, rearrange, and extend the boundaries and corporate limits of the Town of Brent, Bibb County, Alabama so as to annex certain territory to the Town.

H. 1066. To amend Section 2 of Act No. 57, H. 54, approved February 7, 1956 (Acts of Alabama, Special Sessions 1956, p. 86), the act levying a one cent per gallon tax on gasoline, kerosene, and diesel fuel sold, distributed, stored, or used in Blount County, by exempting liquefied petroleum gas, butane, and propane, sold for heating, cooking, and lighting purposes.

H. 1067. Relating to counties having a population of not less than 75,000 nor more than 93,000 inhabitants; to authorize county governing bodies to provide for payment of expenses of certain county officers.

H. 1069. To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

H. 1076. To amend Section Two of the Act approved March 23, 1955 (Act No. 8, H. 7, Acts of Alabama 1955, Page 114) relating to the office of Chief Clerk to the Register of the Circuit Court in Equity of Madison County, Alabama.

H. 1077. To provide for the establishment and operation of a public clinic in the municipality of Uniontown, Perry County.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1079 (with amendment): To establish a Law and Equity Court for Shelby County, Alabama: to define its jurisdiction and powers; to provide for its officers and appointment, election, terms of office, powers, duties and compensation; to provide a Court Reporter for said Court, whenever needed, and to fix and prescribe his duties and compensation; to provide that said Court shall be open at all times for the trial of causes and the transaction of business; to provide the rules and procedure of said Court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court and the Juvenile Court of Shelby County, Alabama; and to give the said Court juvenile and domestic jurisdiction; and to abolish the County Court of Shelby County, Alabama.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1080. To provide for special meetings of the boards of education of all counties having a population of not less than 21,000 nor more than 22,000, according to the most recent federal decennial census.

H. 1081. To alter or rearrange the boundary lines of the Town of Springville, St. Clair County, Alabama, so as to include within the Corporate Limits of said Town all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama.

Mr. Hawkins, Vice-Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1072. To alter and extend the boundaries of the City of Birmingham so as to include within the city limits of the City of Birmingham part of the territory located within Section 34, Township 16, Range 2 West; Section 35, Township 16, Range 2 West; Section 26, Township 16, Range 2 West; Section 23, Township 16, Range 2 West; Section 24, Township 16, Range 2 West; Section 13, Township 16, Range 2 West; Section 7, Township 16, Range 1 West; Section 6, Township 16, Range 1 West; Section 1, Township 16, Range 2 West; Section 12, Township 16, Range 2 West; Section 11, Township 16, Range 2 West; Section 14, Township 16, Range 2 West; Section 15, Township 16, Range 2 West; Section 22, Township 16, Range 2 West and Section 27, Township 16, Range 2, in Jefferson County, Alabama.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1071. To amend Act No. 737, S. 548, approved September 20, 1957, an act providing for the operation of the county board of equalization of each county having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census (Acts of Alabama 1957, Vol. II, pp. 1158, 1159).

Mr. Reynolds (Chambers), Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1075. To amend Sections 1, 2, 4, and 6 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama so that the scope of the license taxes levied in Limestone County by said Act No. 68 and the exemptions and other provisions applicable to said license taxes shall parallel, although at the rates herein specified, the scope of the state sales and use taxes levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and by Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said state sales and use taxes; so as to make subject to said license taxes, at the rates herein specified, the sale, use, storage and consumption of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding and manufacturing tangible personal property; and so as to increase the rate of said license taxes with respect to sale, use, storage or consumption of automotive vehicles, truck trailers and semi-trailers.

#### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Brannan (with notice and proof):

H. 1082. To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County.

Local Legislation No. 1.

Notice and Proof H. 1082:

#### LEGAL NOTICE

State of Alabama, Baldwin County.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Town of Gulf Shores in Baldwin County are hereby altered, re-arranged and extended so as to include within the corporate limits of said municipality the following described lands lying and being in said Baldwin County, to-wit:

Beginning at a point in the center of Alabama Highway No. 59, 66.2 feet East of the Southwest corner of Section 9, T9S, R4E, run thence East to the Southeast corner of the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 9, T9S, R4E; run thence North to the Northeast corner of said West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 9, T9S, R4E; run thence West to the center of Alabama Highway No. 59; run thence South along the center-line of said Alabama Highway No. 59 to the point of beginning.

Beginning at a point where the West line of Section 19, T9S, R4E intersects the margin of the Gulf of Mexico, run thence North to the Northwest corner of Section 19, T9S, R4E; run thence East along the Section line to a point 1570 feet West of the Northeast corner of said Section 19, T9S R4E; run thence North between Lots No.'s 16 and 17, in Division No. 1 of Gulf Woods, to the center of the Dixie Graves Parkway; run thence Eastward along the center line of the Dixie Graves Parkway to the East line of Section 17, T9S, R4E; run thence South to the Southeast corner of Section 17, T9S, R4E; run thence East along the Section line 0.625 mile, to the Alabama State Park corner; run thence South along the Alabama State Park line to the center of East Gulf Shores Boulevard; run thence Westward along the center line of said Gulf Shores Boulevard to the East line of Lot No. 1, Block No. 2, in Unit No. 5, of Gulf Shores; run thence South to the margin of the Gulf of Mexico, run thence Southwesterly along the margin of the said Gulf of Mexico to the point of beginning.

Section 2. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the Town of Gulf Shores, voting in a referendum election to be held on a day designated by the probate judge of Baldwin County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the probate judge of Baldwin County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Article 2 of Chapter 5 of Title 37, Code of Alabama 1940, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however, no resolution of the municipal governing body need be made or filed with the probate judge, nor need a plat or map of the territory to be annexed be filed with the probate judge. The question shall be on the adoption of Act No.——— H.——— of the 1959 Regular Session of the Legislature, which alters, re-arranges and extends the corporate limits of the Town of Gulf Shores in Baldwin County. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes." If he desires to vote against the adoption of said Act the word "No" shall be written or printed on his ballot. The Town of Gulf Shores shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes" the provisions of this Act shall become operative immediately. If the majority are "No" this Act shall have no further effect.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF BALDWIN

Before me, the undersigned authority in and for said County in

said State, this day personally appeared E. M. Howell, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Foley Onlooker, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on October 1, October 8, October 15, and October 22, all in the year 1959.

E. M. HOWELL

Sworn to and subscribed before me October 22, 1959.

DORIS HORDER RICH  
Notary Public.

By Mr. Gordon (with notice and proof):

H. 1083. To provide a salary for the Coroner of Blount County, and to describe the manner of payment thereof: and making this Act effective upon approval of the voters of the county voting at a referendum.

Local Legislation No. 1.

Notice and Proof H. 1083:

NOTICE OF A BILL  
TO BE ENTITLED  
AN ACT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage will be made, to-wit:

To provide a salary for the Coroner of Blount County, and to describe the manner of payment thereof: and making this Act effective upon approval of the voters of the county voting at a referendum.

Be It Enacted by the Legislature of Alabama:

Sec. 1. The coroner of Blount County shall be entitled to receive a salary of one hundred dollars (\$100.00) a month payable out of the general fund in the County treasury in the same manner as the salary of county employees are paid.

Sec. 2. All laws or parts of laws which conflict with this Act are repealed.

Sec. 3. The provisions of this Act shall become operative only if approved by a majority of the qualified electors of Blount Co. who vote thereon in a referendum to be held on the date of the first county-wide primary, general, or special election held after the passage of this Act. The governing body of Blount County shall order and provide for the holding of the referendum on such date. On the ballots to be used at such election the question shall be stated substantially as follows:

"Shall the provisions of Act. No.—— of the 1959 Regular Session of the Legislature, which fixes the compensation of the Coroner of Blount County, be adopted? Yes ( ) No ( )."

If a majority of the votes cast in the election are "yes", the provisions of this Act shall become effective immediately. If a majority of "no," this Act shall have no effect. The Judge of Probate of Blount

County shall certify the result of the election to the Secretary of State within 30 days after the returns are canvassed.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA BLOUNT COUNTY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on October 1, 8, 15, and 22, all in the year 1959.

RICE M. HOWARD

Sworn to and subscribed before me October 22, 1959.

MOLLY RYAN  
Notary Public.

By Mr. Gordon (with notice and proof):

H. 1084. Providing for the appointment of a Clerk or secretarial assistant for the County Solicitor of Blount County, and for the payment of the compensation of such clerk or assistant from the County Treasury; and making this Act effective upon the approval of the voters of the County voting at a referendum.

Local Legislation No. 1.

Notice and Proof H. 1084:

#### NOTICE OF A BILL TO BE ENTITLED AN ACT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and the application for its passage and enactment will be made, to-wit:

Providing for the appointment of a Clerk or secretarial assistant for the County Solicitor of Blount County, and for the payment of the compensation of such clerk or assistant from the County Treasury; and making this Act effective upon the approval of the voters of the County voting at a referendum.

**Be It Enacted by the Legislature of Alabama:**

Sec. 1. The County Solicitor of Blount County may appoint a clerk or secretarial assistant to serve at his pleasure. The Compensation of such clerk or assistant shall be twelve hundred dollars (\$1200.00), per annum, and shall be paid in equal monthly installments from the county treasury.

Sec. 2. The provisions of this Act shall become operative only if approved by a majority of the qualified electors of Blount County, voting in a referendum to be held on the date of the first county-



wide primary, general, or special election held after the passage of this Act. The governing body of Blount County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election the question shall be stated substantially as follows:

"Shall the provision of Act. No.—— of the 1959 Regular Session of the Legislature, which fixes the compensation of a clerk for the County Solicitor of Blount County, be adopted? Yes ( )  
No ( )."

If a majority of the votes cast in the election are "Yes", the provisions of this act shall become effective immediately. If the majority of "No," this Act shall have no effect. The Judge of Probate of Blount County shall certify the results of the election to the Secretary of State within 30 days after the returns thereof are canvassed.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on October 1, 8, 15, and 22, all in the year 1959.

RICE M. HOWARD

Sworn to and subscribed before me October 22, 1959.

MOLLY RYAN  
Notary Public.

By Mr. Guthrie (with notice and proof):

H. 1085. To alter, rearrange, and extend the boundary line of the City of Cullman, in Cullman County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1085:

#### NOTICE

Notice is hereby given of intention to apply at the current regular session or any special session of the Legislature of Alabama for introduction and passage of a bill, the substance of which as distinguished from detail is and will be in substance as distinguished from detail as follows:

#### A BILL TO BE ENTITLED AN ACT

TO ALTER, REARRANGE, AND EXTEND THE BOUNDARY LINE OF THE CITY OF CULLMAN, IN CULLMAN COUNTY, ALABAMA,

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Cullman, Cullman County Alabama, be changed and extended to include the following territory:

Begin at the southeast corner of Section 21, Township 10 South, Range 3 West; thence West along the section line to the Southwest corner of the Southwest quarter-Southeast quarter of the said section; thence North along the half-section line to the Northwest corner of the Northwest quarter-Southeast quarter of the said section; thence West along the half-section line to the Southwest corner of the Southeast quarter-Northwest quarter of the said section; thence North along the quarter-section line to the Northwest corner of the Northeast quarter-Northwest quarter of the said section; thence West along the section line to the Northwest corner of the said section; thence North along the section line to the Northeast corner of the Southeast quarter-Southeast quarter of Section 8; thence West along the quarter-section line to the Southwest corner of the Southeast Quarter-Northeast-Quarter Southeast Quarter; thence North along the 20 acre line to a point on the North line of Section 8; thence East along the section line to the East right-of-way line of Alabama State Highway No. 157; thence in a Northwestwardly direction along the said right-of-way line to the South line of the County Road approximately 600 feet South of the North line of Section 5; thence in a Northeastwardly direction along the South line of the said County Road to a point on the North line of Section 5; thence East along the section line to the Northeast corner of the said Section 5, Township 10 South, Range 3 West; thence North along the section line to the Northwest corner of the Southwest Quarter-Northwest quarter of Section 33, Township 9 South Range 3 West; thence East along the quarter-section line to a point on the West right-of-way line of U.S. Highway No. 31; thence southwardly along the said right-of-way line to a point on the south line of Section 33, Township 9 South, Range 3 West; thence East along the Township line to the Northeast corner of Section 4, Township 10 South, Range 3 West; thence South along the section-line 1950 feet; thence at right angles East 500 feet; thence at right angles South 500 feet; thence at right angles West 500 feet to a point on the section line; thence South along the section line to the southeast corner of Section 4; thence East along the section line to the East right-of-way line of the Cullman-Eva Road; thence northeastwardly along the said right-of-way line to Bridge Creek; thence Southeastwardly along Bridge Creek to the West line of the Southeast Quarter-Southeast quarter of Section 3; thence North along the quarter section line to Northwest corner of the Southwest Quarter-Northeast Quarter-Southeast Quarter of Section 3; thence East along the 20 acre line to the East line of the Northeast quarter-Southeast quarter of Section 3; thence South along Section line to the Southeast corner of Section 3; thence East along the section line to a point 200 feet East of the Northeast corner of the Northwest Quarter-Northwest Quarter of Section 12; thence South and parallel to the quarter-section line to the South line of Section 12; thence West along the section line to the West bank of Eight Mile Creek; thence southeastwardly along the West bank of Eight Mile Creek to the East line of Section 14; thence South along the section line to the Southeast corner of Section 14; thence West along the section line to the Northwest corner of the Northwest quarter-Northeast quarter of Section 23; thence South along the half-section line to the Southeast corner of the Southeast quarter-Southwest quarter of Section 23; thence West along the section line to the West right-of-way line of the Old Hanceville Highway; thence Southeastwardly along the said right-of-way line to the South line of the Southeast quarter-Northwest quarter of Section 26; thence West along the half section line to the East line of U. S. Highway No. 31; thence in a northwesterly direction along the East right-of-way

line of said Highway to the South line of the Northeast Quarter of the Northeast Quarter of Section 27, thence East to the West line of Section 27; thence North along the section line to the Southeast corner of Section 21, Township 10 South, Range 3 West, and the point of beginning.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA  
COUNTY OF CULLMAN

Before me, Marie W. Bergin, a Notary Public in and for said County, personally appeared Robert Bryan, who being duly and legally sworn, deposes and says that he is editor and publisher of The Times, a newspaper published in Cullman County, Alabama, and which is a weekly newspaper; that the notice, a copy of which is hereto attached, was inserted in said newspaper, and was published once a week for four consecutive weeks in said newspaper without cost to the State of Alabama, before the making of this affidavit, said publications being on October 1, 1959, October 8, 1959, October 15, 1959, and October 22, 1959.

ROBERT BRYAN

Sworn to and subscribed before me this the 22nd day of October, 1959.

MARIE W. BERGIN,  
Notary Public.

My Commission Expires 3-29-61.

By Messrs. Grant and Daniel (with notice and proof):

H. 1086. To empower the county board of education of Marengo County to authorize the use of school buses for transporting persons to and from certain educational, civic and recreational functions, meetings, gatherings or encampments.

Local Legislation No. 1.

Notice and Proof H. 1086:

NOTICE OF LOCAL BILL

STATE OF ALABAMA  
COUNTY OF MARENGO

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To empower the county board of education of Marengo County to authorize the use of school buses for transporting persons to and from certain educational, civic and recreational functions, meetings, gatherings or encampments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Marengo County, whenever in its opinion such use will not interfere with the principal use of school buses, may authorize the use of such school buses, for the purpose of transporting persons to and from any educational, civic, or recreational function, meeting, gathering, or encampment held, sponsored or conducted by the state or any agency or instrumentality thereof, or by any city, town or county, or by any farm demonstration or farm life club or other organization which receives financial aid from the state or federal government; and may make such reasonable charge for the use of such school bus as in its opinion is necessary to reimburse the school funds for all necessary cost and expenses incurred by reason of such use of the bus whenever such use, in its opinion is not in furtherance of an approved course of study prescribed and recognized by the state board of education or in furtherance of an authorized educational program for the county. Whenever the board of education authorizes the use of a school bus for any of the purposes enumerated above, such bus shall be used only for the specific purpose which the board of education authorized and in strict conformity to any regulations or stipulations relative to its use which are prescribed by the board.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

##### STATE OF ALABAMA COUNTY OF MARENGO

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. E. SUTTON, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Democrat Reporter, a newspaper of general circulation published in Marengo County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 24, October 1, October 8, and October 15, all in the year 1959.

R. E. SUTTON

Sworn to and subscribed before me October 20, 1959.

HELEN L. BRADFORD,  
Notary Public.

My commission expires March 24, 1962.

By Messrs. Grant and Daniel (with notice and proof):

H. 1087. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Linden, in Marengo County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1087:

NOTICE OF INTENTION TO  
APPLY FOR LOCAL LAW

The following bill will be introduced at the present session of the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Linden, in Marengo County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the present boundary and corporate limits of the City of Linden in Marengo County, Alabama, are hereby altered, rearranged and extended so as to include, (in addition to the lands already embraced in the said city limits), the following described lands not heretofore embraced and incorporated within the said City limits under Act No. 248 of the Alabama Legislature, Regular Session, 1957:

Commencing at the Northwest Corner of Linwood Estates, according to map of said Linwood Estates as recorded in Map Book No. 1, at page 34, in the office of the Judge of Probate, Marengo County, Alabama, thence N 65o-45' West for a distance of 47 feet to the Southeast Corner of the Wynn property, thence North 6o-30' West along fence for a distance of 791 feet to the North boundary of Road, thence N 85o-30' East to West line of Section 29, Township 16, North, Range 3 East, thence South along said Section line to the Southeast Corner of Section 29, Township 16, North, Range 3 East, to the present boundary of the corporate limits of the City of Linden, Alabama; Also, commencing at the Northwest Corner of Linwood Estates, according to map of said Linwood Estates as recorded in Map Book No. 1, at page 34, in the office of the Judge of Probate, Marengo County, Alabama, thence South 0o-40' East, to the South line of Section 29, Township 16 North, Range 3 East, to the present boundary of the corporate limits of the City of Linden, Alabama, which descriptions embrace the following: The SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 29, Township 16 North, Range 3 East, and a part of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , a part of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and a part of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , all in Section 29, Township 16 North, Range 3 East, in Marengo County, Alabama.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

AFFIDAVIT OF PUBLICATION

THE STATE OF ALABAMA,  
MARENGO COUNTY.

Before me, the undersigned authority, in and for said State and County, personally appeared R. E. SUTTON, who is known to me, and who, being by me first duly sworn, deposes and says:

That he is the publisher of The Democrat-Reporter, a newspaper published at Linden, in Marengo County, Alabama, and that the said Democrat-Reporter is printed in said Marengo County, Alabama, and is of general circulation in said County, and has been mailed under a second class mailing privilege at the United State Post Office at Linden, Alabama, regularly each and every week for a period of more than fifty-two (52) consecutive weeks prior to the publication of the Legal Notice, or Advertisement, of Notice of Intention To Apply For Local Law, copy of which is hereto attached, and further that said Legal Notice, or Advertisement, was published in the said newspaper, The Democrat-Reporter, for Four consecutive weeks, to-wit:— in the issues dated September 24, 1959, October 1, 1959, October 8, 1959, October 15, 1959, and that each of said above issues was duly circulated among the subscribers of said newspaper.

R. E. SUTTON,  
Publisher of The Democrat-Reporter.

Sworn to and subscribed before me this 20th day of October, 1959.

HELEN L. BRADFORD,  
Notary Public.

My Commission expires 3-24, 1962.

By Messrs. Copeland and Hanby (with notice and proof):

H. 1088. To abolish the Etowah County Law Library Fund which was created by Act No. 482, H. 1036, approved August 30, 1949; to provide for the transfer of any moneys in such abolished fund to the Etowah County Law Library Fund established pursuant to Act No. 197, H. 596, which became law on August 1, 1955, and to authorize the expenditure of such moneys after being so transferred.

Local Legislation No. 1.

Notice and Proof H. 1088:

## NOTICE

### STATE OF ALABAMA COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

To abolish the Etowah County Law Library Fund which was created by Act No. 482, H. 1036, approved August 30, 1949; to provide for the transfer of any moneys in such abolished fund to the Etowah County Law Library Fund established pursuant to Act No. 197, H. 596, which became law on August 1, 1955, and to authorize the expenditure of such moneys after being so transferred.

Be It Enacted by the Legislature of Alabama:

Section 1. The Etowah County Law Library Fund, which was created by Act No. 482, H. 1036, approved August 30, 1949 (Acts of Ala-

bama 1949, page 700) is hereby abolished. Any moneys remaining in the county treasury of Etowah County to the credit of such fund shall be transferred by the presiding judge of the circuit court of Etowah County immediately after this Act becomes effective to the Etowah County Law Library Fund, established pursuant to Act No. 197, H. 596, which became law on August 1, 1955. Thereafter such monies may be expended for the same purpose and in the same manner that the Etowah County Law Library Fund established by said Act No. 197 of 1955 is expended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediate upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ollie Wright, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Adv. Bookkeeper of the Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 3, 10, 17, and 24th, all in the year 1959.

OLLIE WRIGHT

Sworn to and subscribed before me Oct. 26th, 1959.

WALTER BETZ,  
Notary Public.  
Etowah County, Ala.

By Mr. Faulk (with notice and proof):

H. 1089. To Amend Section 6 of Act No. 393, H. 681, approved July 14, 1931, an act that abolished the county board of education of Geneva County and created in lieu thereof a county board of school commissioners (Local Acts 1931, pages 175, 176), in relation to the compensation of school commissioners.

Local Legislation No. 1.

Notice and Proof H. 1089:

STATE OF ALABAMA  
COUNTY OF GENEVA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

#### A BILL TO BE ENTITLED AN ACT

To Amend Section 6 of Act No. 393, H. 681, approved July 14, 1931, an act that abolished the county board of education of Geneva County

and created in lieu thereof a county board of school commissioners (Local Acts 1931, pages 175, 176, in relation to the compensation of school commissioners.

Be It Enacted by the Legislature of Alabama:

Section 6 of Act 393, H. 681, approved July 14, 1931, an act that abolished the county board of education of Geneva County and created in lieu thereof a county board of school commissioners (Local Acts 1931, pages 175, 176), is hereby amended to read as follows:

"Section 6. The powers, duties and qualifications of the members of the said county board of school commissioners shall be the same as now or may be hereafter provided by the general school laws of Alabama. The school commissioners shall each receive from the public school funds of the county fifteen dollars (\$15.00) a day and his actual traveling and hotel expenses incurred in attending meetings of the board, and transacting the business of the board. However, such members shall not be allowed pay for more than twenty-four days in any one year. Their expenses shall be paid in like manner as provided for the payment of the compensation of teachers."

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF GENEVA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Orsen B. Spivey, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publishing Editor of the Geneva County Reaper, a newspaper of general circulation published in Geneva County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 1, Oct. 8, Oct. 15, and Oct. 22, all in the year 1959.

ORSEN B. SPIVEY

Sworn to and subscribed before me October 22, 1959.

KAROL L. FLEMING,  
Notary Public.

My commission expires 2nd July, 1963.

By Messrs. Cabiness and Long (Lauderdale):

H. 1090. To amend Act No. 343, H. 71, approved August 20, 1957 Acts of Alabama, 1957, page 452), which provides further for the execution of certain public contracts and provides for competitive bidding for certain purchases by the State.

Ways and Means.

By Mr. Cabiness:

H. 1091. To provide that Justices of the Peace, in all Counties having a population of not less than 38,750 and not more than 39,250 according to the last or any subsequent Federal decennial census, shall not have any jurisdiction over any criminal offense, unless, there is no other Court or Courts existing in any such County which can lawfully exercise jurisdiction over such offense; to abolish the criminal



jurisdiction of Justices of the Peace in such Counties and to confer the same upon other Court or Courts existing in such Counties which can lawfully exercise such jurisdiction.

Local Legislation No. 1.

By Messrs. Perry, Sessions, Locke, Edwards, Morrow and Rast:

H. 1092. TO PROVIDE, WITH RESPECT TO ANY PENSION SYSTEM HERETOFORE OR HEREAFTER ESTABLISHED FOR THE EMPLOYEES OF ANY CITY OF THE STATE HAVING A POPULATION OF 300,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, THAT IF THERE ARE NUMEROUS MEMBERS OF ANY SUCH PENSION SYSTEM, OR IF THERE ARE NUMEROUS BENEFICIARIES UNDER ANY SUCH PENSION SYSTEM, WHOSE SEVERAL RIGHTS TO BENEFITS OR SEVERAL CLAIMS FOR BENEFITS ARE AFFECTED BY THE SAME QUESTION OF LAW, THEN SUCH OF THEM, ONE OR MORE, AS WILL FAIRLY INSURE THE ADEQUATE REPRESENTATION OF ALL, MAY UPON BEHALF OF ALL FILE A CLASS SUIT AGAINST THE TRUSTEES OF THE PENSION SYSTEM TO ENFORCE THE BENEFITS IN THE EQUITY DIVISION, OR ON THE EQUITY SIDE OF THE CIRCUIT COURT, OF THAT JUDICIAL CIRCUIT WHEREIN THE CITY IS SITUATED; TO PROVIDE THAT NO SUCH CLASS SUIT SHALL BE INSTITUTED UNLESS ONE OF THE PARTIES IN THE ORIGINAL BILL OF COMPLAINT, EITHER PERSONALLY OR THROUGH HIS ATTORNEY, FILES WITH THE SECRETARY OF THE TRUSTEES OF THE PENSION SYSTEM A DEMAND FOR PAYMENT OF THE BENEFIT CLAIMED, AND THAT NO SUCH CLASS SUIT SHALL BE FILED UNTIL NINETY DAYS HAVE ELAPSED BETWEEN THE TIME OF THE FILING OF THE SAID CLAIM WITH SAID SECRETARY AND THE FILING OF THE BILL OF COMPLAINT IN THE CIRCUIT COURT, OR UNTIL AFTER THE TRUSTEES OF THE PENSION SYSTEM OR THE SAID SECRETARY OF THE SAID TRUSTEES, OR THE CITY ATTORNEY, HAS ADVISED THE CLAIMANT OR THE CLAIMANT'S ATTORNEY THAT THE BENEFIT DEMANDED IS DENIED; TO PROVIDE FOR THE ALLOWANCE OF A SOLICITOR'S FEE TO THE SOLICITOR OR SOLICITORS PROSECUTING THE CLASS SUIT SUBJECT TO THE TERMS, CONDITIONS AND LIMITATIONS PRESCRIBED IN SAID ACT; TO PROVIDE THAT ANY SUCH SOLICITOR'S FEE ALLOWED SHALL NOT BE CHARGED AS COSTS IN THE SUIT AND SHALL NOT BE CHARGED AGAINST THE CITY, THE TRUSTEES OF THE PENSION SYSTEM OR AGAINST THE PENSION FUND, AND TO PROVIDE THE FUNDS OUT OF WHICH ANY SUCH SOLICITOR'S FEE ALLOWED SHALL BE PAYABLE; TO PROVIDE THE FACTORS WHICH SHALL BE TAKEN INTO CONSIDERATION IN DETERMINING THE AMOUNT OF ANY SUCH SOLICITOR'S FEE; AND TO PROVIDE THAT SECTION 63, TITLE 46, CODE OF ALABAMA OF 1940, SHALL NOT APPLY SO AS TO AUTHORIZE THE ALLOWANCE OF ANY ATTORNEY'S FEE OR SOLICITOR'S FEE IN ANY ACTION OR SUIT INVOLVING ANY SUCH PENSION SYSTEM OF ANY SUCH CITY.

Local Legislation No. 2.

By Messrs. Perry, Sessions, Morrow, Locke, Hawkins, Rast and Edwards:

H. 1093. TO APPLY TO COUNTIES HAVING A POPULATION OF 500,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS; TO PROVIDE FOR A STUDY OF JUDICIAL PRACTICE AND PROCEDURE AND COURT OPERATION

IN SUCH COUNTIES; TO ESTABLISH AND PROVIDE FOR THE COMPOSITION OF A "COMMISSION FOR JUDICIAL STUDY"; TO STATE THE POWERS, AUTHORITY AND DUTIES OF SUCH COMMISSION; AND TO PROVIDE FOR THE FINANCING OF THE WORK OF THE COMMISSION.

Local Legislation No. 2.

By Messrs. Morrow, Perry, Sessions, Edwards, Hawkins and Rast (with notice and proof):

H. 1094. To vacate the following described land dedicated or conveyed for a park and to vacate all public interests therein and rights thereto: A strip of land of indefinite width lying Southwesterly of and adjacent to Crestview Subdivision, which subdivision is located in the SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 4, Township 19 South, Range 3 West and the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 9, Township 19 South, Range 3 West, and recorded in Deed Book 1241, Page 294, in the Probate Court, Birmingham, Alabama and Bessemer, Alabama. Excepted from the above is a strip of right of way lying west of, parallel to and abutting the west line of said subdivision.

Local Legislation No. 2

Notice and Proof H. 1094:

LEGAL NOTICE

A BILL  
TO BE ENTITLED  
AN ACT

To vacate the following described land dedicated or conveyed for a park and to vacate all public interests therein and rights thereto: A strip of land of indefinite width lying Southwesterly of and adjacent to Crestview Subdivision, which subdivision is located in the SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 4, Township 19 South, Range 3 West and the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 9, Township 19 South, Range 3 West, and recorded in Deed Book 1241, Page 294, in the Probate Court, Birmingham, Alabama, and Bessemer, Alabama. Excepted from the above is a strip of right of way lying west of, parallel to and abutting the west line of said subdivision.

Be It Enacted by the Legislature of Alabama:

Section 1. The following described property previously dedicated as a park and all public interests therein and rights thereto are hereby vacated: A strip of land of indefinite width lying southwesterly of and adjacent to Crestview Subdivision, which subdivision is located in the SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 4, Township 19 South, Range 3 West and the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 9, Township 19 South, Range 3 West, and recorded in Deed Book 1241, Page 294, in the Probate Court, Birmingham, Alabama. Excepted from the above is a strip of right of way lying west of, parallel to and abutting the west line of said subdivision.

Section 2. There has been doubt and uncertainty as to what, if any, public rights or benefits could accrue from a purported dedication of the above property for public park purposes and it is the purpose and intention of this act to enact and it is hereby enacted that all such public rights which may exist by dedication, use or otherwise shall forever cease and that all rights of the public in or to said lands described in Section 1 above be and the same hereby relinquished and abandoned.

Section 3. This act shall become effective upon its passage and signature by the Governor or its otherwise becoming a law.

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA  
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Eleanor Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of Sept. 26, Oct. 3, 10, 17, 1959, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE,  
Publisher.

Sworn and subscribed to on this the 19th day of October, 1959.

SARA WHEELER,  
Notary Public.

By Messrs. Perry, Rast, Hawkins, Morrow, Edwards and Sessions (with notice and proof):

H. 1095. To provide for the relief of John Hollis Camp out of the County Treasury of Jefferson County, Alabama.

Local Legislation No. 2.

Notice and Proof H. 1095:

## NOTICE

Notice is hereby given of intention to apply at the current regular session or any special session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be substance, as distinguished from detail of the following:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the relief of John Hollis Camp out of the County Treasury of Jefferson County, Alabama.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. That the County Commission of Jefferson County shall be authorized and directed to draw or cause to be drawn upon the County Treasurer of said County a warrant in the sum of ten thousand dollars (\$10,000), which said warrant shall be in favor of John Hollis Camp to compensate him for damages sustained to his property, for personal injuries, and for loss of business pursuant to an accident on January 4, 1958, at the intersection of Jefferson County Road No. 8 and what was formerly Highway 78 which, prior to the accident, was returned to the County. The accident was the proximate result of the failure to properly construct or maintain warning signs at the dead end intersection to allow drivers using reasonable care to be warned of the abrupt end of the road and drop across the intersection. It shall be

the duty of the County Treasurer to forthwith pay said warrant out of the County Treasury.

Section 2. That this act shall become effective immediately upon its passage or approval by the Governor, or its otherwise becoming a law.

#### AFFADAVIT OF PUBLICATION

#### STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Eleanor Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly, since said date. And that there was published in said newspaper in the issues of July 25, Aug. 1, 8, 15, 1959, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE,  
Publisher.

Sworn and subscribed to on this the 17th. day of August, 1959.

SARA WHEELER,  
Notary Public.

By Messrs. Morrow, Locke, Perry, Sessions, Hawkins, Edwards and Rast:

H. 1096. To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 200,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury.

#### Local Legislation No. 2.

By Messrs. Locke, Edwards, Hawkins, Perry, Rast, Sessions and Morrow:

H. 1097. To provide that any city which may now or hereafter have a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment; and to prescribe the power, jurisdiction and authority of such Board.

#### Local Legislation No. 2.

By Messrs. Locke, Morrow, Hawkins, Rast, Perry, Edwards and Sessions:

H. 1098. TO APPLY TO ALL COUNTIES IN THE STATE OF ALABAMA HAVING A POPULATION OF 500,000 PERSONS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, TO PROVIDE THAT THE GOVERNING BODY OF

EACH SUCH COUNTY SHALL HAVE AUTHORITY TO PURCHASE, ACQUIRE AND MAINTAIN ONE UNMARKED OR UNDESIGNATED PASSENGER AUTOMOBILE FOR OFFICIAL USE, SAID CAR TO BE SERVICED BY THE COUNTY AND TO PROVIDE FOR THE PAYMENT AND EXPENSES OF ITS UPKEEP.

Local Legislation No. 2.

By Messrs. Sessions, Perry, Morrow, Hawkins, Rast, Edwards and Locke:

H. 1099. To amend Section 2 of an act entitled "an act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal Census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the County affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof." (Approved July 6, 1945, General Acts of Legislature of Alabama, 1945, page 376.)

Local Legislation No. 2.

By Messrs. Sessions, Perry, Morrow, Hawkins, Rast, Edwards and Locke:

H. 1100. To amend Section 440 of Title 37 of the Code of Alabama, 1940, as last amended.

Local Legislation No. 2.

By Messrs. Sessions, Rast, Edwards, Perry, Morrow, Hawkins and Locke:

H. 1101. To prohibit deception and fraud in the vending of certain foods and food products; and to provide that in all counties having a population in excess of 500,000, according to the last or any subsequent federal decennial census, that it shall be a misdemeanor for any person with intent to defraud to sell or offer to sell any meat or meat preparation, or other article of food as being kosher when it is not kosher, to offer for sale in the same place of business both kosher and non-kosher meat and other food products without stating that fact on his window signs, or to have in any place of business any non-kosher food, where the window signs indicates that only kosher food was sold, or to mark, stamp, tag or by any other means of identification represent non-kosher food to be kosher food and to provide penalties for the violations of the provisions of this act.

Local Legislation No. 2.

By Messrs. Sessions, Rast, Edwards, Locke, Perry, Morrow and Hawkins:

H. 1102. To apply in counties which now have or which may here-

after have a population in excess of 500,000 according to the last or any subsequent federal decennial census; providing for the use and disposition of sums in the amount of less than one dollar (\$1.00) which come into the hands of the License Commissioner, Director of the Department of Revenue or such other official as may be by law charged with responsibility for the collection and remittance of licenses and license fees, as a result of overpayment for licenses or other fees.

#### Local Legislation No. 2.

The following bill was introduced, and its reading commenced.

By Mr. Broadfoot:

H. 1103. To recodify the insurance laws of the State of Alabama and repeal conflicting laws.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Ashworth to suspend the rules in order to introduce local bills, and to take up for immediate consideration the third reading of local bills, was adopted.

Yeas 54; Nays 2.

#### Yeas:

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker:               | Camp      | Jenkins                       | Pierce                     |
| Adams <sup>(Houston)</sup> | Daniel    | Johnson <sup>(Hardaway)</sup> | Powell                     |
| Albee                      | Faulk     | Johnston <sup>(Leonard)</sup> | Pruitt                     |
| Ashworth                   | Franklin  | Jones <sup>(Covington)</sup>  | Ray                        |
| Bailey                     | Gilchrist | Lee                           | Roberts                    |
| Barnett                    | Gilmer    | Locke                         | Salter                     |
| Bevill                     | Goodwyn   | Long <sup>(Lauderdale)</sup>  | Self                       |
| Bishop                     | Gordon    | McCorquodale                  | Sessions                   |
| Boyd                       | Gross     | McLendon <sup>(Bullock)</sup> | Shumate                    |
| Branyon                    | Guthrie   | Martin                        | Smith <sup>(Russell)</sup> |
| Brewer                     | Hain      | Meade                         | Speaks                     |
| Broadfoot                  | Hardy     | Nettles                       | Torbert                    |
| Cabiness                   | Harris    | Oden                          | Turnham                    |
| Callahan                   | Hearn     |                               |                            |

—54

Nays: Messrs. Dickson and Taylor.

—2

#### INTRODUCTION OF BILLS

Upon a call of counties local bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Perry, Sessions, Edwards, Hawkins, Rast and Morrow:

H. 1104. To apply in all counties of the State having a population of not less than 500,000 according to the last or any subsequent Federal decennial census; to authorize the county commission of any county to which this act applies to call an election for the approval or disapproval of central daylight savings time; providing for the ordering and holding of such election.

#### Local Legislation No. 2.

By Messrs. Perry, Sessions, Edwards, Hawkins, Rast and Morrow (with notice and proof):

H. 1105. To extend, alter and rearrange the boundary lines and corporate limits of the city of Irondale in Jefferson County, Alabama, so as to include within the corporate limits of said city of Irondale all territory now within such corporate limits and also certain other territory contiguous thereto.

## Local Legislation No. 2.

Notice and Proof H. 1105:

## LEGAL NOTICE

## NOTICE

Notice is hereby given of intention to apply at the present session of the Legislature of Alabama for introduction and passage of a bill, relating to the corporate limits of the City of Irondale in Jefferson County, Alabama, so as to extend, alter and rearrange such corporate limits and annex to the City certain additional territory contiguous to the present corporate limits. The substance of such bill is and will be as follows:

A BILL  
TO BE ENTITLED  
AN ACT

TO EXTEND, ALTER AND REARRANGE THE BOUNDRY LINES AND CORPORATE LIMITS OF THE CITY OF IRONDALE IN JEFFERSON COUNTY, ALABAMA, SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS OF SAID CITY OF IRONDALE ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS THERETO.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundry lines and corporate limits of the City of Irondale in Jefferson County, Alabama, be and the same are hereby extended, altered and rearranged so that the boundry lines and corporate limits of said City shall embrace and include all of the territory now within the existing limits of said City, and, in addition thereto, shall embrace and include also all of the other territory lying within the following described boundaries, to-wit:

Begin at the Southwest Corner of North Half of Northwest Quarter ( $N\frac{1}{2}$  of  $NW\frac{1}{4}$ ) of Section 30, Township 17 South, Range 1 West, which is the Southeast corner of the present corporate limits of the City of Irondale; thence East along the South line of said North Half of Northwest Quarter ( $N\frac{1}{2}$  of  $NW\frac{1}{4}$ ) of Section 30 Township 17 South Range 1 West to the East line of said Section 30; thence North along said East line of Section 30 and along the East line of Section 19, Township 17 South, Range 1 West and along the East line of Section 18, Township 17 South, Range 1 West, to its intersection with the southerly line of right-of-way of Central of Georgia Railroad in Southeast Quarter of Southeast Quarter ( $SE\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of Section 18, Township 17 South, Range 1 West; thence westerly and southwesterly along said Southerly line of said railroad right-of-way to its intersection with the present corporate limits of the City of Irondale; thence West along said present corporate limits to the Southwest Corner of Northwest Quarter of Northeast Quarter ( $NW\frac{1}{4}$  of  $NE\frac{1}{4}$ ) of Section 24, Township 17 South, Range 2 West; thence North along present corporate limits of City of Irondale to the Northwest Corner of Southwest Quarter of Southeast Quarter ( $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of Section 13, Township 17 South, Range 2 West; thence West along the present corporate limits of City of Irondale to intersection with southeasterly boundry line of right-of-way of Louisville & Nashville Railroad; thence in a Southwesterly direction along said boundry line of said railroad right-of-way, being the present corporate limits of City of Irondale to the arc of a circle constituting the present corporate limits of City of Irondale and thence in a generally Westerly, Southwesterly, Southerly and Southeasterly

direction along said arc constituting present corporate limits of City of Irondale to the intersection thereof with the West line of Section 25, Township 17 South, Range 2 West; thence South along said West line of Section 25, Township 17 South, Range 2 West, being present corporate limits of City of Irondale to the Southwest Corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 25, Township 17 South, Range 2 West; thence East along present corporate limits of City of Irondale to Southeast corner of Southwest Quarter of Northwest Quarter (SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section 25, Township 17 South, Range 2 West; thence North along present corporate limits of City of Irondale to the Northwest Corner of Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section 25, Township 17 South, Range 2 West; thence East along present corporate limits of City of Irondale to the Southwest Corner of North Half of Northwest Quarter (N $\frac{1}{2}$  of NW $\frac{1}{4}$ ) of Section 30, Township 17 South, Range 1 West, the point of beginning, all situated in Jefferson County, Alabama.

Section 2. That all that territory embraced within said boundry lines described in Section 1 hereof be and the same is hereby included within the corporate limits of the City of Irondale.

Section 3. That all laws and parts of laws in conflict or inconsistent with this Act be and are hereby repealed.

Section 4. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon otherwise becoming a law.

#### AFFIDAVIT OF PUBLICATION

#### STATE OF ALABAMA

#### COUNTY OF JEFFERSON - SS:

On this 30th day of July A. D. one thousand nine hundred and 59 personally appeared before me, Cassie Lee Miller, a Notary Public in and for the County and State aforesaid Arthur P. Cook who being duly sworn according to law, declares that he is publisher of The Eastern Sun, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Eastern Sun on the following dates:

July 9th, 1959, July 16th, 1959, July 23rd, 1959, July 30, 1959.

ARTHUR P. COOK.

Subscribed and sworn to before me this 30th day of July A. D. 1959.

CASSIE LEE MILLER,  
Notary Public.

By Messrs. Perry, Sessions, Edwards, Hawkins, Rast and Morrow:

H. 1106. To amend further Section 22 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), an Act relating to a personnel system for certain counties in the State.

Local Legislation No. 2.

By Mr. Hearn (with notice and proof):

H. 1107. To provide that the County Board of Revenue and Control or its successors in office or other governing body of Marshall County shall, upon the passage and approval of this bill shall have the right, in its judgment, after investigation of the necessity therefor, in the Register's office in said County, to authorize the Register to employ



some person who shall have the ability to take shorthand notes and transcribe the same, to work therein, take testimony, transcribe their notes and do any other thing that a Deputy Register could do under the law and to fix the salary of such person at not less than \$250.00 nor more than \$300.00 per month, to be paid to the Register for such services or to such person as the Register may appoint thereto. Said salary to be paid out of the General Fund of Marshall County.

Local Legislation No. 1.

Notice and Proof H. 1107:

### NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama for enactment into law in substance of the following bill: "A bill to be entitled an act: To provide that the County Board of Revenue and Control or its successors in office or other governing body of Marshall County shall, upon the passage and approval of this bill shall have the right, in its judgment, after investigation of the necessity therefor, in the Register's office in said County, to authorize the Register to employ some person who shall have the ability to take shorthand notes and transcribe the same, to work therein, take testimony, transcribe their notes and do any other thing that a Deputy Register could do under the law and to fix the salary of such person at not less than \$250.00 nor more than \$300.00 per month, to be paid to the Register for such services or to such person as the Register may appoint thereto. Said salary to be paid out of the General Fund of Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. That on and after the passage and the approval of this Act the Board of Revenue and Control of Marshall County, Alabama, or its successors in office, or other like governing body, shall have the right after proper investigation of the necessity therefor, in the Register's Office in said County to authorize the Register to employ some person who shall have the ability to take shorthand notes and transcribe the same, to work therein, take testimony, transcribe their notes and do any other thing that a Deputy Register could do under the law, and to fix the salary of such person at not less than \$250.00 nor more than \$300.00 per month to be paid to the Register for such services or to such person as the Register may appoint thereto. Said salary to be paid out of the General Fund of Marshall County."

### PUBLISHER'S AFFIDAVIT

NOTICE: RE Register's Office

Before the undersigned authority personally appeared Fay Ogletree who being first duly sworn deposes and says that she is a representative of the GUNTERSVILLE ADVERTISER-GLEAM, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached has been published in said newspaper for 4 (four) successive weeks in the issue or issues of said paper dated June 3, 10, 17, 24 respectively, of which said notice a copy of the same being hereto attached and make a part of this affidavit.

FAY OGLETREE

Subscribed and sworn to before me this 23 day of October 1959.

ALICE WELLS HARVEY.  
Notary Public.

My commission expires Feb. 9, 1960.

By Messrs. Callahan and Ferguson:

H. 1108. To fix the supplemental salaries of Circuit Solicitors in Judicial Circuits in Alabama composed of one county where the population of such county exceeds 94,000 people and is less than 134,000 people according to the last preceding or any succeeding decennial United States census to be paid out of the county treasury of such counties.

Local Legislation No. 1.

By Messrs. Callahan and Ferguson:

H. 1109. To fix the salary of the Deputy Circuit Solicitor of the Sixth Judicial Circuit.

Local Legislation No. 1.

By Messrs. Callahan and Ferguson:

H. 1110. To provide for the appointment and tenure and number and fixing the compensation of Bailiffs for the Sixth Judicial Circuit of Alabama.

Local Legislation No. 1.

By Mr. Salter (with notice and proof):

H. 1111. To amend further Act No. 472, H. 956, approved September 15, 1939, an act regulating and defining the powers, duties, and authority of the county superintendent of education of Conecuh County (Local Acts 1939, p. 319), in relation to the compensation and expense allowance of the county superintendent of education; repealing Act No. 152, H.402, approved June 30, 1953 (Acts of Alabama, 1953 Reg. Sess., vol. I, p. 192) and all conflicting laws.

Local Legislation No. 1.

Notice and Proof H. 1111:

#### NOTICE

#### STATE OF ALABAMA COUNTY OF CONECUH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To amend further Act No. 472, H. 956, approved September 15, 1939, an act regulating and defining the powers, duties, and authority of the county superintendent of education of Conecuh County (Local Acts 1939, p. 319), in relation to the compensation and expense allowance of the county superintendent of education; repealing Act No. 152, H. 402, approved June 30, 1953 (Acts of Alabama, 1953 Reg. Sess., vol I, p. 192) and all conflicting laws.

#### Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act. No. 472, H. 956, approved September 15, 1939, an act regulating and defining the powers, duties and authority of the county superintendent of education of Conecuh County (Local Acts of Alabama, 1939 Regular Session, p. 319), as amended, is amended further to read as follows:

"Section 5. The county superintendent of education shall receive an annual salary of not less than four thousand dollars, the exact

amount of the salary to be fixed by the county board of education. Such salary shall be payable in equal monthly installments upon the order of the county board of education. In addition to his salary, the county superintendent of education shall also be provided a travel allowance of not less than six hundred dollars per annum, to be fixed by the county board of education, and paid in the manner prescribed by the board."

Section 2. Act No. 152, H. 402, approved June 30, 1953 (Acts of Alabama, 1953 Reg. Sess., vol I, p. 192) and all other laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF CONECUH

Before me, the undersigned authority in and for said County, in said State, this day personally appeared R. G. Bozeman, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Evergreen Courant, a newspaper of general circulation published in Conecuh County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 1, Oct. 8, Oct. 15, and Oct. 22, all in the year 1959.

R. G. BOZEMAN, JR.

Sworn to and subscribed before me Oct. 25, 1959.

J. M. JOHNSTON  
Notary Public.

### MOTION TO SUSPEND RULES LOST

The motion of Mr. Shumate to suspend the rules in order to introduce a resolution was lost.

### MOTION TO ADJOURN LOST

The motion of Mr. Taylor that the House adjourn until Friday, October 30, 1959, at ten o'clock A.M. was lost.

Yeas 24; Nays 41.

#### Yeas:

|           |         |                    |         |
|-----------|---------|--------------------|---------|
| Messrs.:  | Daniel  | Johnston (Leonard) | Meade   |
| Barnett   | Dickson | Lee                | Nettles |
| Bishop    | Glass   | Locke              | Salter  |
| Branyon   | Grant   | Long (Lauderdale)  | Taylor  |
| Brewer    | Hardy   | McCorquodale       | Torbert |
| Broadfoot | Jenkins | Martin             | Turnham |
| Cabiness  |         |                    |         |

**Nays:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker:               | Faulk     | Harris                        | Powell                     |
| Adams <sup>(Houston)</sup> | Franklin  | Hawkins                       | Pruitt                     |
| Albea                      | Gilchrist | Johnson <sup>(Hardaway)</sup> | Rast                       |
| Ashworth                   | Gilmer    | Jones <sup>(Covington)</sup>  | Ray                        |
| Bailey                     | Goodwyn   | Long <sup>(Perry)</sup>       | Roberts                    |
| Bevill                     | Gordon    | McLendon <sup>(Bullock)</sup> | Self                       |
| Boyd                       | Gross     | Morrow                        | Sessions                   |
| Callahan                   | Guthrie   | Oden                          | Shumate                    |
| Camp                       | Hain      | Perry                         | Smith <sup>(Russell)</sup> |
| Casey                      | Hanby     | Pierce                        | Speaks                     |
| Edwards                    |           |                               |                            |

—41

**MOTION IN WRITING**

Mr. Cabiness offered the following Motion in Writing:

I move that the House do now adjourn until Friday October 30, 1959 at 10:00 o'clock A.M. I also call for the Ayes and Nos.

And the Motion was lost.

Yeas 18; Nays 43.

**Yeas:**

|          |         |                               |         |
|----------|---------|-------------------------------|---------|
| Messrs.: | Daniel  | Jenkins                       | Nettles |
| Barnett  | Dickson | Johnston <sup>(Leonard)</sup> | Salter  |
| Bishop   | Gilmer  | Lee                           | Taylor  |
| Brewer   | Grant   | Locke                         | Turnham |
| Cabiness | Hardy   | McCorquodale                  |         |

—18

**Nays:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker:               | Edwards   | Hearn                         | Pruitt                     |
| Adams <sup>(Houston)</sup> | Faulk     | Johnson <sup>(Hardaway)</sup> | Rast                       |
| Albea                      | Franklin  | Jones <sup>(Covington)</sup>  | Ray                        |
| Ashworth                   | Gilchrist | Long <sup>(Perry)</sup>       | Roberts                    |
| Bailey                     | Goodwyn   | McLendon <sup>(Bullock)</sup> | Self                       |
| Bevill                     | Gordon    | Meade                         | Sessions                   |
| Boyd                       | Gross     | Morrow                        | Shumate                    |
| Branyon                    | Guthrie   | Oden                          | Smith <sup>(Russell)</sup> |
| Callahan                   | Hain      | Perry                         | Speaks                     |
| Casey                      | Hanby     | Pierce                        | Torbert                    |
| Cook                       | Hawkins   | Powell                        |                            |

—43

**MOTION TO ADJOURN ADOPTED**

The motion of Mr. Broadfoot that when the House adjourns today it adjourns to meet again Friday, October 30, 1959, at ten o'clock A.M. was adopted.

Yeas 56; Nays 2.

**Yeas:**

|                            |           |          |           |
|----------------------------|-----------|----------|-----------|
| Mr. Speaker:               | Bevill    | Cabiness | Franklin  |
| Adams <sup>(Houston)</sup> | Bishop    | Casey    | Gilchrist |
| Albea                      | Boyd      | Cook     | Gilmer    |
| Ashworth                   | Branyon   | Daniel   | Gordon    |
| Bailey                     | Brewer    | Dickson  | Grant     |
| Barnett                    | Broadfoot | Edwards  | Gross     |

|         |                               |         |          |
|---------|-------------------------------|---------|----------|
| Guthrie | Johnson <sup>(Hardaway)</sup> | Meade   | Ray      |
| Hain    | Johnston <sup>(Leonard)</sup> | Morrow  | Salter   |
| Hanby   | Jones <sup>(Covington)</sup>  | Nettles | Self     |
| Hardy   | Lee                           | Oden    | Sessions |
| Harris  | Locke                         | Perry   | Shumate  |
| Hawkins | Long <sup>(Perry)</sup>       | Pierce  | Speaks   |
| Hearn   | McCorquodale                  | Powell  | Torbert  |
| Jenkins | Martin                        | Pruitt  | Turnham  |

—56

**Nays:** Messrs. McClendon (Bullock) and Smith (Russell)

—2

## BILLS ON THIRD READING

H. 939. Relating to and providing for the reidentification of voters in Cherokee County; directing the board of registrars to purge the lists of registered voters; and providing a penalty for anyone willfully making a false statement in connection with such reidentification.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 1.

**Yeas:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker:               | Daniel    | Hawkins                       | Perry                      |
| Adams <sup>(Houston)</sup> | Edwards   | Hearn                         | Pierce                     |
| Albea                      | Faulk     | Jenkins                       | Powell                     |
| Ashworth                   | Franklin  | Johnson <sup>(Hardaway)</sup> | Pruitt                     |
| Bailey                     | Gilchrist | Johnston <sup>(Leonard)</sup> | Rast                       |
| Barnett                    | Gilmer    | Jones <sup>(Covington)</sup>  | Ray                        |
| Bevill                     | Goodwyn   | Locke                         | Roberts                    |
| Bishop                     | Gordon    | Long <sup>(Lauderdale)</sup>  | Salter                     |
| Boyd                       | Grant     | Long <sup>(Perry)</sup>       | Self                       |
| Branyon                    | Gross     | McCorquodale                  | Sessions                   |
| Brewer                     | Guthrie   | McLendon <sup>(Bullock)</sup> | Shumate                    |
| Broadfoot                  | Hain      | Meade                         | Smith <sup>(Russell)</sup> |
| Cabiness                   | Hanby     | Morrow                        | Speaks                     |
| Casey                      | Hardy     | Nettles                       | Torbert                    |
| Cook                       | Harris    | Oden                          | Turnham                    |

—60

**Nay:** Mr. Goldthwaite

—1

And the bill:

H. 970. To apply only in Chilton and Shelby Counties: To require railroads to install and maintain flashing electric signals or other similar warning devices at every intersection of their tracks with a federal or state highway or a county road where there is a grade crossing in either Chilton or Shelby County, when requested to do so by the state highway department or the county governing body; and to prescribe penalties.

Was taken up.

Mr. Cates offered the following amendment to the bill, H. 970:

Amend House Bill 970 by striking the word "Shelby" wherever said word appears in the title and body of said bill.

And the amendment was adopted.

Yeas 61; Nays 0.

**Yeas:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker:               | Daniel    | Hawkins                       | Oden                       |
| Adams <sup>(Houston)</sup> | Edwards   | Hearn                         | Perry                      |
| Albea                      | Faulk     | Jenkins                       | Pierce                     |
| Ashworth                   | Franklin  | Johnson <sup>(Hardaway)</sup> | Powell                     |
| Bailey                     | Gilchrist | Johnston <sup>(Leonard)</sup> | Pruitt                     |
| Barnett                    | Glass     | Jones <sup>(Covington)</sup>  | Rast                       |
| Bevill                     | Goodwyn   | Locke                         | Ray                        |
| Bishop                     | Gordon    | Long <sup>(Lauderdale)</sup>  | Salter                     |
| Boyd                       | Grant     | Long <sup>(Perry)</sup>       | Self                       |
| Branyon                    | Gross     | McCorquodale                  | Sessions                   |
| Brewer                     | Guthrie   | McLendon <sup>(Bullock)</sup> | Shumate                    |
| Broadfoot                  | Hain      | Martin                        | Smith <sup>(Russell)</sup> |
| Cabiness                   | Hanby     | Meade                         | Speaks                     |
| Casey                      | Hardy     | Morrow                        | Taylor                     |
| Cates                      | Harris    | Nettles                       | Turnham                    |
| Cook                       |           |                               |                            |

—61

And said bill, H. 970, as thus amended, was read a third time at length and passed.

Yeas 65; Nays 0.

**Yeas:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker:               | Daniel    | Harris                        | Nettles                    |
| Adams <sup>(Houston)</sup> | Dickson   | Hawkins                       | Oden                       |
| Albea                      | Edwards   | Hearn                         | Perry                      |
| Ashworth                   | Faulk     | Jenkins                       | Pierce                     |
| Avery                      | Franklin  | Johnson <sup>(Hardaway)</sup> | Powell                     |
| Bailey                     | Gilchrist | Johnston <sup>(Leonard)</sup> | Pruitt                     |
| Barnett                    | Gilmer    | Jones <sup>(Covington)</sup>  | Rast                       |
| Bevill                     | Glass     | Locke                         | Ray                        |
| Bishop                     | Goodwyn   | Long <sup>(Lauderdale)</sup>  | Salter                     |
| Boyd                       | Gordon    | Long <sup>(Perry)</sup>       | Self                       |
| Brewer                     | Grant     | McClendon <sup>(Chamb)</sup>  | Sessions                   |
| Broadfoot                  | Gross     | McCorquodale                  | Shumate                    |
| Brooks                     | Guthrie   | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup> |
| Cabiness                   | Hain      | Martin                        | Speaks                     |
| Casey                      | Hanby     | Meade                         | Taylor                     |
| Cates                      | Hardy     | Morrow                        | Turnham                    |
| Cook                       |           |                               |                            |

—65

And the bill:

H. 850. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|                            |          |         |         |
|----------------------------|----------|---------|---------|
| Mr. Speaker:               | Ashworth | Barnett | Boyd    |
| Adams <sup>(Houston)</sup> | Avery    | Bevill  | Branyon |
| Albea                      | Bailey   | Bishop  | Brewer  |

|           |         |                               |                            |
|-----------|---------|-------------------------------|----------------------------|
| Broadfoot | Glass   | Johnson <sup>(Hardaway)</sup> | Perry                      |
| Brooks    | Goodwyn | Johnston <sup>(Leonard)</sup> | Powell                     |
| Cabiness  | Gordon  | Locke                         | Pruitt                     |
| Casey     | Grant   | Long <sup>(Perry)</sup>       | Rast                       |
| Cates     | Gross   | McClendon <sup>(Chamb)</sup>  | Ray                        |
| Cook      | Guthrie | McCorquodale                  | Salter                     |
| Daniel    | Hain    | McLendon <sup>(Bullock)</sup> | Self                       |
| Dickson   | Hanby   | Martin                        | Sessions                   |
| Edwards   | Hardy   | Meade                         | Shumate                    |
| Faulk     | Harris  | Morrow                        | Smith <sup>(Russell)</sup> |
| Franklin  | Hawkins | Nettles                       | Speaks                     |
| Gilchrist | Hearn   | Nichols                       | Taylor                     |
| Gilmer    | Jenkins | Oden                          | Turner                     |

—64

And the bill:

H. 968. Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties.

Was taken up.

Mr. Jones (Covington) offered the following amendment to the bill, H. 968:

#### AMENDMENT TO H. B. 968

Strike out Section 6 of the bill entirely and substitute therefor the following:

Section 6. (a) The board of registrars of Covington County, or any member thereof, in administering the provisions of this Act, may require the voter to answer under oath such questions and submit such proof as may reasonably be required to establish the voter's identity and place of legal residence, and that he is legally registered and has not become disqualified for voting in such county. The questionnaire form for the reidentification of a voter, which shall be filled in by the applicant, and shall be subscribed and sworn to by the voter in the presence of a member of the board of registrars, shall be substantially as follows:

1. Full name \_\_\_\_\_.
2. Date of birth \_\_\_\_\_.
3. Mailing address \_\_\_\_\_.
4. Permanent address (if not the same as in 3) \_\_\_\_\_.
5. Have you ever been convicted of any criminal offense other than a traffic offense? \_\_\_\_\_
6. If so, state the nature of the offense, the name of the court in which you were convicted, the approximate date, and sentence.

\_\_\_\_\_  
\_\_\_\_\_

7. Have you ever been declared insane in a court proceeding? \_\_\_\_\_.
8. If so, when? \_\_\_\_\_. By what court?\_\_\_\_\_.
9. Since registering to vote in Covington County have you ever moved your residence away from the county?\_\_\_\_\_.
10. If so, when? \_\_\_\_\_
11. Where did you move to? \_\_\_\_\_
12. Have you ever registered to vote or voted in any other state or county since you registered to vote in Covington County?\_\_\_\_\_
13. If so, where?\_\_\_\_\_. When? \_\_\_\_\_
14. Have you, since moving away from Covington County, moved your residence back to Covington County?\_\_\_\_\_.
15. If so, when? \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Applicant)

Sworn to and subscribed before me this the\_\_day of\_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Signature of board member)

(b) On each questionnaire form the board of registrars or its clerk shall place the full name of the applicant as he or she was registered, and if the applicant is a married woman, shall state the full maiden name and married surname of the applicant, shall state the date on which the applicant was registered to vote in Covington County and the precinct, ward, or district for which he or she was registered, the date of birth or address as shown on the registration records, and the address of the applicant given at the time of registration. If the name of the applicant has been previously stricken, the date of purging, the reason for purging, and the date reinstated, if such be the case, must also be shown on the questionnaire form by the board of registrars or its clerk. In addition, if the applicant has been convicted of any offense disqualifying him or her under the Constitution or laws of Alabama, the registrars shall ascertain whether or not he or she received a restoration of citizenship prior to being registered or reidentified, and shall also state on the questionnaire form the date of the restoration of citizenship, together with the certificate number.

(c) The following data shall also be included and shown on the questionnaire form, to be filled out by the registrars:

**ACTION OF THE BOARD:**

Approved \_\_\_\_\_(Date) Disapproved\_\_\_\_\_ (Date)

\_\_\_\_\_  
Board Chairman

\_\_\_\_\_  
Board Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

And the amendment was adopted.

Yeas 65; Nays 0.



**Yeas:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker:               | Cook      | Hawkins                       | Perry                      |
| Adams <sup>(Houston)</sup> | Daniel    | Hearn                         | Pierce                     |
| Albea                      | Dickson   | Jenkins                       | Powell                     |
| Ashworth                   | Edwards   | Johnson <sup>(Hardaway)</sup> | Pruitt                     |
| Avery                      | Franklin  | Johnston <sup>(Leonard)</sup> | Rast                       |
| Bailey                     | Gilchrist | Jones <sup>(Covington)</sup>  | Ray                        |
| Barnett                    | Gilmer    | Locke                         | Roberts                    |
| Bevill                     | Goodwyn   | Long <sup>(Lauderdale)</sup>  | Salter                     |
| Bishop                     | Gordon    | Long <sup>(Perry)</sup>       | Self                       |
| Boyd                       | Grant     | McClendon <sup>(Chamb)</sup>  | Sessions                   |
| Branyon                    | Gross     | McCorquodale                  | Shumate                    |
| Brewer                     | Guthrie   | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup> |
| Broadfoot                  | Hain      | Martin                        | Speaks                     |
| Brooks                     | Hanby     | Meade                         | Taylor                     |
| Cabiness                   | Hardy     | Nettles                       | Turner                     |
| Casey                      | Harris    | Oden                          | Turnham                    |
| Cates                      |           |                               |                            |

—65

And said bill, H. 968, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

**Yeas:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker:               | Cook      | Hearn                         | Pierce                     |
| Adams <sup>(Houston)</sup> | Daniel    | Jenkins                       | Powell                     |
| Albea                      | Edwards   | Johnson <sup>(Hardaway)</sup> | Pruitt                     |
| Ashworth                   | Faulk     | Johnston <sup>(Leonard)</sup> | Rast                       |
| Avery                      | Franklin  | Jones <sup>(Covington)</sup>  | Ray                        |
| Bailey                     | Gilchrist | Locke                         | Roberts                    |
| Barnett                    | Gilmer    | Long <sup>(Lauderdale)</sup>  | Salter                     |
| Bevill                     | Glass     | Long <sup>(Perry)</sup>       | Self                       |
| Bishop                     | Goodwyn   | McClendon <sup>(Chamb)</sup>  | Sessions                   |
| Boyd                       | Gordon    | McCorquodale                  | Shumate                    |
| Branyon                    | Grant     | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup> |
| Brewer                     | Gross     | Martin                        | Speaks                     |
| Broadfoot                  | Hain      | Meade                         | Taylor                     |
| Cabiness                   | Hanby     | Nettles                       | Turner                     |
| Casey                      | Harris    | Oden                          | Turnham                    |
| Cates                      | Hawkins   | Perry                         |                            |

—63

And the bill:

S. 258. Relating to the operation of school buses in Marion County; providing that the County Board of Education of Marion County shall employ no person as a school bus driver unless such person is twenty-five years of age and requiring the County Board of Education to pay school bus drivers a prescribed minimum salary.

Was taken up.

Mr. Self offered the following amendment to the bill, S. 258:

Amend Senate Bill 258 by striking therefrom the figures \$100.00" where same appear in Section 1 and inserting in lieu thereof the figures \$110.00".

And the amendment was adopted.

Yeas 58; Nays 0.

**Yeas:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker:               | Cates     | Hawkins                       | Oden                       |
| Adams <sup>(Houston)</sup> | Daniel    | Hearn                         | Perry                      |
| Albea                      | Edwards   | Jenkins                       | Pierce                     |
| Ashworth                   | Faulk     | Johnson <sup>(Hardaway)</sup> | Powell                     |
| Avery                      | Franklin  | Johnston <sup>(Leonard)</sup> | Pruitt                     |
| Bailey                     | Gilchrist | Locke                         | Rast                       |
| Barnett                    | Gilmer    | Long <sup>(Lauderdale)</sup>  | Ray                        |
| Bevill                     | Goodwyn   | Long <sup>(Perry)</sup>       | Self                       |
| Bishop                     | Gordon    | McClendon <sup>(Chamb)</sup>  | Sessions                   |
| Boyd                       | Gross     | McCorquodale                  | Shumate                    |
| Branyon                    | Guthrie   | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup> |
| Brewer                     | Hain      | Martin                        | Speaks                     |
| Broadfoot                  | Hanby     | Meade                         | Turner                     |
| Cabiness                   | Hardy     | Nettles                       | Turnham                    |
| Casey                      | Harris    |                               |                            |

—58

And said bill, S. 258, as thus amended, was read a third time at length and passed.

Yeas 61; Nays 0.

**Yeas:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker:               | Daniel    | Hearn                         | Perry                      |
| Adams <sup>(Houston)</sup> | Edwards   | Jenkins                       | Pierce                     |
| Albea                      | Faulk     | Johnson <sup>(Hardaway)</sup> | Powell                     |
| Ashworth                   | Franklin  | Johnston <sup>(Leonard)</sup> | Pruitt                     |
| Avery                      | Gilchrist | Jones <sup>(Covington)</sup>  | Rast                       |
| Bailey                     | Gilmer    | Locke                         | Ray                        |
| Barnett                    | Goodwyn   | Long <sup>(Lauderdale)</sup>  | Roberts                    |
| Bevill                     | Gordon    | Long <sup>(Perry)</sup>       | Self                       |
| Bishop                     | Gross     | McClendon <sup>(Chamb)</sup>  | Sessions                   |
| Boyd                       | Guthrie   | McCorquodale                  | Shumate                    |
| Branyon                    | Hain      | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup> |
| Brewer                     | Hanby     | Martin                        | Speaks                     |
| Broadfoot                  | Hardy     | Meade                         | Taylor                     |
| Cabiness                   | Harris    | Nettles                       | Turner                     |
| Casey                      | Hawkins   | Oden                          | Turnham                    |
| Cates                      |           |                               |                            |

—61

**S. 366 POSTPONED**

On motion of Mr. Self, consideration of the bill, S. 366, was postponed until the thirty-third legislative day.

And the bill:

H. 982. To amend Section 799, Title 37, of the 1940 Code of Alabama, as heretofore amended.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

**Yeas:**

|                            |          |         |         |
|----------------------------|----------|---------|---------|
| Mr. Speaker:               | Ashworth | Barnett | Boyd    |
| Adams <sup>(Houston)</sup> | Avery    | Bevill  | Branyon |
| Albea                      | Bailey   | Bishop  | Brewer  |

|           |                               |                               |                            |
|-----------|-------------------------------|-------------------------------|----------------------------|
| Broadfoot | Gordon                        | Locke                         | Powell                     |
| Cabiness  | Gross                         | Long <sup>(Perry)</sup>       | Pruitt                     |
| Casey     | Guthrie                       | McClendon <sup>(Chamb)</sup>  | Rast                       |
| Cates     | Hain                          | McCorquodale                  | Ray                        |
| Cook      | Hanby                         | McLendon <sup>(Bullock)</sup> | Self                       |
| Daniel    | Hardy                         | Martin                        | Sessions                   |
| Edwards   | Harris                        | Meade                         | Shumate                    |
| Faulk     | Hawkins                       | Morrow                        | Smith <sup>(Russell)</sup> |
| Franklin  | Hearn                         | Nettles                       | Speaks                     |
| Gilchrist | Jenkins                       | Oden                          | Taylor                     |
| Gilmer    | Johnson <sup>(Hardaway)</sup> | Perry                         | Turner                     |
| Goodwyn   | Johnston <sup>(Leonard)</sup> | Pierce                        | Turnham                    |

—60

And the bill:

H. 990. To amend Section 288 of Title 62 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

**Yeas:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker:               | Cates     | Harris                        | Perry                      |
| Adams <sup>(Houston)</sup> | Cook      | Hawkins                       | Pierce                     |
| Albea                      | Daniel    | Hearn                         | Powell                     |
| Ashworth                   | Edwards   | Jenkins                       | Pruitt                     |
| Avery                      | Faulk     | Johnson <sup>(Hardaway)</sup> | Rast                       |
| Bailey                     | Franklin  | Johnston <sup>(Leonard)</sup> | Ray                        |
| Barnett                    | Gilchrist | Locke                         | Roberts                    |
| Bevill                     | Gilmer    | Long <sup>(Perry)</sup>       | Self                       |
| Bishop                     | Goodwyn   | McClendon <sup>(Chamb)</sup>  | Sessions                   |
| Boyd                       | Gordon    | McCorquodale                  | Shumate                    |
| Branyon                    | Gross     | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup> |
| Brewer                     | Guthrie   | Meade                         | Speaks                     |
| Broadfoot                  | Hain      | Morrow                        | Taylor                     |
| Cabiness                   | Hanby     | Nettles                       | Turner                     |
| Casey                      | Hardy     | Oden                          | Turnham                    |

—60

And the bill:

H. 991. To repeal Act No. 430 of the 1957 Regular Session of the Legislature of Alabama, approved September 6, 1957 (Acts of Alabama Regular Session 1957, page 593) entitled "An Act, To Authorize, Regulate and Provide For the payment of supplemental benefits to certain beneficiaries of municipal employees' pension, relief or retirement systems in cities in this state having a population of three hundred thousand or more, according to the last or any subsequent federal decennial census."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

**Yeas:**

|                            |          |         |        |
|----------------------------|----------|---------|--------|
| Mr. Speaker:               | Albea    | Bailey  | Bevill |
| Adams <sup>(Houston)</sup> | Ashworth | Barnett | Bishop |

|           |                               |                               |                            |
|-----------|-------------------------------|-------------------------------|----------------------------|
| Boyd      | Goodwyn                       | Locke                         | Powell                     |
| Branyon   | Gordon                        | Long <sup>(Lauderdale)</sup>  | Pruitt                     |
| Brewer    | Gross                         | Long <sup>(Perry)</sup>       | Rast                       |
| Broadfoot | Guthrie                       | McClendon <sup>(Chamb)</sup>  | Ray                        |
| Cabiness  | Hain                          | McCorquodale                  | Roberts                    |
| Camp      | Hanby                         | McLendon <sup>(Bullock)</sup> | Self                       |
| Casey     | Hardy                         | Martin                        | Sessions                   |
| Cates     | Harris                        | Meade                         | Shumate                    |
| Cook      | Hawkins                       | Morrow                        | Smith <sup>(Russell)</sup> |
| Daniel    | Hearn                         | Nettles                       | Speaks                     |
| Edwards   | Hocklander                    | Nichols                       | Taylor                     |
| Faulk     | Jenkins                       | Oden                          | Torbert                    |
| Franklin  | Johnson <sup>(Hardaway)</sup> | Perry                         | Turner                     |
| Gilchrist | Johnston <sup>(Leonard)</sup> | Pierce                        | Turnham                    |
| Gilmer    | Jones <sup>(Covington)</sup>  |                               |                            |

—66

And the Bill:

H. 993. To amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923, (General Acts of Alabama of 1923, page 663, et seq), as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, page 241 et seq.) as heretofore amended.

Was read a third time at length and passed and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker:               | Daniel    | Hocklander                    | Perry                        |
| Adams <sup>(Houston)</sup> | Edwards   | Jenkins                       | Pierce                       |
| Albea                      | Faulk     | Johnson <sup>(Hardaway)</sup> | Powell                       |
| Ashworth                   | Franklin  | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Bailey                     | Gilchrist | Jones <sup>(Covington)</sup>  | Rast                         |
| Barnett                    | Gilmer    | Locke                         | Ray                          |
| Bevill                     | Goodwyn   | Long <sup>(Perry)</sup>       | Roberts                      |
| Bishop                     | Gordon    | McClendon <sup>(Chamb)</sup>  | Self                         |
| Branyon                    | Gross     | McCorquodale                  | Sessions                     |
| Brewer                     | Guthrie   | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Broadfoot                  | Hain      | Martin                        | Smith <sup>(Russell)</sup>   |
| Cabiness                   | Hanby     | Meade                         | Smith <sup>(St. Clair)</sup> |
| Camp                       | Hardy     | Morrow                        | Speaks                       |
| Casey                      | Harris    | Nettles                       | Taylor                       |
| Cates                      | Hawkins   | Nichols                       | Turner                       |
| Cook                       | Hearn     | Oden                          | Turnham                      |

—64

And the bill:

H. 874. To apply to cities having a population of not less than 23,500 and not more than 100,000 inhabitants according to the last or any subsequent federal decennial census, to provide that when the statute providing for the organization of a Commission form of government in any such City shall be declared invalid, illegal or unconstitutional, it may by ordinance adopted by its governing body become organized under the Commission form of government as provided in Act No. 96, General Laws of Alabama (Second Special Session of 1959) approved August 17, 1959, and to authorize an election on the question of adopting any other form of government under any other statute by petition and election of the qualified electors of such City.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker:               | Cook      | Hearn                         | Oden                         |
| Adams <sup>(Houston)</sup> | Daniel    | Hocklander                    | Perry                        |
| Albea                      | Edwards   | Jenkins                       | Pierce                       |
| Ashworth                   | Faulk     | Johnson <sup>(Hardaway)</sup> | Powell                       |
| Avery                      | Franklin  | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Bailey                     | Gilchrist | Jones <sup>(Covington)</sup>  | Rast                         |
| Barnett                    | Gilmer    | Locke                         | Ray                          |
| Bevill                     | Goodwyn   | Long <sup>(Perry)</sup>       | Roberts                      |
| Bishop                     | Gordon    | McClendon <sup>(Chamb)</sup>  | Self                         |
| Boyd                       | Grant     | McCorquodale                  | Sessions                     |
| Branyon                    | Gross     | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>   |
| Brewer                     | Guthrie   | Martin                        | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hain      | Meade                         | Speaks                       |
| Cabiness                   | Hardy     | Morrow                        | Taylor                       |
| Camp                       | Harris    | Nettles                       | Turner                       |
| Casey                      | Hawkins   | Nichols                       | Turnham                      |
| Cates                      |           |                               |                              |

—65

And the bill:

H. 1019. To apply in and only in counties in Alabama now having or which may hereafter have a population of 500,000 or more, according to the last or any future federal census; to further provide the manner of entering payment or satisfaction on the margin of the record of the mortgage or deed of trust or other lien; to authorize and empower the Judge of Probate to delegate the authority and power to any clerk of such probate court to enter on the margin of the record the payment or satisfaction of the mortgage, deed of trust, or other lien, where the judge of probate is named in any power of attorney instrument duly recorded, authorizing such entry of satisfaction, and to sign or stamp the name of such judge as attorney in fact to such marginal satisfaction record; and to authorize the collection of a fee of fifty cents for each such entry on the margin of each such document record.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|                            |           |                               |                               |
|----------------------------|-----------|-------------------------------|-------------------------------|
| Mr. Speaker:               | Cabiness  | Grant                         | Johnston <sup>(Leonard)</sup> |
| Adams <sup>(Houston)</sup> | Camp      | Gross                         | Locke                         |
| Albea                      | Casey     | Guthrie                       | Long <sup>(Lauderdale)</sup>  |
| Ashworth                   | Cates     | Hain                          | Long <sup>(Perry)</sup>       |
| Bailey                     | Cook      | Hanby                         | McClendon <sup>(Chamb)</sup>  |
| Barnett                    | Daniel    | Hardy                         | McCorquodale                  |
| Bevill                     | Edwards   | Harris                        | McLendon <sup>(Bullock)</sup> |
| Bishop                     | Faulk     | Hawkins                       | Martin                        |
| Boyd                       | Franklin  | Hearn                         | Meade                         |
| Branyon                    | Gilchrist | Hocklander                    | Morrow                        |
| Brewer                     | Gilmer    | Jenkins                       | Nettles                       |
| Broadfoot                  | Gordon    | Johnson <sup>(Hardaway)</sup> | Nichols                       |

|        |         |                              |         |
|--------|---------|------------------------------|---------|
| Oden   | Rast    | Sessions                     | Speaks  |
| Pierce | Ray     | Shumate                      | Taylor  |
| Powell | Roberts | Smith <sup>(Russell)</sup>   | Turner  |
| Pruitt | Self    | Smith <sup>(St. Clair)</sup> | Turnham |

—64

And the bill:

H. 1020. To provide that in any county of the state having a population of 500,000 or more according to the last or any subsequent federal census, any person who, in payment of any privilege or license tax due the state or the county, issues a worthless check, or a check which is not paid by the bank upon which it is drawn shall be subject to a penalty, and to provide that any license procured by or through such check shall be void and that no other business license shall be issued to the person drawing such check until the said penalty has been paid.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

**Yeas:**

|                            |          |                               |                              |
|----------------------------|----------|-------------------------------|------------------------------|
| Mr. Speaker:               | Cook     | Hearn                         | Pierce                       |
| Adams <sup>(Houston)</sup> | Daniel   | Hocklander                    | Powell                       |
| Albea                      | Edwards  | Jenkins                       | Pruitt                       |
| Avery                      | Faulk    | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Bailey                     | Franklin | Johnston <sup>(Leonard)</sup> | Ray                          |
| Barnett                    | Gilmer   | Locke                         | Roberts                      |
| Bevill                     | Goodwyn  | Long <sup>(Perry)</sup>       | Self                         |
| Bishop                     | Gordon   | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Boyd                       | Grant    | McCorquodale                  | Smith <sup>(Russell)</sup>   |
| Branyon                    | Gross    | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Guthrie  | Martin                        | Speaks                       |
| Broadfoot                  | Hain     | Meade                         | Taylor                       |
| Cabiness                   | Hanby    | Morrow                        | Torbert                      |
| Camp                       | Hardy    | Nettles                       | Turner                       |
| Casey                      | Harris   | Nichols                       | Turnham                      |
| Cates                      | Hawkins  | Oden                          |                              |

—63

And the bill:

H. 1021. To authorize the probate judges of all counties having a population of not less than 500,000 inhabitants, according to the last or any subsequent federal decennial census, to destroy or otherwise dispose of certain papers and documents filed for record in his office under certain conditions.

Was taken up.

Messrs. Perry, Sessions, Rast, Edwards, Morrow, Locke and Hawkins offered the following substitute for the bill, H. 1021:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the probate judges of all counties having a population of not less than 500,000 inhabitants, according to the last or any subsequent federal decennial census, to destroy or otherwise dispose

of certain papers and documents filed for record in his office under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of any county having a population of not less than 500,000 inhabitants, according to the last or any subsequent federal decennial census, is authorized and empowered to destroy or otherwise dispose of any deed, mortgage or other like instrument filed for record and recorded in his office when the owner thereof fails to provide a forwarding address to which such paper or document may be mailed after recording and fails to claim or demand the return of such paper or document within two years from the date such paper or document was filed for record.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 64; Nays 0.

**Yeas:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker:               | Cook      | Hearn                         | Oden                       |
| Adams <sup>(Houston)</sup> | Daniel    | Hocklander                    | Perry                      |
| Albea                      | Edwards   | Johnson <sup>(Hardaway)</sup> | Pierce                     |
| Avery                      | Faulk     | Johnston <sup>(Leonard)</sup> | Powell                     |
| Bailey                     | Franklin  | Locke                         | Pruitt                     |
| Barnett                    | Gilchrist | Long <sup>(Lauderdale)</sup>  | Rast                       |
| Bevill                     | Gilmer    | Long <sup>(Perry)</sup>       | Ray                        |
| Bishop                     | Gordon    | McClendon <sup>(Chamb)</sup>  | Roberts                    |
| Boyd                       | Grant     | McCorquodale                  | Self                       |
| Branyon                    | Gross     | McLendon <sup>(Bullock)</sup> | Sessions                   |
| Brewer                     | Guthrie   | Martin                        | Shumate                    |
| Broadfoot                  | Hain      | Meade                         | Smith <sup>(Russell)</sup> |
| Cabiness                   | Hanby     | Merrill                       | Speaks                     |
| Camp                       | Hardy     | Morrow                        | Taylor                     |
| Casey                      | Harris    | Nettles                       | Turner                     |
| Cates                      | Hawkins   | Nichols                       | Turnham                    |

—64

And said bill, H. 1021, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|                            |         |           |         |
|----------------------------|---------|-----------|---------|
| Mr. Speaker:               | Bailey  | Branyon   | Casey   |
| Adams <sup>(Houston)</sup> | Barnett | Brewer    | Cates   |
| Albea                      | Bevill  | Broadfoot | Cook    |
| Ashworth                   | Bishop  | Cabiness  | Daniel  |
| Avery                      | Boyd    | Camp      | Edwards |

|          |                               |         |                              |
|----------|-------------------------------|---------|------------------------------|
| Franklin | Hocklander                    | Meade   | Ray                          |
| Gilmer   | Jenkins                       | Merrill | Roberts                      |
| Gordon   | Johnson <sup>(Hardaway)</sup> | Morrow  | Self                         |
| Grant    | Johnston <sup>(Leonard)</sup> | Nettles | Sessions                     |
| Gross    | Locke                         | Nichols | Shumate                      |
| Hain     | Long <sup>(Lauderdale)</sup>  | Oden    | Smith <sup>(Russell)</sup>   |
| Hanby    | Long <sup>(Perry)</sup>       | Perry   | Smith <sup>(St. Clair)</sup> |
| Hardy    | McClendon <sup>(Chamb)</sup>  | Pierce  | Taylor                       |
| Harris   | McCorquodale                  | Powell  | Thomas                       |
| Hawkins  | McLendon <sup>(Bullock)</sup> | Pruitt  | Turner                       |
| Hearn    | Martin                        | Rast    | Turnham                      |

—64

## MOTION TO RECONSIDER ADOPTED

The motion of Mr. Perry to reconsider the vote by which the bill, H. 1019, was passed, was adopted.

And the bill:

H. 1019. To apply in and only in counties in Alabama now having or which may hereafter have a population of 500,000 or more, according to the last or any future federal census; to further provide the manner of entering payment or satisfaction on the margin of the record of the mortgage or deed of trust or other lien; to authorize and empower the Judge of Probate to delegate the authority and power to any clerk of such probate court to enter on the margin of the record the payment or satisfaction of the mortgage, deed of trust, or other lien, where the judge of probate is named in any power of attorney instrument duly recorded, authorizing such entry of satisfaction, and to sign or stamp the name of such judge as attorney in fact to such marginal satisfaction record; and to authorize the collection of a fee of fifty cents for each such entry on the margin of each such document record.

Was again taken up.

Messrs. Perry, Sessions, Locke, Edwards, Morrow, Hawkins and Rast offered the following substitute for the bill, H. 1019:

A BILL  
TO BE ENTITLED  
AN ACT

To apply in and only in counties in Alabama now having or which may hereafter have a population of 500,000 or more, according to the last or any future federal census; to further provide the manner of entering payment or satisfaction on the margin of the record of the mortgage or deed of trust or other lien; to authorize and empower the Judge of Probate to delegate the authority and power to any clerk of such probate court to enter on the margin of the record the payment or satisfaction of the mortgage, deed of trust, or other lien, where the judge of probate is named in any power of attorney instrument duly recorded, authorizing such entry of satisfaction, and to sign or stamp the name of such judge as attorney in fact to such marginal satisfaction record; and to authorize the collection of a fee of fifty cents for each such entry on the margin of each such document record.

Be It Enacted by the Legislature of Alabama:



Section 1. This Act shall apply in and only in counties in Alabama now having or which may hereafter have a population of 500,000 or more according to the last or any subsequent federal census. Whenever the judge of probate is named, by name or title, in a power of attorney or like instrument, as attorney in fact to enter on the margin of the record of any mortgage, deed of trust, sales contract, or other lien, the payment or satisfaction thereof, in accordance with the provisions of Article 3 of Chapter 5 of Title 47 of the Code of Alabama of 1940 and in Section 61 of Title 33 of said code, and such power of attorney has been duly recorded in his office, such entry on the margin of such record may be made by any clerk of such probate court designated by the judge of probate either by writing the judge's name or using a facsimile of the judge's signature and signed by such clerk who shall also enter on the margin of such record a reference to the Vol. and Page of the recording of the power of attorney instrument authorizing such entry; and the judge of probate is hereby authorized and empowered to delegate to such clerk or clerks the authority to make such entry on the margin of such records, and to sign or stamp the name of such judge of probate as attorney in fact, and the entry and satisfaction by such clerk shall be as valid as if done by the judge of probate in person. Nothing herein shall be construed to impose on any such judge of probate the duty to perform the duties of any such attorney in fact under power of attorney authority.

Section 2. For the additional services of entering such payment or satisfaction of the mortgage, deed of trust or other lien, on the margin of the record, by the judge of probate or his duly authorized clerk, a fee of fifty cents, in addition to the recording fees for recording the power of attorney, shall be charged at the time of filing the power of attorney for record, for each such entry on the margin of each such document record, all such fees so collected shall be paid and accounted for in the same manner as other recording fees are paid and accounted for.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 64; Nays 0.

**Yeas:**

|                            |          |                               |                              |
|----------------------------|----------|-------------------------------|------------------------------|
| Mr. Speaker:               | Cook     | Hocklander                    | Perry                        |
| Adams <sup>(Houston)</sup> | Daniel   | Jenkins                       | Pierce                       |
| Albea                      | Edwards  | Johnson <sup>(Hardaway)</sup> | Powell                       |
| Ashworth                   | Faulk    | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Bailey                     | Franklin | Locke                         | Rast                         |
| Barnett                    | Gilmer   | Long <sup>(Lauderdale)</sup>  | Ray                          |
| Bevill                     | Goodwyn  | Long <sup>(Perry)</sup>       | Roberts                      |
| Bishop                     | Gordon   | McClendon <sup>(Chamb)</sup>  | Self                         |
| Boyd                       | Grant    | McCorquodale                  | Sessions                     |
| Branyon                    | Gross    | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Brewer                     | Guthrie  | Meade                         | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Hain     | Merrill                       | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Hanby    | Morrow                        | Speaks                       |
| Camp                       | Hardy    | Nettles                       | Taylor                       |
| Casey                      | Harris   | Nichols                       | Turner                       |
| Cates                      | Hawkins  | Oden                          | Turnham                      |

And said bill, H. 1019, as thus amended, was again read at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|                            |            |                               |                              |
|----------------------------|------------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel     | Johnson <sup>(Hardaway)</sup> | Perry                        |
| Adams <sup>(Houston)</sup> | Edwards    | Johnston <sup>(Leonard)</sup> | Pierce                       |
| Albea                      | Faulk      | Jones <sup>(Covington)</sup>  | Powell                       |
| Ashworth                   | Franklin   | Lee                           | Pruitt                       |
| Bailey                     | Gilmer     | Locke                         | Rast                         |
| Barnett                    | Goodwyn    | Long <sup>(Lauderdale)</sup>  | Ray                          |
| Bevill                     | Gordon     | Long <sup>(Perry)</sup>       | Roberts                      |
| Bishop                     | Grant      | McClendon <sup>(Chamb)</sup>  | Self                         |
| Boyd                       | Gross      | McCorquodale                  | Sessions                     |
| Branyon                    | Guthrie    | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Brewer                     | Hain       | Martin                        | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Hanby      | Meade                         | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Hardy      | Merrill                       | Speaks                       |
| Camp                       | Harris     | Morrow                        | Taylor                       |
| Casey                      | Hawkins    | Nettles                       | Thomas                       |
| Cates                      | Hocklander | Nichols                       | Turner                       |
| Cook                       | Jenkins    | Oden                          | Turnham                      |

—68

And the bill:

H. 1022. To authorize and empower the Judge of Probate and the Chief Clerk of the Probate Court to install and maintain improved systems of indexing in all probate courts in counties having a population of not less than 500,000 inhabitants according to the last or any subsequent federal census; to authorize the indexing of all estates and other cases in alphabetical order and to use card or strip indexes; and to authorize direct and reverse index of all real property instruments, and direct and reverse index of all personal property instruments and miscellaneous instruments, in alphabetical order; and to authorize the use of card or strip indexes in the office of the judge of probate in such counties; and to authorize the county commission or like governing body to approve of the purchase of all equipment, files and supplies necessary to install and maintain such index systems.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

**Yeas:**

|                            |           |                               |                               |
|----------------------------|-----------|-------------------------------|-------------------------------|
| Mr. Speaker                | Cabiness  | Gordon                        | Johnston <sup>(Leonard)</sup> |
| Adams <sup>(Houston)</sup> | Camp      | Grant                         | Jones <sup>(Covington)</sup>  |
| Albea                      | Casey     | Gross                         | Jones <sup>(Monroe)</sup>     |
| Ashworth                   | Cates     | Guthrie                       | Lee                           |
| Bailey                     | Cook      | Hain                          | Locke                         |
| Barnett                    | Daniel    | Hanby                         | Long <sup>(Lauderdale)</sup>  |
| Bevill                     | Edwards   | Hardy                         | Long <sup>(Perry)</sup>       |
| Bishop                     | Faulk     | Harris                        | McClendon <sup>(Chamb)</sup>  |
| Boyd                       | Franklin  | Hawkins                       | McCorquodale                  |
| Branyon                    | Gilchrist | Hocklander                    | McLendon <sup>(Bullock)</sup> |
| Brewer                     | Gilmer    | Jenkins                       | Martin                        |
| Broadfoot                  | Goodwyn   | Johnson <sup>(Hardaway)</sup> | Meade                         |

|         |         |                              |         |
|---------|---------|------------------------------|---------|
| Merrill | Pierce  | Self                         | Speaks  |
| Morrow  | Powell  | Sessions                     | Taylor  |
| Nettles | Pruitt  | Shumate                      | Thomas  |
| Nichols | Rast    | Smith <sup>(Russell)</sup>   | Turner  |
| Oden    | Ray     | Smith <sup>(St. Clair)</sup> | Turnham |
| Perry   | Roberts |                              |         |

—70

And the bill:

H. 1023. To further regulate the Probate Court and office of Judge of Probate in counties having a population of 500,000 or more according to the last or any subsequent federal census; to authorize and empower the judge of probate in any such county to delegate and assign duties, ministerial functions and authority to the chief clerk and other clerks and personnel of such probate court and its divisions and offices; to delegate and assign to, and invest in, the chief clerk of such probate court the title, duties and power of clerk of the probate court of such county, and to further prescribe the powers, duties and authority of such (chief clerk as) clerk and register of such probate court; to authorize the appointment of deputy clerks—registers in each office of such probate court from the personnel in such offices.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Cook      | Hocklander                    | Oden                         |
| Adams <sup>(Houston)</sup> | Daniel    | Jenkins                       | Perry                        |
| Albea                      | Edwards   | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Ashworth                   | Faulk     | Johnston <sup>(Leonard)</sup> | Powell                       |
| Avery                      | Franklin  | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Bailey                     | Gilchrist | Lee                           | Rast                         |
| Barnett                    | Gilmer    | Locke                         | Ray                          |
| Bevill                     | Goodwyn   | Long <sup>(Lauderdale)</sup>  | Self                         |
| Bishop                     | Gordon    | McClendon <sup>(Chamb)</sup>  | Shumate                      |
| Boyd                       | Grant     | McCorquodale                  | Smith <sup>(Russell)</sup>   |
| Branyon                    | Gross     | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Guthrie   | Martin                        | Speaks                       |
| Broadfoot                  | Hain      | Meade                         | Taylor                       |
| Cabiness                   | Hanby     | Merrill                       | Thomas                       |
| Camp                       | Hardy     | Morrow                        | Torbert                      |
| Casey                      | Harris    | Nettles                       | Turner                       |
| Cates                      | Hawkins   | Nichols                       | Turnham                      |

—68

And the bill:

H. 1024. To levy a license tax in Jefferson County, Alabama, on persons and others engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail; to provide that the tax be measured by the kind and quantity of such beverages so sold; to provide for the payment of such tax, the making of records and reports, and the maintaining of records with respect thereto; to provide for the collection and distribution of said tax, and the enforcement of the provisions of this act; to provide that the County Commission of Jefferson County, Alabama, shall have authority to adopt ordinances, rules and regulations pertaining to the collection of the tax, and the making of reports and maintaining of records with respect thereto, and providing that such ordinances, rules, and regulations shall have the force

and effect of law; to provide that the tax imposed shall constitute a debt to the county and may be collected by civil suit in addition to all other methods provided by law; to provide penalties for the violation of the provisions of this act; to provide that the tax, together with interest and penalties with respect thereto, shall constitute, and be secured by, a lien upon the property of any person from whom the tax is due; to require any person or others engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit from the Department of Revenue of Jefferson County, and to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from the tax, less the cost of collection shall be used solely to care for indigent sick and injured persons, including the necessary facilities therefor, who are bona fide residents of the county. In the event that other taxes are levied for these purposes, then such tax shall be used for the construction and operation of an outpatient clinic.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

|                            |            |                               |                              |
|----------------------------|------------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel     | Jenkins                       | Perry                        |
| Adams <sup>(Houston)</sup> | Edwards    | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Albea                      | Faulk      | Johnston <sup>(Leonard)</sup> | Powell                       |
| Ashworth                   | Franklin   | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Bailey                     | Gilchrist  | Lee                           | Rast                         |
| Barnett                    | Gilmer     | Locke                         | Ray                          |
| Bevill                     | Goodwyn    | McClendon <sup>(Chamh)</sup>  | Roberts                      |
| Bishop                     | Gordon     | McCorquodale                  | Self                         |
| Boyd                       | Grant      | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Branyon                    | Gross      | Martin                        | Shumate                      |
| Brewer                     | Hain       | Meade                         | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hanby      | Merrill                       | Speaks                       |
| Cabiness                   | Hardy      | Morrow                        | Taylor                       |
| Camp                       | Harris     | Nettles                       | Thomas                       |
| Casey                      | Hawkins    | Nichols                       | Turner                       |
| Cates                      | Hocklander | Oden                          | Turnham                      |
| Cook                       |            |                               |                              |

—65

**And the bill:**

H. 1025. Relating to Jefferson County, Alabama; to provide for levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, such tax to be measured by the gross receipts or gross proceeds of such businesses; to provide for levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the license tax; specifying property the use, storage or other consumption of which is exempt from the excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of said taxes, and the enforcement of the provisions of this Act; making applicable to the taxes herein levied and adopting certain provisions of Act No. 100, H. B. 94, approved August 18, 1959, effective October 1, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, as amended; providing for the filing of reports with and the payment

of tax to the Director of the Department of Revenue of Jefferson County, Alabama, and providing for the enforcement of this Act by said Director of Revenue of Jefferson County, Alabama; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said sales price or admission fee; providing for the use of the revenues from said taxes providing for referenda or elections of the qualified electors for making the taxes applicable to said county; and providing for the termination of the taxes imposed subject to referenda or elections of the qualified electors of said county.

Was taken up.

Messrs. Perry, Sessions, Locke, Edwards, Morrow, Hawkins and Rast offered the following substitute for the bill, H. 1025:

A BILL  
TO BE ENTITLED  
AN ACT

RELATING TO JEFFERSON COUNTY, ALABAMA; TO PROVIDE FOR LEVYING A LICENSE TAX ON PERSONS AND OTHERS ENGAGING IN SELLING TANGIBLE PERSONAL PROPERTY AT RETAIL AND ON PERSONS AND OTHERS CONDUCTING PLACES OF AMUSEMENT IN SAID COUNTY, SUCH TAX TO BE MEASURED BY THE GROSS RECEIPTS OR GROSS PROCEEDS OF SUCH BUSINESSES; TO PROVIDE FOR LEVYING AN EXCISE TAX ON THE STORAGE, USE OR OTHER CONSUMPTION IN SAID COUNTY OF TANGIBLE PERSONAL PROPERTY PURCHASED FOR USE, STORAGE OR OTHER CONSUMPTION IN SAID COUNTY; SPECIFYING SALES AND TRANSACTIONS THAT ARE EXEMPT FROM THE MEASUREMENT OF THE LICENSE TAX; SPECIFYING PROPERTY THE USE, STORAGE OR OTHER CONSUMPTION OF WHICH IS EXEMPT FROM THE EXCISE TAX; PROVIDING FOR PAYMENT OF SAID TAXES, MAKING REPORTS AND MAINTAINING RECORDS WITH RESPECT THERETO, THE COLLECTION OF SAID TAXES, AND THE ENFORCEMENT OF THE PROVISIONS OF THIS ACT; MAKING APPLICABLE TO THE TAXES HEREIN LEVIED AND ADOPTING CERTAIN PROVISIONS OF ACT NO. 100, H. B. 94, APPROVED AUGUST 18, 1959, EFFECTIVE OCTOBER 1, 1959, AND ARTICLE 11 OF CHAPTER 20, TITLE 51, CODE OF ALABAMA, AS AMENDED; PROVIDING FOR THE FILING OF REPORTS WITH AND THE PAYMENT OF TAX TO THE DIRECTOR OF THE DEPARTMENT OF REVENUE OF JEFFERSON COUNTY, ALABAMA, AND PROVIDING FOR THE ENFORCEMENT OF THIS ACT BY SAID DIRECTOR OF REVENUE OF JEFFERSON COUNTY, ALABAMA; PROVIDING THAT THE SAID LICENSE TAX SHALL BE ADDED TO THE SALES PRICE OR ADMISSION FEE AND PASSED ON TO THE PURCHASER OR PERSON PAYING THE SAID SALES PRICE OR ADMISSION FEE; PROVIDING FOR THE USE OF THE REVENUES FROM SAID TAXES; PROVIDING FOR REFERENDA OR ELECTIONS OF THE QUALIFIED ELECTORS FOR MAKING THE TAXES APPLICABLE TO SAID COUNTY; AND PROVIDING FOR THE TERMINATION OF THE TAXES IMPOSED SUBJECT TO REFERENDA OR ELECTIONS OF THE QUALIFIED ELECTORS OF SAID COUNTY.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to, and only to, Jefferson County, Alabama. Wherever the term "county" is used herein, the word

shall apply only to Jefferson County, Alabama. Wherever the words "County Commission" are used in this Act, they shall refer to, and only to, the County Commission of Jefferson County, Alabama. Wherever the word "Director" is used in this Act, it shall refer to the Director of Revenue of Jefferson County, Alabama.

Section 2. The County Commission of Jefferson County, Alabama, at the next general, special, or primary election held in the county, after this Act becomes applicable to the county, shall call and provide for holding an election of the qualified voters of the county for the purpose of determining whether or not there shall be levied and imposed additional license and excise taxes as provided in this Act. Notice of the election shall be given not more than 45 nor less than 30 days before the day set for the election, by publication in a newspaper published in the county once a week for four successive weeks. The election shall be held and conducted in the manner provided by law for holding other county elections. The cost of the election, including the cost of publishing the notice, shall be paid by the county. The question to be voted on shall be stated on the ballots or voting machine tabs, as the case may be, substantially as follows: "Do you favor the county levying a county sales tax and a county use tax for the sick poor, education, county sewers and municipal aid, as provided in Act No. \_\_\_\_\_, approved \_\_\_\_\_, 1959?" If a majority of the voters participating in the election vote in favor of the imposition of such taxes, the County Commission may thereupon adopt an ordinance, order or resolution levying the taxes provided for in this Act. If, on the other hand, a majority of the voters participating in the election disapprove the levying of such taxes in the county, no levy of any tax shall be made in such county under this Act. If the levy herein provided for becomes operative as herein provided, the county governing body shall forthwith give notice thereof to the Director.

Section 3. All words, terms, and phrases that are defined in Act No. 100, H. B. 94, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama, 1940, as amended and supplemented", approved August 18, 1959, effective October 1, 1959, which levies a state sales tax, and in Article 11, Chapter 20, Title 51, Code of Alabama, 1940, as amended, shall, where used in this Act, have the meanings respectively ascribed to them in said Act No. 100 of August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, 1940, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

"State sales tax statutes" means said Act No. 100, H. B. 94, approved August 18, 1959, effective October 1, 1959, enacted at the Special Session of the Legislature of Alabama that convened June 24, 1959, which levies a retail sales tax for state purposes, and includes all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said Act and the incidence and collection of the tax imposed therein;

"State sales tax" means the tax imposed by the state sales tax statutes;

"State use tax statutes" means Article 11 of Chapter 20, Title 51, Code of Alabama, 1940, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purpose to affect, the administration of the said article and the incidence and collection of the tax imposed therein;

"State use tax" means the tax imposed by the state use tax statutes;

"Registered seller" means the person registered with the State Department of Revenue pursuant to the state use tax statutes:

"Month" means the calendar month;

"Quarterly period" means the period of three months ending on the last day of each March, June, September, and December;

"Fiscal year" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Section 4. Unless otherwise expressly provided in the resolution, order or ordinance levying the taxes herein authorized, such taxes shall be effective on the first day of the month next succeeding the date of such resolution, order or ordinance. The taxes shall be in addition to all other taxes now provided by law and shall be collected as herein provided.

Section 5. The sales tax levied pursuant to this Act shall be a privilege, excise or license tax as follows:

(a) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. Provided, that where all the sales of a company are single sales of merchandise for ten cents or less, and no collection from consumers is authorized under this Act, the gross receipts tax herein provided for shall not be levied.

(b) Upon every person, firm, or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association, whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks,

race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the county, an amount equal to one percent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within this county in the business of selling any automotive vehicle or truck-trailer or semi-trailer, an amount equal to one-half of one percent ( $\frac{1}{2}\%$ ) of the gross proceeds of the sale of said automotive vehicle or truck-trailer or semi-trailer.

(d) Upon every person, firm or corporation engaged or continuing within this county in the business of selling any used automotive vehicle or truck trailer and semi-trailer, where such vehicles are bought for the purpose of resale, an amount equal to one-half of one percent ( $\frac{1}{2}\%$ ) of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer; provided, however, this subsection shall not apply to the sale of any used automotive vehicle or truck trailer or semi-trailer where it was acquired as part of the consideration for the sale, trade or exchange, in this county of any new or used motor vehicle, truck trailer or semi-trailer.

Section 6. There are, however, exempted from the provisions of this Act and from the computation of the amount of the tax levied, assessed or payable under this Act the following: (a) The gross proceeds of sales of tangible personal property or the gross receipts of any business which the county is prohibited from taxing under the constitution or laws of the United States of America or under the constitution of this state. (b) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the state and to incorporated municipalities of the State of Alabama; and the gross proceeds of sales of athletic equipment for the sole use and benefit of, and under the control of, public state, county, or city schools within the State of Alabama, notwithstanding that the purchase of such athletic equipment is paid for from funds which are not public funds. (c) The gross proceeds of the sales of lubricating oil and gasoline as defined in sections 630 and 646 of Title 51, which are otherwise taxed. (d) The gross proceeds of the sales of textbooks used in elementary schools, high schools, and institutions of higher learning. (e) The gross proceeds of sales of alcoholic or cereal beverages, when sold at retail by the State of Alabama. (f) The gross proceeds of sales of all livestock by whomsoever sold; and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm. (g) The gross proceeds of the sale, or sales, of fertilizer. The word "fertilizer" as used in this Act shall not be construed to include cotton seed meal, when not in combination with other materials. (h) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable the gross proceeds of the sale, or sales, of plants, seedlings, nursery stock or floral products. (i) The gross proceeds of the sale, or sales,



of boxes, crates, bags, bagging, ties, barrels, or other containers and the labels thereof used in preparing agricultural products, dairy products, grove or garden products for market, including barrels and other containers and the labels thereof used in preparing turpentine gum, gum spirits of turpentine and gum resin for market, when such boxes, crates, bags, bagging, ties, barrels and other containers and the labels thereof are to be sold or furnished by the seller of the products contained therein to the purchaser of such products. The gross proceeds of the sale or sales of newsprint paper, newspapers and religious publications. (k) The gross proceeds of the sale, or sales, of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation. (l) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of sections 177-180, 182-184, and 186 of title 51. Provided, however, that nothing contained in this subsection shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this Act upon or measured by the gross proceeds of sales of any tangible personal property (except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said section 177), merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this Act. (m) the gross proceeds of the sale, or sales, of railroad rails, railroad cars and vessels and barges of more than fifty tons burden, when sold by the manufacturers or builders thereof. (n) The gross proceeds of the sale, or sales, of lunches to school children when such sales are made within school buildings and are not for profit. (o) The gross proceeds of sales or gross receipts, of or by, any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies. (p) The gross proceeds of the sale of machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property; provided that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used. (q) The gross proceeds of sale or sales of fluid milk as is now or may hereafter be defined by law when such sale, or sales, are made by a distributor who has purchased such fluid milk or the milk processed into such fluid milk direct from the producer thereof. Provided, however, that the term "distributor" as used here shall not be construed to include hotels, restaurants, cafes, cafeterias, drug stores, grocery stores and other retail establishments where milk is served or sold for consumption on the premises or as an incident to the principal business. (r) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships plying on the high seas either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions, or in foreign commerce between ports in the State of

Alabama and ports in foreign countries. Provided, however, that nothing in this article shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale, or sales, of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other water craft. (s) The gross proceeds of the sale, or sales, of wrapping paper, wrapping twine and paper bags. (t) The gross proceeds of the sale or sales of agricultural publications printed and published in Alabama.

(u) The gross proceeds of the sale, or sales, of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state, are hereby exempted from the computation of the tax levied under the provisions of Article 10, Chapter 20, Title 51, Code of Alabama of 1940, designated as the sales tax. Nothing contained in this Section shall be construed to relieve vendors making such sales within the state from reporting such sales to the department of revenue as otherwise required by law. Nothing herein contained is intended as a legislative construction that such sales heretofore made, or that sales heretofore made of materials, equipment or machinery which entered into and became a component part of ships, vessels or barges of fifty (50) tons burden or more, manufactured or built for sale, were or were not subject to the tax imposed under said article. (v) The gross proceeds of subscriptions to magazines. (w) The gross proceeds of sales amounting to one thousand dollars (\$1,000) a month or less from small stores or vending machines operated by blind persons, as defined in subsection (f) of section 1 of Title 51 of the Code of Alabama of 1940, provided, that such small business establishment shall be the property of the blind operator or of the business enterprise program for the blind sponsored jointly by the State Department of Education and the Alabama Institute for the Deaf and Blind; that the operator shall have filed application for exemption; and that the blind operator shall have been for a period of two years next preceding the filing of his application for this exemption a bona fide resident of the State of Alabama. Any persons claiming exemption hereunder shall file with the Director an application therefor in the form prescribed by the Director, accompanied by a vision certificate from a regularly licensed physician or ophthalmologist. Any person who procures a license under the provisions of this subsection and permits any other person, firm, or corporation to engage in or conduct business under this license shall be guilty of a misdemeanor and shall be punished as provided by law; and any person, firm or corporation, not entitled to exemption hereunder, who engages in or conducts business under a license issued to a blind person under the provisions of this section shall be guilty of a misdemeanor and shall be punished as provided by law. (x) The gross proceeds of sale of insecticides for agricultural uses by whomsoever sold. The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever. (y) The gross proceeds of sales of fungicides for agricultural uses by whomsoever sold. The term "fungicides" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi. (z) Cotton seed meal exchanged for cotton seed at or by cotton gins. (aa) The gross proceeds of sales of peanuts, peanut products, candy and chewing gum sold in vending machines located in industrial plants or on private property for employees. (bb) The sale, proceeds of sale, use, storage or consumption

of fuel oil purchased or stored or consumed as sold for kiln used in manufacturing establishments. (cc) The sale or furnishing of caskets, burial robes, burial suits, burial dresses or other articles of burial clothes and burial vaults. (dd) The gross proceeds of sales of tangible personal property for the use and benefit of and under the control of public state, county, or city schools, notwithstanding that such tangible personal property is paid for from funds which are not public funds, where the principal of elementary or high schools or the official authorized to make purchases for an institution of higher learning issues a purchase order in a form approved by the Director for such tangible personal property and certifies therein that such property is for the sole use and benefit of and under the control of public state, county or city schools. (ee) Sums paid by participants in recreational or athletic activities offered by municipally-operated swimming pools, golf courses, parks or other places of amusement or entertainment.

Section 7. An excise tax is hereby imposed on the storage, use, or other consumption in the county of tangible personal property purchased at retail, on or after the effective date of the levy of the taxes authorized in this Act for storage, use or other consumption in the county, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in the county or in this state.

Section 8. The storage, use or other consumption in this state of the following tangible personal property is hereby specifically exempted from the tax imposed by this Act: (a) Property, the gross proceeds of sales of which are required to be included in the measure of the tax imposed by the provisions of Article 10 of Chapter 20. (b) Property, the storage, use or other consumption of which the county is prohibited from taxing under the constitution or laws of the United States of America or under the constitution of this state. (c) Tangible person property, not to be used in the performance of a contract, brought into the county by a nonresident thereof for his own storage, use or consumption while temporarily within the county. (d) Property stored, used or consumed by the State of Alabama, by the counties within the state, or by incorporated municipalities of the State of Alabama; and the storage, use or other consumption of athletic equipment for the sole use and benefit of, and under the control of, public state, county, or city schools within the State of Alabama, notwithstanding that the purchase of such athletic equipment is paid for from funds which are not public funds. (e) Lubricating oil and gasoline as defined in sections 630 and 646 of Title 51 Code of Alabama of 1940, the storage, use or other consumption of which is otherwise taxed. (f) Textbooks used in elementary schools, high schools, and institutions of higher learning. (g) Alcoholic or cereal beverages, when sold at retail by the State of Alabama. (h) Livestock, poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when stored, used or consumed by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt poultry or poultry products when not products of the farm. (i) All fertilizer; provided, the word "fertilizer" as used in this Act shall not be construed to include cotton seed meal when not in combination with other material. (j) All seeds for planting purposes and baby chicks and poults; provided, further, nothing herein shall be construed to exempt plants, seedlings, nursery stock or floral products. (k) Boxes,

crates, bags, bagging, ties, barrels or other containers, and the labels thereof, used in preparing agricultural products, dairy products, grove or garden products for market, including barrels, and other containers, and the labels thereof, used in preparing turpentine gum, gum spirits of turpentine and gum resin for market, when such boxes, crates, bags, bagging, ties, barrels and other containers, and the labels thereof, are to be sold or furnished by the seller of the products contained therein to the purchaser of such products. (l) Newsprint paper, newspapers and religious publications. (m) Coal or coke to be stored, used or consumed by manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products or the generation of heat or power used (1) in manufacturing tangible personal property for sale, (2) for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or (3) for the generation of motive power for transportation. (n) Railroad rails, railroad cars and vessels and barges of more than fifty tons burden, when purchased from the manufacturers or builders thereof. (o)- Transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama, or like regulatory bodies. (p) Machines used in mining, quarrying compounding, processing, and manufacturing of tangible personal property; provided, that the term "machines" as herein used shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used. (q) Lunches to school children when such sales are made within school building and are not for profit. (r) Fluid milk when such sales are made by a distributor who has purchased such fluid milk direct from the producer thereof. Provided, however, that the term "distributor" as used herein shall not be construed to include hotels, restaurants, cafes, cafeterias, drug stores, grocery stores and other retail establishments where milk is served or sold for consumption on the premises or as an incident to the principal business. (s) Fuel and supplies for use or consumption aboard ships plying on the high seas either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions, or in foreign commerce between ports in the State of Alabama and ports in foreign countries. Provided, however, that nothing in this Act shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other water craft. (t) Wrapping paper, wrapping twine and paper bags. (u) Used automotive vehicles. (v) The storage, use or other consumption in this state of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state. Nothing herein contained shall be construed to relieve vendors making such sales for storage, use or consumption within the state from reporting such sales to the department of revenue as otherwise required by law. Nothing herein contained is intended as a legislative construction that the storage, use or other consumption heretofore of materials, equipment or machinery which entered into and became a component part of ships, vessels or barges of fifty (50) tons burden or more, manufactured or built for sale, was or was not subject to the tax imposed

under said Act. (w) The storage, use or other consumption of insecticides. The term "insecticides" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever. (x) The storage, use or other consumption of fungicides. The term "fungicides" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any fungi. (y) Cotton seed meal exchanged for cotton seed at or by cotton gins. (z) The sale, proceeds of sale, use, storage or consumption of fuel oil purchased or stored or consumed as fuel for kiln used in manufacturing establishments. (aa) the sale, proceeds of sale, use, storage or other consumption of tangible personal property for the use and benefit of and under the control of public state, county, or city schools, notwithstanding that such tangible personal property is paid for from funds which are not public funds, where the principal of elementary or high schools or the official authorized to make purchases for an institution of higher learning issues a purchase order in a form approved by the Director for such tangible personal property and certifies therein that such property is for the sole use and benefit of and under the control of public state, county or city schools. (bb) The storage, use or other consumption of caskets, burial robes, burial suits, burial dresses or other articles of burial clothes and burial vaults. (cc) Sums paid by participants in recreational or athletic activities offered by municipally-operated swimming pools, golf courses, parks or other places of amusement or entertainment.

Section 9. Subject to the exemptions set forth in the preceding section, every person storing or using or otherwise consuming in the county tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given pursuant to Section 11 of this Act to the purchaser of any property to be used, stored, or consumed in the county shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 10. The sales taxes levied pursuant to Section 5 of this Act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the use taxes levied pursuant to Section 7 of this Act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied pursuant to this Act shall be paid to and collected by the Director of Revenue of Jefferson County, Alabama. On or prior to the due dates of the taxes herein levied, each person subject to such taxes, shall file with the Director a report or return on such form as may be prescribed by the Director, setting forth, with respect to all sales and business that are provided in Section 5 hereof to be used as a measurement of the tax levied pursuant to said Section 5, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business, and setting forth, with respect to the use tax levied pursuant to Section 7 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed pursuant to said Section 7 during the then preceding quarterly period. Any person subject to the taxes

levied pursuant to section 5 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes but thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue shall be available for inspection by the Director, or his designated agent, at reasonable times during business hours.

Section 11. Every registered seller making sales of tangible personal property for storage, use, or other consumption in the county (which storage, use, or other consumption is not herein exempted from the tax imposed pursuant to Section 8 hereof) shall at the time of making such sale, or, if the storage, use, or other consumption of such tangible personal property in the county is not then taxable under this Act (at the time such storage, use, or other consumption becomes taxable hereunder), collect the tax imposed pursuant to Section 7 of this Act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the Director, which may be on the same form prescribed by the State Department of Revenue and used in connection with the State sales or use tax. On the twentieth day of the month following the close of each quarterly period provided for in Section 10 hereof, each registered seller shall file with Director a return for the preceding quarterly period in such form as may be prescribed by the Director, showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed pursuant to Section 7 of this Act during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in the county need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use, or other consumption of which is subject to the tax imposed pursuant to Section 7 of this Act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 10.

Section 12. (a) Each person engaging or continuing within the county in a business subject to the taxes levied pursuant to Section 5 of this Act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied pursuant to said Section 5; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 11 hereof to collect. It shall be unlawful for any person subject to the tax levied pursuant to Section 5 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any

person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed pursuant to Section 7 of this Act or to refund or offer to refund or absorb, or to advertise directly or indirectly, the absorption of, said tax or any portion thereof.

(b) For the purpose of complying with this section, the county taxes levied pursuant to Section 5 shall be passed on to the buyer, consumer, or user, along with the state sales tax, in cases where the sales or admission price is one dollar and ten cents (\$1.10) or less, as follows: No tax on one cent (1c) to and including ten cents (10c) of sales price, one cent (1c) tax on eleven cents (11c) to and including thirty-five cents (35c) of sales price, two cents (2c) tax on thirty-six cents (36c) to and including sixty cents (60c) of sales price, three cents (3c) tax on sixty-one cents (61c) to and including eighty-five cents (85c) of sales price, and four cents (4c) tax on eighty-six cents (86c) to and including one dollar ten cents (\$1.10) of sales price.

Section 13. The taxes imposed pursuant to this Act shall constitute a debt due the county and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due this state shall apply fully to the collection of the taxes herein levied, and the Director, for the use and benefit of the county shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that the state or the State Department of Revenue has for collection of the state sales tax and the state use tax.

Section 14. All provisions of the state sales tax statutes with respect to payment and assessment of the state sales tax, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, making reports or otherwise complying with the state sales tax statute, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied pursuant to Section 5 hereof, shall apply to the tax levied pursuant to said Section 5; and all provisions of the state use tax statutes with respect to payment and assessment of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied pursuant to Section 7 hereof, shall apply to the tax levied pursuant to said Section 7. The Director shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied pursuant to Sections 5 and 7 hereof that are imposed on or granted to the Director and the State Department of Revenue, respectively, by the

state sales tax statutes and the state use tax statutes. All provisions of the State sales tax statutes and the state use tax statutes that are made applicable in this Act to the taxes herein levied and to the administration of this Act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 15. Each person, firm or corporation collecting and remitting any of the taxes provided for in this Act shall be entitled to a discount not to exceed five percent (5%) of the first one hundred dollars (\$100) of taxes levied and two percent (2%) of the taxes levied over one hundred dollars (\$100) by this Act, and due and payable to the County; provided, however, that no discount shall be allowed upon any taxes which are not paid before delinquency, as in this Act provided.

Section 16. All taxes required to be paid by this Act shall be paid to the Director and shall, by him, be distributed as follows: An amount equal to two percent (2%) of the taxes collected first shall be paid to the Director and by him to the County Treasurer of Jefferson County, Alabama, to be paid into the general fund of the county for the expense of the collection and distribution of said tax. The remainder of said tax (ninety-eight percent (98%) of the sums collected or received) shall be distributed by the Director as provided in Section 17 of this Act. The Director shall make such distribution on or before the first day of each successive month (commencing with the month following the month in which the Director makes or receives the first collections hereunder). The Director shall furnish to each of the municipalities and institutions and to the county a statement of all such receipts and disbursements each month at the time the Director makes distribution as provided in Section 17 hereof.

Section 17. The proceeds of the taxes provided for in this Act shall be devoted to the following uses and purposes exclusively, to-wit: (1) twenty-five percent (25%) thereof shall be used to provide facilities to care for, and to provide treatment and care for indigent sick and injured persons who are bona fide residents of the county; (2) forty-two percent (42%) shall be divided among the school systems in the county to which State and County funds are distributed, on the basis of teacher units as determined in accordance with the minimum school program for the current school year or on such other basis as may be hereafter prescribed to be used for the support and furtherance of education in the county; (3) eight percent (8%) shall be used by the county for the construction of sewers and sewage disposal facilities; (4) twenty-five percent (25%) shall be divided pro rata on a population basis among the municipalities in the county.

Section 18. At any time following the levy and imposition of the taxes provided for herein, and upon the petition of ten percent (10%) of the number of voters voting in the last preceding general election being filed with the probate judge of the county, the judge must call an election for the county to determine the sentiment of the people as to whether or not the taxes shall be continued in effect in the county. Such election shall be held on the same day as the next primary, general, or special election that is held in the county, and shall be held and conducted in the manner provided by law for holding other county elections. Notice of the election shall be given by the judge of probate by publication once a week for four consecutive weeks next preceding the election in a newspaper published in the county. All costs of the election, including, but not limited to, the cost of publish-



ing the notice and cost of renting voting machines shall be paid by the following on the bases specified:

(1) Twenty-five percent (25%) of such cost shall be paid by the board of trustees of the University of Alabama; (2) forty-two percent (42%) of such cost shall be divided among the school systems of the county to which state and county funds are distributed on the basis of teacher units; (3) eight percent (8%) of such cost shall be paid by Jefferson County, Alabama; (4) twenty-five percent (25%) shall be paid by the City of Birmingham.

If a majority of the voters participating in the election vote in favor of the continuation of such tax, then the county commission may thereupon continue said tax in effect. If on the other hand, a majority of the voters participating in the election disapprove the continuation of such taxes in the county, the county commission may adopt an ordinance, order or resolution repealing the taxes provided by this Act.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 65; Nays 1.

**Yeas:**

|                            |            |                               |                              |
|----------------------------|------------|-------------------------------|------------------------------|
| Mr. Speaker                | Faulk      | Jenkins                       | Perry                        |
| Adams <sup>(Houston)</sup> | Franklin   | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Albea                      | Gilchrist  | Johnston <sup>(Leonard)</sup> | Powell                       |
| Ashworth                   | Gilmer     | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Bailey                     | Goodwyn    | Lee                           | Rast                         |
| Bevill                     | Gordon     | Locke                         | Ray                          |
| Bishop                     | Grant      | McClendon <sup>(Chamb)</sup>  | Roberts                      |
| Boyd                       | Gross      | McCorquodale                  | Self                         |
| Branyon                    | Guthrie    | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Brewer                     | Hain       | Martin                        | Shumate                      |
| Broadfoot                  | Hanby      | Meade                         | Smith <sup>(St. Clair)</sup> |
| Camp                       | Hardy      | Merrill                       | Speaks                       |
| Casey                      | Harris     | Morrow                        | Taylor                       |
| Cates                      | Harvey     | Nettles                       | Thomas                       |
| Cook                       | Hawkins    | Nichols                       | Turner                       |
| Daniel                     | Hocklander | Oden                          | Turnham                      |
| Edwards                    |            |                               |                              |

—65

**Nay:** Mr. Cabiness

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And said bill, H. 1025, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 1.

**Yeas:**

|                            |          |         |           |
|----------------------------|----------|---------|-----------|
| Mr. Speaker                | Ashworth | Bishop  | Brewer    |
| Adams <sup>(Houston)</sup> | Bailey   | Boyd    | Broadfoot |
| Albea                      | Bevill   | Branyon | Camp      |

|           |                               |                               |                              |
|-----------|-------------------------------|-------------------------------|------------------------------|
| Casey     | Guthrie                       | McClendon <sup>(Chamb)</sup>  | Rast                         |
| Cates     | Hain                          | McCorquodale                  | Ray                          |
| Cook      | Hanby                         | McLendon <sup>(Bullock)</sup> | Roberts                      |
| Daniel    | Hardy                         | Meade                         | Self                         |
| Edwards   | Harris                        | Merrill                       | Sessions                     |
| Faulk     | Harvey                        | Morrow                        | Shumate                      |
| Franklin  | Hawkins                       | Nettles                       | Smith <sup>(St. Clair)</sup> |
| Gilchrist | Hocklander                    | Nichols                       | Speaks                       |
| Gilmer    | Jenkins                       | Oden                          | Taylor                       |
| Goodwyn   | Johnson <sup>(Hardaway)</sup> | Perry                         | Thomas                       |
| Gordon    | Johnston <sup>(Leonard)</sup> | Pierce                        | Turner                       |
| Grant     | Jones <sup>(Monroe)</sup>     | Powell                        | Turnham                      |
| Gross     | Locke                         | Pruitt                        |                              |

—63

**Nay:** Mr. Cabiness

—1

And the bill:

H. 1002. To re-establish the County Court of Franklin County in lieu of the Law and Equity Court of Franklin County; abolishing the Law and Equity Court; providing for the transfer of the cases pending therein to the court hereby established or to the circuit court; defining the jurisdiction of the court hereby established; providing it with officers; defining their powers, duties, salaries, compensation, term of office and the manner of their selection, appointment and election; regulating its procedure and process and the return of warrants thereto; and providing for appeals from the court hereby established.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

**Yeas:**

|                            |           |                               |          |
|----------------------------|-----------|-------------------------------|----------|
| Mr. Speaker                | Edwards   | Hawkins                       | Oden     |
| Adams <sup>(Houston)</sup> | Faulk     | Hocklander                    | Perry    |
| Albea                      | Franklin  | Jenkins                       | Pierce   |
| Ashworth                   | Gilchrist | Johnson <sup>(Hardaway)</sup> | Powell   |
| Bailey                     | Gilmer    | Johnston <sup>(Leonard)</sup> | Pruitt   |
| Bevill                     | Goodwyn   | Jones <sup>(Monroe)</sup>     | Rast     |
| Bishop                     | Gordon    | Locke                         | Ray      |
| Boyd                       | Grant     | McClendon <sup>(Chamb)</sup>  | Roberts  |
| Branyon                    | Gross     | McCorquodale                  | Self     |
| Brewer                     | Guthrie   | Martin                        | Sessions |
| Cabiness                   | Hain      | Meade                         | Shumate  |
| Camp                       | Hanby     | Merrill                       | Speaks   |
| Casey                      | Hardy     | Morrow                        | Thomas   |
| Cates                      | Harris    | Nettles                       | Turner   |
| Cook                       | Harvey    | Nichols                       | Turnham  |
| Daniel                     |           |                               |          |

—61

And the bill:

H. 1003. To levy additional county privilege license and excise taxes for public school purposes in Franklin County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of

the Act; prescribing penalties; and providing that this Act supersedes Act No. 216, H. 397, approved August 8, 1955 (Acts 1955, vol. I, pp. 523-525).

Was taken up.

Mr. Oden offered the following amendment to the bill, H. 1003:

Amend H. B. 1003 as follows:

In paragraph 1 of Section 2, add the following new provision at the end thereof:

Provided, that neither the State of Alabama nor the Alabama Alcoholic Beverage Control Board shall be subject to said tax.

And the amendment was adopted.

Yeas 64; Nays 0.

**Yeas:**

|                            |           |                               |          |
|----------------------------|-----------|-------------------------------|----------|
| Mr. Speaker                | Cook      | Harvey                        | Nichols  |
| Adams <sup>(Houston)</sup> | Daniel    | Hawkins                       | Oden     |
| Albea                      | Edwards   | Hocklander                    | Perry    |
| Ashworth                   | Faulk     | Jenkins                       | Pierce   |
| Avery                      | Franklin  | Johnson <sup>(Hardaway)</sup> | Powell   |
| Bailey                     | Gilchrist | Johnston <sup>(Leonard)</sup> | Pruitt   |
| Barnett                    | Gilmer    | Jones <sup>(Monroe)</sup>     | Rast     |
| Bevill                     | Goodwyn   | Locke                         | Ray      |
| Bishop                     | Gordon    | Long <sup>(Perry)</sup>       | Roberts  |
| Boyd                       | Grant     | McClendon <sup>(Chamb)</sup>  | Self     |
| Branyon                    | Gross     | McCorquodale                  | Sessions |
| Brewer                     | Guthrie   | McLendon <sup>(Bullock)</sup> | Shumate  |
| Broadfoot                  | Hain      | Meade                         | Speaks   |
| Camp                       | Hanby     | Merrill                       | Taylor   |
| Casey                      | Hardy     | Morrow                        | Thomas   |
| Cates                      | Harris    | Nettles                       | Turner   |

—64

And said bill, H. 1003, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

**Yeas:**

|                            |           |                               |                               |
|----------------------------|-----------|-------------------------------|-------------------------------|
| Mr. Speaker                | Camp      | Guthrie                       | McClendon <sup>(Chamb)</sup>  |
| Adams <sup>(Houston)</sup> | Casey     | Hain                          | McCorquodale                  |
| Albea                      | Cates     | Hanby                         | McLendon <sup>(Bullock)</sup> |
| Ashworth                   | Cook      | Hardy                         | Meade                         |
| Avery                      | Daniel    | Harris                        | Merrill                       |
| Bailey                     | Edwards   | Harvey                        | Morrow                        |
| Barnett                    | Faulk     | Hawkins                       | Nettles                       |
| Bevill                     | Franklin  | Hocklander                    | Nichols                       |
| Bishop                     | Gilchrist | Jenkins                       | Oden                          |
| Boyd                       | Gilmer    | Johnson <sup>(Hardaway)</sup> | Perry                         |
| Branyon                    | Goodwyn   | Johnston <sup>(Leonard)</sup> | Pierce                        |
| Brewer                     | Gordon    | Jones <sup>(Monroe)</sup>     | Powell                        |
| Broadfoot                  | Grant     | Locke                         | Pruitt                        |
| Cabiness                   | Gross     | Long <sup>(Perry)</sup>       | Rast                          |

Ray  
Roberts  
Self

Sessions  
Shumate  
Smith<sup>(St. Clair)</sup>

Speaks  
Taylor  
Thomas

Turner  
Turnham

—67

And the bill:

H. 1004. Relating to Franklin County; fixing the compensation of members of the board of revenue, court of county commissioners, or other like governing body of Franklin County, and providing for the manner of payment thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

Mr. Speaker  
Adams<sup>(Houston)</sup>  
Albea  
Ashworth  
Avery  
Bailey  
Barnett  
Bevill  
Bishop  
Boyd  
Branyon  
Brewer  
Broadfoot  
Camp  
Casey  
Cates  
Cook

Daniel  
Edwards  
Faulk  
Franklin  
Gilchrist  
Gilmer  
Goodwyn  
Gordon  
Grant  
Gross  
Guthrie  
Hain  
Hanby  
Hardy  
Harris  
Harvey

Hawkins  
Hocklander  
Jenkins  
Johnson<sup>(Hardaway)</sup>  
Johnston<sup>(Leonard)</sup>  
Jones<sup>(Monroe)</sup>  
Locke  
Long<sup>(Perry)</sup>  
McClendon<sup>(Chamb)</sup>  
McCorquodale  
McLendon<sup>(Bullock)</sup>  
Martin  
Meade  
Merrill  
Morrow  
Nettles

Nichols  
Oden  
Perry  
Pierce  
Powell  
Pruitt  
Ray  
Roberts  
Self  
Sessions  
Shumate  
Smith<sup>(St. Clair)</sup>  
Speaks  
Taylor  
Thomas  
Turner

—65

And the bill:

H. 1005. To amend further Section 1 of Act No. 201, approved July 13, 1951, entitled "An Act relating to Franklin County; authorizing the sheriff to appoint a deputy sheriff in addition to the deputies heretofore provided by law, fixing his compensation, and providing that the same shall be paid by the county", in relation to the amount of such deputy's compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

Mr. Speaker  
Adams<sup>(Houston)</sup>  
Albea  
Ashworth  
Avery  
Bailey  
Bevill  
Bishop  
Boyd  
Branyon

Brewer  
Broadfoot  
Camp  
Casey  
Cook  
Daniel  
Edwards  
Faulk  
Franklin  
Gilchrist

Gilmer  
Goodwyn  
Gordon  
Grant  
Gross  
Guthrie  
Hain  
Hanby  
Hardy  
Harris

Harvey  
Hawkins  
Hearn  
Hocklander  
Jenkins  
Johnson<sup>(Hardaway)</sup>  
Johnston<sup>(Leonard)</sup>  
Jones<sup>(Monroe)</sup>  
Locke  
Long<sup>(Lauderdale)</sup>

|                               |         |          |                              |
|-------------------------------|---------|----------|------------------------------|
| Long <sup>(Perry)</sup>       | Merrill | Powell   | Shumate                      |
| McClendon <sup>(Chamb)</sup>  | Nettles | Pruitt   | Smith <sup>(St. Clair)</sup> |
| McCorquodale                  | Nichols | Ray      | Speaks                       |
| McLendon <sup>(Bullock)</sup> | Oden    | Roberts  | Thomas                       |
| Martin                        | Perry   | Self     | Turner                       |
| Meade                         | Pierce  | Sessions | Turnham                      |

—64

And the bill:

H. 1011. To amend Section 2 as amended of an act in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and provide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund including the salary of the deputy by this Act payable out of such fund to the general fund of the county, and to fix the amount of such deputy sheriff's salary payable from such fund and the time and manner of the payment thereof, and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of office of the sheriff appointing such deputy, approved May 28, 1931, reported, Local Acts Alabama 1931, pages 83-84.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

**Yeas:**

|                            |            |                                |                              |
|----------------------------|------------|--------------------------------|------------------------------|
| Mr. Speaker                | Edwards    | Jenkins                        | Oden                         |
| Adams <sup>(Houston)</sup> | Faulk      | Johnson <sup>(Hardaway)</sup>  | Perry                        |
| Albea                      | Franklin   | Johnson <sup>(J. T. Tom)</sup> | Pierce                       |
| Ashworth                   | Gilchrist  | Johnston <sup>(Leonard)</sup>  | Powell                       |
| Avery                      | Gilmer     | Jones <sup>(Monroe)</sup>      | Pruitt                       |
| Bailey                     | Goodwyn    | Locke                          | Rast                         |
| Barnett                    | Gordon     | Long <sup>(Perry)</sup>        | Ray                          |
| Bevill                     | Grant      | McClendon <sup>(Chamb)</sup>   | Roberts                      |
| Bishop                     | Gross      | McCorquodale                   | Self                         |
| Boyd                       | Guthrie    | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Branyon                    | Hain       | Martin                         | Shumate                      |
| Brewer                     | Hanby      | Meade                          | Smith <sup>(St. Clair)</sup> |
| Camp                       | Hardy      | Merrill                        | Speaks                       |
| Casey                      | Harris     | Morrow                         | Thomas                       |
| Cates                      | Harvey     | Nettles                        | Turner                       |
| Cook                       | Hearn      | Nichols                        | Turnham                      |
| Daniel                     | Hocklander |                                |                              |

—66

And the bill:

H. 1012. To provide for the recording of conveyances in Barbour County, and to repeal Sections 2, 3, 4 and 5 of Act No. 270, approved February 12, 1879, Acts of Alabama 1878-79, pages 295 and 296.

Was taken up.

Mr. Thomas offered the following amendment to the bill, H. 1012:

Amend Section 2 of the bill, H. B. 1012, as follows:

Strike out the words and figures "For the purposes of this Act, Barbour County shall be composed of two divisions, separated by a line beginning on the South boundary of said county on the Range line between Range 27 and Range 28, from thence running North along said Range line to the intersection of said Range line with the Township line between Township 11 and Township 12," and insert "For the purposes of this Act, Barbour County shall be composed of two divisions, separated by a line beginning on the south boundary of said county at a point three miles west of the range line between Range 27 and Range 28, from thence running north in a straight line three miles west of and parallel to said range line to the intersection of said parallel line with the township line between Township 11 and Township 12."

And the amendment was adopted.

Yeas 67; Nays 0.

**Yeas:**

|                            |          |                               |                              |
|----------------------------|----------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel   | Hocklander                    | Perry                        |
| Adams <sup>(Houston)</sup> | Edwards  | Jenkins                       | Pierce                       |
| Albea                      | Faulk    | Johnson <sup>(Hardaway)</sup> | Powell                       |
| Ashworth                   | Franklin | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Avery                      | Gilmer   | Jones <sup>(Monroe)</sup>     | Rast                         |
| Bailey                     | Goodwyn  | Locke                         | Ray                          |
| Barnett                    | Gordon   | Long <sup>(Lauderdale)</sup>  | Roberts                      |
| Bevill                     | Grant    | Long <sup>(Perry)</sup>       | Self                         |
| Bishop                     | Gross    | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Boyd                       | Guthrie  | McCorquodale                  | Shumate                      |
| Branyon                    | Hain     | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Hanby    | Meade                         | Speaks                       |
| Broadfoot                  | Hardy    | Merrill                       | Sullivan                     |
| Camp                       | Harris   | Morrow                        | Thomas                       |
| Casey                      | Harvey   | Nettles                       | Turner                       |
| Cates                      | Hawkins  | Nichols                       | Turnham                      |
| Cook                       | Hearn    | Oden                          |                              |

—67

And said bill, H. 1012, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|                            |          |         |         |
|----------------------------|----------|---------|---------|
| Mr. Speaker                | Ashworth | Barnett | Boyd    |
| Adams <sup>(Houston)</sup> | Avery    | Bevill  | Branyon |
| Albea                      | Bailey   | Bishop  | Brewer  |

|           |                               |                               |                              |
|-----------|-------------------------------|-------------------------------|------------------------------|
| Broadfoot | Gross                         | Lee                           | Pierce                       |
| Camp      | Guthrie                       | Locke                         | Powell                       |
| Casey     | Hain                          | Long <sup>(Lauderdale)</sup>  | Pruitt                       |
| Cates     | Hanby                         | McClendon <sup>(Chamb)</sup>  | Rast                         |
| Cook      | Hardy                         | McCorquodale                  | Ray                          |
| Daniel    | Harris                        | McLendon <sup>(Bullock)</sup> | Roberts                      |
| Edwards   | Harvey                        | Martin                        | Self                         |
| Faulk     | Hawkins                       | Meade                         | Sessions                     |
| Franklin  | Hearn                         | Merrill                       | Shumate                      |
| Gilchrist | Hocklander                    | Morrow                        | Smith <sup>(St. Clair)</sup> |
| Gilmer    | Jenkins                       | Nettles                       | Speaks                       |
| Goodwyn   | Johnson <sup>(Hardaway)</sup> | Nichols                       | Thomas                       |
| Gordon    | Johnston <sup>(Leonard)</sup> | Oden                          | Turner                       |
| Grant     | Jones <sup>(Monroe)</sup>     | Perry                         | Turnham                      |

—68

And the bill:

H. 1013. To amend further Section 5 of Act No. 32, H. 162, approved June 27, 1947 (Local Acts of Alabama, 1947, p. 25), entitled "An Act To establish a Law and Equity Court for Colbert County, Alabama; to define its jurisdiction and powers; to provide for its officers, their appointment, election, terms of office, powers, duties and compensations; to provide that said court shall be open at all times for the trial of causes and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court, and the Juvenile Court; and to give the said court juvenile and domestic jurisdiction; and to abolish the County Court of Colbert County, Alabama," by providing further for the compensation of the judge of the Colbert Law and Equity Court.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Faulk       | Hocklander                    | Oden                         |
| Adams <sup>(Houston)</sup> | Franklin    | Jenkins                       | Perry                        |
| Albea                      | Gilchrist   | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Ashworth                   | Gilmer      | Johnston <sup>(Leonard)</sup> | Powell                       |
| Bailey                     | Goldthwaite | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Barnett                    | Goodwyn     | Locke                         | Rast                         |
| Bevill                     | Gordon      | Long <sup>(Perry)</sup>       | Ray                          |
| Bishop                     | Grant       | McClendon <sup>(Chamb)</sup>  | Roberts                      |
| Boyd                       | Gross       | McCorquodale                  | Self                         |
| Branyon                    | Guthrie     | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Brewer                     | Hain        | Martin                        | Shumate                      |
| Broadfoot                  | Hanby       | Meade                         | Smith <sup>(St. Clair)</sup> |
| Camp                       | Hardy       | Merrill                       | Speaks                       |
| Casey                      | Harris      | Morrow                        | Thomas                       |
| Cates                      | Harvey      | Nettles                       | Turner                       |
| Cook                       | Hawkins     | Nichols                       | Turnham                      |
| Edwards                    | Hearn       |                               |                              |

—66

And the bill:

H. 1014. To regulate further payment of compensation to deputy sheriffs by Lamar County; authorizing the court of county commis-

sioners, board of revenue, or other like governing body of the county to pay the compensation of deputy sheriffs from the county public highway and traffic fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Mr. Speaker     | Daniel    | Hearn              | Nichols           |
| Adams (Houston) | Edwards   | Hocklander         | Oden              |
| Albea           | Faulk     | Jenkins            | Perry             |
| Ashworth        | Franklin  | Johnson (Hardaway) | Pierce            |
| Avery           | Gilchrist | Johnston (Leonard) | Powell            |
| Bailey          | Gilmer    | Jones (Monroe)     | Pruitt            |
| Barnett         | Goodwyn   | Locke              | Rast              |
| Bevill          | Gordon    | Long (Lauderdale)  | Ray               |
| Bishop          | Grant     | Long (Perry)       | Roberts           |
| Boyd            | Gross     | McClendon (Chamb)  | Self              |
| Branyon         | Guthrie   | McCorquodale       | Sessions          |
| Brewer          | Hain      | McLendon (Bullock) | Shumate           |
| Broadfoot       | Hanby     | Martin             | Smith (St. Clair) |
| Camp            | Hardy     | Meade              | Speaks            |
| Casey           | Harris    | Merrill            | Thomas            |
| Cates           | Harvey    | Morrow             | Turner            |
| Cook            | Hawkins   | Nettles            | Turnham           |

—68

**And the bill:**

H. 1015. Directing the court of county commissioners, board of revenue, or like governing body of Marion County to provide for the installation and use of voting machines in that county:

Was taken up.

Mr. Self offered the following substitute for the bill, H. 1015:

**A BILL  
TO BE ENTITLED  
AN ACT**

Directing the court of county commissioners, board of revenue, or like governing body of Marion County to provide for the installation and use of voting machines in that county:

Be It Enacted by the Legislature of Alabama:

Section 1. After this act takes effect the court of county commissioners, board of revenue, or like governing body of Marion County shall provide for the installation and use of voting machines within the county. Such governing body may adjust the boundaries of the election precincts or election districts within the county in order to make the most effective and practical use of voting machines. Upon the installation of voting machines in any election precinct, the machines must be for registering or recording and computing the vote at all general, special, or primary elections thereafter held in such precinct.

Section 2. The provisions of this act shall only become effective if the act is approved by a majority of the qualified electors of Marion



County voting in a referendum election to be held for that purpose. The referendum election shall be held on the same day as the first county-wide primary, general, or special election that is held at least sixty days after the date of this enactment. The governing body of Marion County shall order and provide for holding the referendum election on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. \_\_\_\_\_, approved \_\_\_\_\_, 1959, which provides for the installation and use of voting machines in Marion County be approved? Yes ( ) No ( )." If a majority of the votes cast at the election are "Yes" the provisions of this act shall become effective immediately. If a majority of the votes cast at the election are "no" the act shall have no further effect.

And the substitute was adopted.

Yeas 69; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel    | Hearn                         | Nichols                      |
| Adams <sup>(Houston)</sup> | Edwards   | Hocklander                    | Oden                         |
| Albea                      | Faulk     | Jenkins                       | Perry                        |
| Ashworth                   | Franklin  | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Avery                      | Gilchrist | Johnston <sup>(Leonard)</sup> | Powell                       |
| Bailey                     | Gilmer    | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Barnett                    | Goodwyn   | Locke                         | Rast                         |
| Bevill                     | Gordon    | Long <sup>(Lauderdale)</sup>  | Ray                          |
| Bishop                     | Grant     | Long <sup>(Perry)</sup>       | Roberts                      |
| Boyd                       | Gross     | McClendon <sup>(Chamb)</sup>  | Self                         |
| Branyon                    | Guthrie   | McCorquodale                  | Sessions                     |
| Brewer                     | Hain      | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Broadfoot                  | Hanby     | Martin                        | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Hardy     | Meade                         | Speaks                       |
| Camp                       | Harris    | Merrill                       | Thomas                       |
| Casey                      | Harvey    | Morrow                        | Turner                       |
| Cates                      | Hawkins   | Nettles                       | Turnham                      |
| Cook                       |           |                               |                              |

—69

And said bill, H. 1015, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

**Yeas:**

|                            |           |                                |                               |
|----------------------------|-----------|--------------------------------|-------------------------------|
| Mr. Speaker                | Camp      | Guthrie                        | Locke                         |
| Adams <sup>(Houston)</sup> | Casey     | Hain                           | Long <sup>(Lauderdale)</sup>  |
| Albea                      | Cates     | Hanby                          | Long <sup>(Perry)</sup>       |
| Ashworth                   | Cook      | Hardy                          | McClendon <sup>(Chamb)</sup>  |
| Avery                      | Daniel    | Harris                         | McCorquodale                  |
| Bailey                     | Edwards   | Harvey                         | McLendon <sup>(Bullock)</sup> |
| Barnett                    | Faulk     | Hawkins                        | Martin                        |
| Bevill                     | Franklin  | Hearn                          | Meade                         |
| Bishop                     | Gilchrist | Hocklander                     | Merrill                       |
| Boyd                       | Gilmer    | Jenkins                        | Morrow                        |
| Branyon                    | Goodwyn   | Johnson <sup>(Hardaway)</sup>  | Nettles                       |
| Brewer                     | Gordon    | Johnson <sup>(J. T. Tom)</sup> | Nichols                       |
| Broadfoot                  | Grant     | Johnston <sup>(Leonard)</sup>  | Oden                          |
| Cabiness                   | Gross     | Jones <sup>(Monroe)</sup>      | Perry                         |

Pierce  
Powell  
Pruitt  
Rast

Ray  
Roberts  
Self  
Sessions

Shumate  
Smith<sup>(St. Clair)</sup>  
Speaks

Thomas  
Turner  
Turnham

—70

And the bill:

H. 1016 (with substitute): To amend Act No. 31, H. 256, approved June 17, 1957 (Acts of Alabama 1957, p. 77), entitled "An Act relating to the construction, maintenance and repair of the county roads and bridges of DeKalb County; providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department, and relieving the county and officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials to the State Highway Department of certain funds, including DeKalb County's proportionate share of the state gasoline tax, the county one-cent tax on gasoline, state motor vehicle license taxes allocated to the county, and also for the transfer of supplies, equipment, machinery and materials used in the construction, maintenance and repair of county roads and bridges; and repealing conflicting laws."

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act No. 31, H. 256, approved June 17, 1957 (Acts of Alabama 1957, p. 77), entitled "An Act relating to the construction, maintenance and repair of the county roads and bridges of DeKalb County; providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department, and relieving the county and officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials to the State Highway Department of certain funds, including DeKalb County's proportionate share of the state gasoline tax, the county one-cent tax on gasoline, state motor vehicle license taxes allocated to the county, and also for the transfer of supplies, equipment, machinery and materials used in the construction, maintenance and repair of county roads and bridges; and repealing conflicting laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 31, H. 256, approved June 17, 1957 (Acts of Alabama 1957, p. 77) entitled "An Act relating to the construction, maintenance and repair of the county roads and bridges of DeKalb County; providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department, and relieving the county and its officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials to the State Highway Department of certain funds, including DeKalb County's proportionate share of the state gasoline tax, the county one-cent tax on gasoline, state motor vehicle license taxes allocated to the county, and also for the transfer of supplies, equipment, machinery and materials used in the construction, maintenance and repair of county roads and bridges; and repealing conflicting laws," is amended to read as follows:

"Section 5. Personnel shall be employed by the State Highway Department in the administration of this Act subject to the following conditions:

"(a) The appointing authority for all persons employed in DeKalb County in the administration of this Act shall be vested in the State Highway Director.

"(b) All persons employed by the Department in the administration of this Act on January 1, 1958 shall be brought under and covered by the State Merit System Law without examination and on a permanent status, subject to the provisions of this Act.

"(c) The engineering personnel employed by DeKalb County on June 17, 1957, shall be covered by the State Merit System Law, without examination and on a permanent status.

"(d) The State Highway Department, in its discretion, may employ or continue to employ personnel in the administration of this Act without regard to the provisions of the State Merit System Law until January 1, 1962, except as provided in subsections (b) and (c) herein. It is provided, however, that all persons employed by the State Highway Department on January 1, 1962, in the administration of this Act shall be brought under and covered by the State Merit System Law without examination and on a permanent status.

"(e) In certifying personnel to be appointed in the classified service of DeKalb County under the provisions of this Act, the State Personnel Board shall select from its eligibility rosters persons residing in DeKalb County, if such are available."

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 0.

#### Yeas:

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel    | Hearn                         | Oden                         |
| Adams <sup>(Houston)</sup> | Edwards   | Hocklander                    | Perry                        |
| Albea                      | Faulk     | Jenkins                       | Pierce                       |
| Ashworth                   | Franklin  | Johnson <sup>(Hardaway)</sup> | Powell                       |
| Avery                      | Gilchrist | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Bailey                     | Gilmer    | Jones <sup>(Monroe)</sup>     | Rast                         |
| Barnett                    | Goodwyn   | Locke                         | Ray                          |
| Bevill                     | Gordon    | Long <sup>(Lauderdale)</sup>  | Roberts                      |
| Bishop                     | Grant     | Long <sup>(Perry)</sup>       | Self                         |
| Boyd                       | Gross     | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Branyon                    | Guthrie   | McCorquodale                  | Shumate                      |
| Brewer                     | Hain      | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hanby     | Meade                         | Speaks                       |
| Camp                       | Hardy     | Merrill                       | Thomas                       |
| Casey                      | Harris    | Morrow                        | Turner                       |
| Cates                      | Harvey    | Nettles                       | Turnham                      |
| Cook                       | Hawkins   | Nichols                       |                              |

—67

And said bill, H. 1016, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

|                            |          |                               |                              |
|----------------------------|----------|-------------------------------|------------------------------|
| Mr. Speaker                | Cook     | Hawkins                       | Oden                         |
| Adams <sup>(Houston)</sup> | Daniel   | Hocklander                    | Perry                        |
| Albea                      | Edwards  | Jenkins                       | Pierce                       |
| Ashworth                   | Faulk    | Johnson <sup>(Hardaway)</sup> | Powell                       |
| Avery                      | Franklin | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Bailey                     | Gilmer   | Jones <sup>(Monroe)</sup>     | Rast                         |
| Barnett                    | Goodwyn  | Locke                         | Ray                          |
| Bevill                     | Gordon   | Long <sup>(Lauderdale)</sup>  | Roberts                      |
| Bishop                     | Grant    | McClendon <sup>(Chamb)</sup>  | Self                         |
| Boyd                       | Gross    | McCorquodale                  | Sessions                     |
| Branyon                    | Guthrie  | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Brewer                     | Hain     | Meade                         | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hanby    | Merrill                       | Speaks                       |
| Cabiness                   | Hardy    | Morrow                        | Thomas                       |
| Callahan                   | Harris   | Nettles                       | Turner                       |
| Casey                      | Harvey   | Nichols                       | Turnham                      |
| Cates                      |          |                               |                              |

—65

And the bill:

H. 1026. To further regulate the office of Circuit Solicitor of the 20th Judicial Circuit of Alabama; creating special funds for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in each county of said Circuit and to provide for supplies, books, fixtures and facilities for use by or in the Office of Circuit Judge, Circuit Solicitor or in the Courtroom of each county in said Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

**Yeas:**

|                            |          |                               |                              |
|----------------------------|----------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel   | Hocklander                    | Perry                        |
| Adams <sup>(Houston)</sup> | Edwards  | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Albea                      | Franklin | Johnston <sup>(Leonard)</sup> | Powell                       |
| Ashworth                   | Gilmer   | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Bailey                     | Goodwyn  | Locke                         | Rast                         |
| Barnett                    | Gordon   | Long <sup>(Perry)</sup>       | Ray                          |
| Bevill                     | Grant    | McClendon <sup>(Chamb)</sup>  | Roberts                      |
| Bishop                     | Gross    | McCorquodale                  | Self                         |
| Boyd                       | Guthrie  | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Branyon                    | Hain     | Meade                         | Shumate                      |
| Brewer                     | Hanby    | Merrill                       | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hardy    | Morrow                        | Speaks                       |
| Cabiness                   | Harris   | Nettles                       | Thomas                       |
| Casey                      | Harvey   | Nichols                       | Turner                       |
| Cates                      | Hawkins  | Oden                          | Turnham                      |
| Cook                       | Hearn    |                               |                              |

—62

And the bill:

H. 1027. To amend further Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the sheriff of Limestone County and providing for the appointment of deputies and assistants, in relation to the number of deputies and jailers to be appointed by the sheriff.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

**Yeas:**

|                            |          |                               |                              |
|----------------------------|----------|-------------------------------|------------------------------|
| Mr. Speaker                | Cook     | Hocklander                    | Nichols                      |
| Adams <sup>(Houston)</sup> | Daniel   | Johnson <sup>(Hardaway)</sup> | Oden                         |
| Albea                      | Edwards  | Johnston <sup>(Leonard)</sup> | Perry                        |
| Ashworth                   | Franklin | Jones <sup>(Monroe)</sup>     | Pierce                       |
| Avery                      | Gilmer   | Locke                         | Powell                       |
| Bailey                     | Goodwyn  | Long <sup>(Lauderdale)</sup>  | Pruitt                       |
| Barnett                    | Gordon   | Long <sup>(Perry)</sup>       | Rast                         |
| Bevill                     | Grant    | McClendon <sup>(Chamb)</sup>  | Ray                          |
| Bishop                     | Gross    | McCorquodale                  | Sessions                     |
| Boyd                       | Guthrie  | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Branyon                    | Hain     | Martin                        | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Hanby    | Meade                         | Speaks                       |
| Broadfoot                  | Harris   | Merrill                       | Thomas                       |
| Cabiness                   | Harvey   | Morrow                        | Turner                       |
| Casey                      | Hawkins  | Nettles                       | Turnham                      |
| Cates                      |          |                               |                              |

—61

And the bill:

H. 1028. To amend Section 1 of Act No. 10, S. 3, approved July 19, 1950 (Acts 1950-1951, Vol. I, p. 27), an act relating to the compensation and duties of the superintendent of education of Limestone County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel    | Hearn                         | Nichols                      |
| Adams <sup>(Houston)</sup> | Edwards   | Hocklander                    | Oden                         |
| Albea                      | Faulk     | Jenkins                       | Perry                        |
| Ashworth                   | Franklin  | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Avery                      | Gilchrist | Johnston <sup>(Leonard)</sup> | Powell                       |
| Bailey                     | Gilmer    | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Barnett                    | Goodwyn   | Locke                         | Rast                         |
| Bevill                     | Gordon    | Long <sup>(Perry)</sup>       | Ray                          |
| Bishop                     | Grant     | McClendon <sup>(Chamb)</sup>  | Roberts                      |
| Boyd                       | Gross     | McCorquodale                  | Sessions                     |
| Branyon                    | Guthrie   | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Brewer                     | Hain      | Martin                        | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hanby     | Meade                         | Speaks                       |
| Cabiness                   | Harris    | Merrill                       | Thomas                       |
| Casey                      | Harvey    | Morrow                        | Turner                       |
| Cates                      | Hawkins   | Nettles                       | Turnham                      |
| Cook                       |           |                               |                              |

—65

And the bill:

H. 1029. To amend further Section 3 of Act No. 199, H. 603, approved July 24, 1947 Local Acts 1947, p. 113), an act to create and establish in Limestone County a court known as "The Limestone County Court", in relation to the compensation of the judge of the court.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Edwards     | Hearn                         | Nichols                      |
| Adams <sup>(Houston)</sup> | Faulk       | Hocklander                    | Oden                         |
| Albea                      | Franklin    | Jenkins                       | Perry                        |
| Ashworth                   | Gilchrist   | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Avery                      | Gilmer      | Johnston <sup>(Leonard)</sup> | Powell                       |
| Bailey                     | Goldthwaite | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Barnett                    | Goodwyn     | Locke                         | Rast                         |
| Bevill                     | Gordon      | Long <sup>(Perry)</sup>       | Ray                          |
| Bishop                     | Grant       | McClendon <sup>(Chamb)</sup>  | Roberts                      |
| Boyd                       | Gross       | McCorquodale                  | Sessions                     |
| Branyon                    | Guthrie     | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Brewer                     | Hain        | Martin                        | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hanby       | Meade                         | Speaks                       |
| Cabiness                   | Hardy       | Merrill                       | Thomas                       |
| Casey                      | Harris      | Morrow                        | Turner                       |
| Cates                      | Harvey      | Nettles                       | Turnham                      |
| Cook                       | Hawkins     |                               |                              |

—66

**And the bill:**

H. 1030. To levy in Madison County a county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption in such county of cigarettes; to require that the tax hereby levied shall be collected by the seller or distributor, added to the sale price of the cigarettes, and passed on to the purchaser or consumer, and that the price and the tax shall be stated separately on any bill of sale or advertising of such cigarettes; to provide that the tax shall be in addition to all other taxes now levied by law except license or privilege taxes levied on the sale of cigarettes by the municipalities in such county, which are hereby repealed; to require the affixing of stamps to the packages of cigarettes to evidence the payment of the tax, and to provide for obtaining the stamps in the same manner and according to the same rules and regulations that govern the purchasing and affixing of stamps for the payment of the state tobacco tax levied by Title 51, Chapter 20, Article 9, of the Code of Alabama, 1940; to provide for the collection and enforcement of the tax by the state department of revenue in the same manner that the state tobacco tax levied by the above mentioned Article 9 is enforced; to adopt by reference certain provisions of said Article 9, as amended, relative to payment of the tax, records and reports with respect to the tax, and the provisions thereof prescribing penalties for violations; to provide for the distribution and use of the revenue derived from the tax; to authorize the state department of revenue to make rules and regulations to effectuate the purposes of this Act; and to prescribe additional penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

**Yeas:**

|                            |          |         |         |
|----------------------------|----------|---------|---------|
| Mr. Speaker                | Ashworth | Barnett | Boyd    |
| Adams <sup>(Houston)</sup> | Avery    | Bevill  | Branyon |
| Albea                      | Bailey   | Bishop  | Brewer  |

|           |                    |                    |                   |
|-----------|--------------------|--------------------|-------------------|
| Broadfoot | Guthrie            | Long (Perry)       | Powell            |
| Cabiness  | Hain               | McClendon (Chamb)  | Pruitt            |
| Casey     | Hanby              | McCorquodale       | Rast              |
| Cates     | Harris             | McLendon (Bullock) | Ray               |
| Cook      | Harvey             | Meade              | Roberts           |
| Daniel    | Hawkins            | Merrill            | Sessions          |
| Edwards   | Hearn              | Morrow             | Shumate           |
| Franklin  | Hocklander         | Nettles            | Smith (St. Clair) |
| Gilchrist | Johnson (Hardaway) | Nichols            | Speaks            |
| Gilmer    | Johnston (Leonard) | Oden               | Thomas            |
| Goodwyn   | Jones (Monroe)     | Perry              | Turner            |
| Gordon    | Locke              | Pierce             | Turnham           |
| Gross     |                    |                    |                   |

—61

And the bill:

H. 1031. Providing further for the election and organization of the council in all cities having a population of not less than 14,000 nor more than 19,000, according to the last or any subsequent federal decennial census, and operating under the mayor-council form of government; providing for the election of councilmen by place and number; and prescribing additional qualifications for candidates seeking election to such council.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

**Yeas:**

|                 |             |                    |                   |
|-----------------|-------------|--------------------|-------------------|
| Mr. Speaker     | Edwards     | Hocklander         | Nichols           |
| Adams (Houston) | Faulk       | Jenkins            | Oden              |
| Albea           | Franklin    | Johnson (Hardaway) | Perry             |
| Ashworth        | Gilchrist   | Johnston (Leonard) | Pierce            |
| Avery           | Gilmer      | Jones (Covington)  | Powell            |
| Bailey          | Goldthwaite | Jones (Monroe)     | Pruitt            |
| Barnett         | Goodwyn     | Locke              | Rast              |
| Bevill          | Gordon      | Long (Lauderdale)  | Ray               |
| Bishop          | Grant       | Long (Perry)       | Roberts           |
| Boyd            | Gross       | McClendon (Chamb)  | Self              |
| Branyon         | Guthrie     | McCorquodale       | Sessions          |
| Brewer          | Hain        | McLendon (Bullock) | Shumate           |
| Broadfoot       | Hanby       | Martin             | Smith (St. Clair) |
| Cabiness        | Harris      | Meade              | Speaks            |
| Casey           | Harvey      | Merrill            | Thomas            |
| Cates           | Hawkins     | Morrow             | Turner            |
| Cook            | Hearn       | Nettles            | Turnham           |
| Daniel          |             |                    |                   |

—69

And the bill:

H. 1033. Relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

Was taken up.

Mr. Roberts offered the following substitute for the bill, H. 1033:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Madison County may require the photographing or microphotographing, on plate or film of any record, document, plat, court file, book, map, paper, or writing made, acquired, or received as required by law by any official of Madison County except those records that the board of registrars is required by law to make and keep, which may be photographed or microfilmed only if this procedure is approved unanimously by the board of registrars. Such photographs, microfilms, or prints made therefrom, when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record, or of a record made by any other legally authorized means, and may be offered in like manner and shall be received in evidence in any court where such original record, or record made by other legally authorized means, could have been so introduced and received. In like manner, reproductions made from such records by photographic or like process, when otherwise in compliance with applicable statutes, rules and regulations, shall be received and treated in any court of this State as fully as would a transcription or reproduction of such records made by any other means or process.

Section 2. The court or board is authorized to charge to any office, court, board, institution, department or agency of the county the cost of photographing or microphotographing of public records belonging to that office, court, board, institution, department, or agency, by the charging of the cost of such work to that office, court, board, institution, department or agency's appropriation from the county budget.

Section 3. The court or board may from time to time appropriate amounts out of the general fund of the county sufficient to pay the cost of photographing or microphotographing the public records belonging to the county, and may from time to time appropriate amounts sufficient to purchase necessary photographic or microphotographic equipment, materials and supplies therefor.

Section 4. There is hereby created a county records commission consisting of twelve members as follows: The director, or deputy director if designated by the director, of the State Department of Ar-



chives and History; the senior presiding judge of the circuit court of Madison County; the judge of the probate court of Madison County, or if so designated his chief deputy; the register in chancery of the circuit court of Madison County; the clerk of the circuit court of Madison County; the clerk auditor of the Madison County Board of Commissioners; the tax assessor of Madison County; the president of Madison County Historical Society; the head of the department of history or senior professor of history of the University of Alabama, Huntsville Center; the president of the Twickenham Town Chapter of the Daughters of the American Revolution; the president of the Madison County Bar Association; and a deputy examiner, designated by the director, of the State Department of Examiners of Public Accounts. The commission shall meet annually at the Madison County Courthouse on the first day in February of each year at 10:00 A.M. and the commission shall meet thereafter as often as they shall determine.

Section 5. The county records commission shall be charged with the responsibility of determining which county records shall be permanently preserved because of their historical value, and which records may be destroyed or otherwise disposed of after they have been microfilmed, provided, however, that no record of the probate office or circuit court shall be destroyed unless otherwise permitted by law. The commission shall classify the different types of records accordingly. No county official shall cause any county records to be destroyed or otherwise disposed of without first obtaining the approval of the county records commission. Before destroying any records, the disposal of which by a county official has been approved by the commission, such records must be offered to the Huntsville Public Library, State Department of Archives and History, the local Historical Association, and the Huntsville Burritt Museum in such order as the records commission may determine. The Madison County Board of Commissioners is required to expend the county general funds found to be necessary to build, lease or remodel a suitable building to retain old records. Said building must conform to standards for this type of building as recommended by the United States Bureau of Standards.

Section 6. No county official or employee shall destroy, dispose of, or cause to be destroyed or disposed of, any public record that has been microfilmed under the provisions of this Act until the records custodian has certified that the microfilm copy has been processed and checked for clarity.

Section 7. The county records commission is hereby empowered to conduct surveys of public records in carrying out the provisions of this Act. The commission shall from time to time issue regulations classifying all public records, and prescribe the period for which records of each class shall be retained, either permanently or for a specified number of years. Such regulations may from time to time be amended or repealed. Prior to issuing such regulations, the commission shall consider:

- (1) Actions at law and administrative proceedings in which the production of public records might be necessary or desirable;
- (2) State and federal statutes of limitation applicable to such actions or proceedings;
- (3) The availability of information contained in public records from other sources;

(4) The actual or potential historical value of certain public records;

(5) The frequency of usage of such records;

(6) Such other matters as the commission shall deem pertinent in order that public records be retained for as short a period as is commensurate with the interests of the public.

Section 8. The board of county commissioners is hereby authorized to establish a central reproduction department for Madison County and to employ a records custodian who shall be chosen by the chairman of the county board of commissioners, the probate judge and the register in chancery, which custodian shall have charge of all reproduction work including microphotographing and who shall have custody of all records placed for storage outside the Madison County Courthouse. The records custodian is hereby charged with the responsibility of aiding the public officers in maintaining and preserving the records in the custody of said public officials. Madison County is authorized to expend from its general fund all monies necessary for supplies and equipment with which to operate said department including salaries for the personnel.

The board of county commissioners shall also enter into such contracts as are necessary in order to provide for the storage and safekeeping of a copy of each photograph or microphotograph made of any county records at some place outside the boundaries of Madison County.

Section 9. A fee of twenty-five cents will be charged in addition to all filing and recording fees now charged for each instrument, document, plat, court file, map, paper or writing photographed or microphotographed and each official receiving instruments to be photographed or microphotographed will collect the fee and deposit same by the tenth of each month to the credit of the county general fund.

Section 10. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 61; Nays 0.

#### Yeas:

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Mr. Speaker     | Edwards   | Hearn              | Oden              |
| Adams (Houston) | Faulk     | Hocklander         | Perry             |
| Albea           | Franklin  | Johnson (Hardaway) | Pierce            |
| Ashworth        | Gilchrist | Johnston (Leonard) | Powell            |
| Avery           | Gilmer    | Jones (Monroe)     | Pruitt            |
| Bailey          | Goodwyn   | Locke              | Rast              |
| Barnett         | Gordon    | Long (Perry)       | Ray               |
| Bevill          | Grant     | McClendon (Chamb)  | Self              |
| Boyd            | Gross     | McCorquodale       | Sessions          |
| Branyon         | Guthrie   | McLendon (Bullock) | Shumate           |
| Brewer          | Hain      | Meade              | Smith (St. Clair) |
| Broadfoot       | Hanby     | Merrill            | Speaks            |
| Casey           | Harris    | Morrow             | Thomas            |
| Cates           | Harvey    | Nettles            | Turner            |
| Cook            | Hawkins   | Nichols            | Turnham           |
| Daniel          |           |                    |                   |

And said bill, H. 1033, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker:               | Edwards   | Hocklander                    | Oden                         |
| Adams <sup>(Houston)</sup> | Faulk     | Jenkins                       | Perry                        |
| Albea                      | Franklin  | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Ashworth                   | Gilchrist | Johnston <sup>(Leonard)</sup> | Powell                       |
| Avery                      | Gilmer    | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Bailey                     | Goodwyn   | Locke                         | Rast                         |
| Barnett                    | Gordon    | Long <sup>(Perry)</sup>       | Ray                          |
| Bevill                     | Grant     | McClendon <sup>(Chamb)</sup>  | Roberts                      |
| Boyd                       | Gross     | McCorquodale                  | Self                         |
| Branyon                    | Guthrie   | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Brewer                     | Hain      | Martin                        | Shumate                      |
| Broadfoot                  | Hanby     | Meade                         | Smith <sup>(St. Clair)</sup> |
| Casey                      | Harris    | Merrill                       | Speaks                       |
| Cates                      | Harvey    | Morrow                        | Thomas                       |
| Cook                       | Hawkins   | Nettles                       | Turner                       |
| Daniel                     | Hearn     | Nichols                       | Turnham                      |

—64

And the bill:

H. 1034. To provide for reimbursement of expenses incurred by members of the Board of County Commissioners of Madison County in the performance of their duties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker:               | Edwards   | Hocklander                    | Oden                         |
| Adams <sup>(Houston)</sup> | Faulk     | Jenkins                       | Perry                        |
| Albea                      | Franklin  | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Ashworth                   | Gilchrist | Johnston <sup>(Leonard)</sup> | Powell                       |
| Bailey                     | Gilmer    | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Barnett                    | Goodwyn   | Locke                         | Rast                         |
| Bevill                     | Gordon    | Long <sup>(Perry)</sup>       | Ray                          |
| Bishop                     | Grant     | McClendon <sup>(Chamb)</sup>  | Self                         |
| Boyd                       | Gross     | McCorquodale                  | Sessions                     |
| Branyon                    | Guthrie   | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Brewer                     | Hain      | Martin                        | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hanby     | Meade                         | Speaks                       |
| Cabiness                   | Harris    | Merrill                       | Thomas                       |
| Casey                      | Harvey    | Morrow                        | Torbert                      |
| Cates                      | Hawkins   | Nettles                       | Turnham                      |
| Cook                       | Hearn     | Nichols                       | Turner                       |
| Daniel                     |           |                               |                              |

—65

And the bill:

H. 1036. To supplement the state salary payable to circuit judges by payments from the county treasury in all judicial circuits composed of only one county which has a population of not less than 65,000 nor

more than 75,000, according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker:               | Edwards   | Hocklander                    | Oden                         |
| Adams <sup>(Houston)</sup> | Faulk     | Jenkins                       | Perry                        |
| Albea                      | Franklin  | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Ashworth                   | Gilchrist | Johnston <sup>(Leonard)</sup> | Powell                       |
| Avery                      | Gilmer    | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Bailey                     | Goodwyn   | Locke                         | Rast                         |
| Barnett                    | Gordon    | Long <sup>(Perry)</sup>       | Ray                          |
| Bevill                     | Grant     | McClendon <sup>(Chamb)</sup>  | Self                         |
| Boyd                       | Gross     | McCorquodale                  | Sessions                     |
| Branyon                    | Guthrie   | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Brewer                     | Hain      | Martin                        | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hanby     | Meade                         | Speaks                       |
| Cabiness                   | Harris    | Merrill                       | Thomas                       |
| Casey                      | Harvey    | Morrow                        | Torbert                      |
| Cates                      | Hawkins   | Nettles                       | Turner                       |
| Cook                       | Hearn     | Nichols                       | Turnham                      |
| Daniel                     |           |                               |                              |

—65

And the bill:

H. 1037. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 28, T16N, R18E, Montgomery County, Alabama, and Section 21, T16N, R18E, Montgomery County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Daniel      | Hawkins                       | Nichols                      |
| Adams <sup>(Houston)</sup> | Edwards     | Hearn                         | Oden                         |
| Albea                      | Faulk       | Hocklander                    | Perry                        |
| Ashworth                   | Franklin    | Jenkins                       | Pierce                       |
| Avery                      | Gilchrist   | Johnson <sup>(Hardaway)</sup> | Powell                       |
| Bailey                     | Gilmer      | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Barnett                    | Goldthwaite | Jones <sup>(Monroe)</sup>     | Rast                         |
| Bevill                     | Goodwyn     | Locke                         | Ray                          |
| Bishop                     | Gordon      | Long <sup>(Perry)</sup>       | Self                         |
| Boyd                       | Grant       | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Branyon                    | Gross       | McCorquodale                  | Shumate                      |
| Brewer                     | Guthrie     | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hain        | Martin                        | Speaks                       |
| Cabiness                   | Hanby       | Meade                         | Thomas                       |
| Casey                      | Hardy       | Merrill                       | Torbert                      |
| Cates                      | Harris      | Morrow                        | Turner                       |
| Cook                       | Harvey      | Nettles                       | Turnham                      |

—68

And the bill:

H. 1038. To authorize the governing body of any municipality in the State of Alabama having a population of not less than 75,000 nor more than 125,000, according to the last or any subsequent federal decennial census, to create a museum board; to provide for the appointment of members of such board and for their terms of office; to authorize the board to adopt rules and regulations governing procedures of the board and the use of facilities under its jurisdiction and control; to provide for the appointment of a director and employees for such board; to provide that such employees shall be employees of the municipality and subject to any civil service or merit system law in effect in such municipality; to define the powers and duties of the board; and to authorize the municipality to acquire and provide property, and funds, for the use of said board for museum purposes.

Was taken up.

Mr. Goodwyn offered the following amendment to the bill, H. 1038:

Amend H. B. 1038, Section 2, by striking from said Section 2 the first sentence and substituting in lieu thereof the following:

"Each museum board created hereunder shall consist of five (5) members selected by the municipal governing body who have a recognized interest in general museum activities and at least two of such members shall be officers of any museum society, organization or corporation functioning in any such municipality to promote or sponsor a museum program, and at least one of such members shall be an active member of any Junior League organization functioning in such municipality."

And the amendment was adopted.

Yeas 66; Nays 0.

#### Yeas:

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Daniel      | Hocklander                    | Oden                         |
| Adams <sup>(Houston)</sup> | Edwards     | Jenkins                       | Perry                        |
| Albea                      | Faulk       | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Ashworth                   | Franklin    | Johnston <sup>(Leonard)</sup> | Powell                       |
| Avery                      | Gilchrist   | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Bailey                     | Gilmer      | Locke                         | Rast                         |
| Barnett                    | Goldthwaite | Long <sup>(Perry)</sup>       | Ray                          |
| Bevill                     | Goodwyn     | McClendon <sup>(Chamb)</sup>  | Self                         |
| Bishop                     | Gordon      | McCorquodale                  | Sessions                     |
| Boyd                       | Grant       | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Branyon                    | Gross       | Martin                        | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Hain        | Meade                         | Speaks                       |
| Broadfoot                  | Hanby       | Merrill                       | Thomas                       |
| Cabiness                   | Harris      | Morrow                        | Torbert                      |
| Casey                      | Harvey      | Nettles                       | Turner                       |
| Cates                      | Hawkins     | Nichols                       | Turnham                      |
| Cook                       | Hearn       |                               |                              |

—66

And said bill, H. 1038, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Cook        | Hearn                         | Perry                        |
| Adams <sup>(Houston)</sup> | Daniel      | Hocklander                    | Pierce                       |
| Albea                      | Edwards     | Jenkins                       | Powell                       |
| Ashworth                   | Faulk       | Johnson <sup>(Hardaway)</sup> | Pruitt                       |
| Avery                      | Gilchrist   | Johnston <sup>(Leonard)</sup> | Rast                         |
| Bailey                     | Gilmer      | Locke                         | Ray                          |
| Barnett                    | Goldthwaite | Long <sup>(Perry)</sup>       | Self                         |
| Bevill                     | Goodwyn     | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Bishop                     | Gordon      | McCorquodale                  | Shumate                      |
| Boyd                       | Grant       | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Gross       | Martin                        | Speaks                       |
| Brewer                     | Hain        | Meade                         | Sullivan                     |
| Broadfoot                  | Hanby       | Merrill                       | Thomas                       |
| Cabiness                   | Harris      | Morrow                        | Torbert                      |
| Casey                      | Harvey      | Nettles                       | Turner                       |
| Cates                      | Hawkins     | Oden                          | Turnham                      |

—64

**MOTION TO RECONSIDER ADOPTED**

The motion of Mr. Brewer to reconsider the vote by which the bill, H. 1031, was passed, was adopted.

And on motion of Mr. Roberts further consideration of the bill, H. 1031, was postponed until the next legislative day.

And the bill:

H. 1039. To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Edwards     | Hocklander                    | Oden                         |
| Adams <sup>(Houston)</sup> | Faulk       | Jenkins                       | Perry                        |
| Albea                      | Franklin    | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Ashworth                   | Gilchrist   | Johnston <sup>(Leonard)</sup> | Powell                       |
| Bailey                     | Gilmer      | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Barnett                    | Goldthwaite | Locke                         | Rast                         |
| Bevill                     | Goodwyn     | Long <sup>(Perry)</sup>       | Ray                          |
| Bishop                     | Gordon      | McClendon <sup>(Chamb)</sup>  | Roberts                      |
| Boyd                       | Grant       | McCorquodale                  | Self                         |
| Branyon                    | Gross       | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Brewer                     | Guthrie     | Martin                        | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hain        | Meade                         | Speaks                       |
| Cabiness                   | Hanby       | Merrill                       | Sullivan                     |
| Casey                      | Harris      | Morrow                        | Thomas                       |
| Cates                      | Harvey      | Nettles                       | Turner                       |
| Cook                       | Hawkins     | Nichols                       | Turnham                      |
| Daniel                     | Hearn       |                               |                              |

—66

And the bill:

H. 1040. To alter or rearrange the boundary lines of the city of Pell City, St. Clair County, Alabama, so as to include within the Cor-

porate Limits of said City all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|                 |             |                    |          |
|-----------------|-------------|--------------------|----------|
| Mr. Speaker:    | Daniel      | Hearn              | Nichols  |
| Adams (Houston) | Edwards     | Hocklander         | Oden     |
| Albea           | Faulk       | Jenkins            | Perry    |
| Ashworth        | Franklin    | Johnson (Hardaway) | Pierce   |
| Avery           | Gilchrist   | Johnston (Leonard) | Powell   |
| Bailey          | Gilmer      | Jones (Covington)  | Pruitt   |
| Barnett         | Goldthwaite | Jones (Monroe)     | Rast     |
| Bevill          | Goodwyn     | Locke              | Ray      |
| Bishop          | Gordon      | Long (Perry)       | Roberts  |
| Boyd            | Grant       | McClendon (Chamb)  | Self     |
| Branyon         | Gross       | McCorquodale       | Sessions |
| Brewer          | Guthrie     | McLendon (Bullock) | Speaks   |
| Broadfoot       | Hain        | Martin             | Sullivan |
| Cabiness        | Hanby       | Meade              | Thomas   |
| Casey           | Harris      | Merrill            | Torbert  |
| Cates           | Harvey      | Morrow             | Turner   |
| Cook            | Hawkins     | Nettles            | Turnham  |

—68

And the bill:

H. 1041. To change the method of compensating certain officers of St. Clair County: Fixing the salaries of such officers, and providing for the clerical assistance, office space, equipment, and supplies necessary for the conduct of their offices.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

|                 |             |                    |          |
|-----------------|-------------|--------------------|----------|
| Mr. Speaker:    | Edwards     | Hocklander         | Oden     |
| Adams (Houston) | Faulk       | Jenkins            | Perry    |
| Albea           | Franklin    | Johnson (Hardaway) | Pierce   |
| Ashworth        | Gilmer      | Johnston (Leonard) | Powell   |
| Avery           | Goldthwaite | Jones (Covington)  | Pruitt   |
| Bailey          | Goodwyn     | Jones (Monroe)     | Rast     |
| Barnett         | Gordon      | Locke              | Ray      |
| Bevill          | Gross       | Long (Perry)       | Roberts  |
| Boyd            | Guthrie     | McClendon (Chamb)  | Self     |
| Branyon         | Hain        | McCorquodale       | Sessions |
| Brewer          | Hanby       | McLendon (Bullock) | Speaks   |
| Broadfoot       | Hardy       | Martin             | Sullivan |
| Cabiness        | Harris      | Meade              | Thomas   |
| Casey           | Harvey      | Merrill            | Torbert  |
| Cates           | Hawkins     | Nettles            | Turner   |
| Cook            | Hearn       | Nichols            | Turnham  |
| Daniel          |             |                    |          |

—65

And the bill:

H. 1042. Proposing an amendment to the Constitution of Alabama relative to the costs and charges of courts in St. Clair County and the compensation of certain officers of St. Clair County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Daniel      | Hearn                         | Nichols                      |
| Adams <sup>(Houston)</sup> | Edwards     | Hocklander                    | Oden                         |
| Albea                      | Faulk       | Jenkins                       | Perry                        |
| Ashworth                   | Franklin    | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Avery                      | Gilmer      | Johnston <sup>(Leonard)</sup> | Powell                       |
| Bailey                     | Goldthwaite | Jones <sup>(Covington)</sup>  | Pruitt                       |
| Barnett                    | Goodwyn     | Jones <sup>(Monroe)</sup>     | Rast                         |
| Bevill                     | Gordon      | Locke                         | Ray                          |
| Bishop                     | Grant       | Long <sup>(Perry)</sup>       | Roberts                      |
| Boyd                       | Gross       | McClendon <sup>(Chamb)</sup>  | Self                         |
| Branyon                    | Guthrie     | McCorquodale                  | Sessions                     |
| Brewer                     | Hain        | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Broadfoot                  | Hanby       | Martin                        | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Hardy       | Meade                         | Speaks                       |
| Casey                      | Harris      | Merrill                       | Sullivan                     |
| Cates                      | Harvey      | Morrow                        | Thomas                       |
| Cook                       | Hawkins     | Nettles                       | Turner                       |

—68

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Hocklander to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 952, was adopted.

And the bill:

H. 952. To provide for an additional judge of the Thirteenth Judicial Circuit of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|                            |             |            |                               |
|----------------------------|-------------|------------|-------------------------------|
| Mr. Speaker:               | Cabiness    | Goodwyn    | Johnson <sup>(Hardaway)</sup> |
| Adams <sup>(Houston)</sup> | Callahan    | Gordon     | Johnston <sup>(Leonard)</sup> |
| Albea                      | Casey       | Grant      | Jones <sup>(Covington)</sup>  |
| Ashworth                   | Cates       | Gross      | Jones <sup>(Monroe)</sup>     |
| Avery                      | Cook        | Guthrie    | Locke                         |
| Bailey                     | Daniel      | Hain       | Long <sup>(Lauderdale)</sup>  |
| Barnett                    | Edwards     | Harris     | Long <sup>(Perry)</sup>       |
| Bevill                     | Faulk       | Harvey     | McClendon <sup>(Chamb)</sup>  |
| Bishop                     | Franklin    | Hawkins    | McCorquodale                  |
| Boyd                       | Gilchrist   | Hearn      | McLendon <sup>(Bullock)</sup> |
| Brewer                     | Gilmer      | Hocklander | Martin                        |
| Broadfoot                  | Goldthwaite | Jenkins    | Meade                         |



|         |        |                   |         |
|---------|--------|-------------------|---------|
| Merrill | Perry  | Ray               | Speaks  |
| Morrow  | Pierce | Roberts           | Thomas  |
| Nettles | Powell | Sessions          | Torbert |
| Nichols | Pruitt | Shumate           | Turner  |
| Oden    | Rast   | Smith (St. Clair) | Turnham |

—68

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Perry to suspend the rules in order to introduce a resolution was adopted.

## RESOLUTION

The following resolution was introduced:

By Messrs. Perry, Sessions, Locke, Edwards, Hawkins, Rast and Morrow:

H. R. 85. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the Honorable Chief Justice and Associate Justices of the Supreme Court of Alabama, or a majority of them, are hereby respectfully requested to give this body their written opinions on the following important Constitutional questions relating to the Substitute for House Bill No. 1025, now pending in the Legislature, and a copy of which is hereto attached:

1. Does the referendum feature of the Substitute, provided for in either Section 2 or Section 18 thereof, or the authorization to the governing body of the County in said Sections 2 and 18, to adopt and to continue or to repeal an order, ordinance or resolution levying the sales and use tax, constitute an unlawful delegation of the power to levy taxes in violation of Section 212 of the Constitution?

2. Does the advisory referendum feature in Section 18 of the Substitute or the authority to the County governing body to continue or to repeal the levy of the sales and use tax authorized by the Substitute permit the exercise of the power to suspend laws contrary to Section 21 of the Constitution?

3. Does the referendum feature of the Substitute, provided for in either Section 2 or Section 18 thereof, or the authorization to the governing body of the County in said Sections 2 and 18, to adopt and to continue or to repeal an order, ordinance or resolution levying the sales and use tax, constitute an unlawful delegation of the legislative power in violation of Section 43 and 44 of the Constitution?

4. Will the submission pursuant to Section 2 or Section 18 of said Substitute for an advisory election on a sales and use tax to be used for four different purposes, to-wit, sewers, the school systems, the care of the sick poor, and municipal aid, as provided in Section 17 of the Substitute, violate the constitutional principle applied in the case of Town of Woodlawn vs. Cain, 135 Ala. 369, 33 So. 149 (1902) to a tax election called under Section 216 of the Constitution?

5. Is the allocation of 25% of the net proceeds of any tax levied pursuant to said Substitute among the municipalities of the county on a population basis with 42% to the school systems in the county, 25% for the care of the sick poor of the county, and 8% to the county for the construction of sewers and sewage disposal facilities, as provided in Section 17 of the Substitute, either

(a) arbitrary, or

(b) a subterfuge to shield one class and unduly burden another, or

(c) unlawfully oppressive

in violation of the due process clause of Section 6 of the Constitution (commented on in *Garrett vs. Colbert County Board of Education*, 225 Ala. 86, 94; 50 So. (2) 275 (1950)?

On motion of Mr. Perry the rules were suspended and H. R. 85 was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Martin to suspend the rules in order to introduce a resolution was adopted.

#### RESOLUTION

The following resolution was introduced:

By Messrs. Martin, McLendon (Bullock) and Jones (Monroe):

H. J. R. 86. WHEREAS, death came on October 27 to Judge Eleanor Montgomery Coleman, wife of Justice James S. Coleman, and daughter of the late Judge L. H. Montgomery; and

WHEREAS, Judge Coleman was one of the State's most loved public servants having served Greene County with distinction as Chief Clerk in the Probate Office during her father's many terms as Judge of that Court and later succeeding him to this Judgeship; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Legislature hereby expresses deepest grief upon her passing and extends to the surviving members of her family deepest and most sincere sympathy.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Justice Coleman.

On motion of Mr. Martin the rules were suspended and H. J. R. 86 was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Bailey to suspend the rules in order to introduce a resolution was adopted.

#### RESOLUTION

The following resolution was introduced:

By Messrs. Bailey, Goodwyn and Pierce:

H. J. R. 87. RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the two house extend thanks to the Commissioner and Board of Corrections and the genial and hospitable employees of the Department of Corrections for the dove shoot and barbecue given in honor of the members on Thursday, October 24, at the Department's cattle ranch near Greensboro. This affair was enjoyed tremendously by all who attended; and our hosts are warmly commended for their solicitous concern for our comfort, pleasure, and enjoyment.

RESOLVED FURTHER, That the Clerk be directed to send copies of this resolution to the Commissioner of Corrections, the individual members of the Board of Corrections, and Hon. Frank Lee, Deputy Commissioner of Corrections.

On motion of Mr. Bailey the rules were suspended and H. J. R. 87 was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Guthrie to suspend the rules in order to introduce a resolution was adopted.

#### RESOLUTION

The following resolution was introduced:

By Mr. Guthrie:

H. R. 88. Be it resolved by the House of Representatives as follows:

Whereas, there appears that a number of persons are seeking to establish a record for re-election, and;

Whereas it seems that they are somewhat confused as to whether their election occurs during the year 1960 or 1962, and;

Whereas it appears that some step should be taken to clarify this situation.

Now therefore be it resolved as follows:

That a five year calendar be purchased by the Clerk of the house and posted in a prominent place in the chamber of the House of Representatives.

Be it further resolved that the date of the election of members of the House of Representatives be clearly marked as November, 1962.

The motion of Mr. Guthrie to suspend the rules in order to bring up for immediate consideration the above and foregoing H. R. 88 was lost.

Yeas 17; Nays 44.

#### Yeas:

|              |         |                    |                   |
|--------------|---------|--------------------|-------------------|
| Mr. Speaker: | Gordon  | Hocklander         | Shumate           |
| Branyon      | Guthrie | Johnston (Leonard) | Smith (St. Clair) |
| Broadfoot    | Harris  | Meade              | Speaks            |
| Cabiness     | Hearn   | Morrow             | Sullivan          |
| Goodwyn      |         |                    |                   |

—17

#### Nays:

|                 |          |                   |                    |
|-----------------|----------|-------------------|--------------------|
| Messrs.:        | Brewer   | Goldthwaite       | Jones (Monroe)     |
| Adams (Houston) | Callahan | Grant             | Locke              |
| Ashworth        | Cates    | Gross             | Long (Lauderdale)  |
| Bailey          | Cook     | Hain              | Long (Perry)       |
| Barnett         | Daniel   | Hardy             | McClendon (Chamb)  |
| Bevill          | Edwards  | Harvey            | McCorquodale       |
| Bishop          | Franklin | Hawkins           | McLendon (Bullock) |
| Boyd            | Gilmer   | Jones (Covington) | Martin             |

Merrill  
Nettles  
Nichols  
Pierce

Powell  
Rast  
Self

Sessions  
Smith<sup>(Russell)</sup>  
Thomas

Torbert  
Turner  
Turnham

--44

And said resolution, H. R. 88, was read and referred to the Standing Committee on Rules.

#### CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:45 P.M. On October 27, 1959

H. 149

H. 254

H. 762

H. 760

H. 77

H. 459

H. 475

H. 537

H. 642

H. 645

H. 721

H. 791

H. 812

H. 814

H. 822

H. 828

H. 830

H. 832

H. 833

H. 834

H. 837

H. 851

H. 854

H. 856

H. 859

H. 861

H. 75

H. 413

H. 651

Delivered to the Secretary of State at 4:50 P. M. On October 27,  
1959

H. 765

H. 706

OAKLEY MELTON, JR.,  
Clerk.

## ADJOURNMENT

On motion of Mr. Torbert the House adjourned until Friday,  
October 30, 1959, at ten o'clock A.M.

## THIRTY-SECOND DAY

House of Representatives  
Montgomery, Alabama  
Friday, October 30, 1959

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by Dr. R. H. Falwell, Jr.,  
Pastor, Normandale Baptist Church, Montgomery, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered  
to their names:

|                 |             |                     |                    |
|-----------------|-------------|---------------------|--------------------|
| Mr. Speaker:    | Cates       | Grouby              | Long (Lauderdale)  |
| Adams (Houston) | Chambers    | Guthrie             | Long (Perry)       |
| Albea           | Cook        | Hain                | McClendon (Chamb)  |
| Ashworth        | Copeland    | Hanby               | McCorquodale       |
| Avery           | Cornett     | Hankins             | McLendon (Bullock) |
| Bailey          | Daniel      | Hardy               | Martin             |
| Barnett         | Dickson     | Harris              | Meade              |
| Bassett         | Dodd        | Harvey              | Merrill            |
| Bevill          | Edwards     | Hawkins             | Morrow             |
| Bishop          | Faulk       | Hearn               | Murphy             |
| Boyd            | Ferguson    | Hocklander          | Nettles            |
| Brannan         | Franklin    | Ingram              | Nichols            |
| Branyon         | Gilchrist   | Jenkins             | Oakley             |
| Brewer          | Gilmer      | Johnson (Hardaway)  | Oden               |
| Broadfoot       | Glass       | Johnson (J. T. Tom) | Owens              |
| Brooks          | Goldthwaite | Johnston (Leonard)  | Perry              |
| Cabiness        | Goodwyn     | Jones (Covington)   | Phillips           |
| Callahan        | Gordon      | Jones (Monroe)      | Pierce             |
| Camp            | Grant       | Lee                 | Powell             |
| Casey           | Gross       | Locke               | Pruitt             |

|                     |                 |                   |          |
|---------------------|-----------------|-------------------|----------|
| Ramey               | Rozelle         | Smith (St. Clair) | Thomas   |
| Rast                | Salter          | Solomon           | Torbert  |
| Ray                 | Self            | Speaks            | Trimmier |
| Reynolds (Chambers) | Sessions        | Steagall          | Turner   |
| Roberts             | Shumate         | Sullivan          | Turnham  |
| Rogers              | Smith (Russell) | Taylor            |          |

—103

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirty-first legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the thirty-first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirty-first legislative day was approved.

Yeas 65; Nays 8.

### Yeas:

|              |             |                     |                   |
|--------------|-------------|---------------------|-------------------|
| Mr. Speaker: | Daniel      | Hearn               | Pruitt            |
| Ashworth     | Dodd        | Hocklander          | Rast              |
| Bailey       | Edwards     | Johnson (Hardaway)  | Ray               |
| Bassett      | Faulk       | Johnson (J. T. Tom) | Roberts           |
| Bevill       | Ferguson    | Johnston (Leonard)  | Rogers            |
| Bishop       | Franklin    | Locke               | Rozelle           |
| Boyd         | Gilmer      | McClendon (Chamb)   | Salter            |
| Brannan      | Glass       | McLendon (Bullock)  | Self              |
| Branyon      | Goldthwaite | Merrill             | Sessions          |
| Brewer       | Goodwyn     | Morrow              | Smith (Russell)   |
| Broadfoot    | Gordon      | Nettles             | Smith (St. Clair) |
| Callahan     | Grouby      | Oakley              | Speaks            |
| Camp         | Guthrie     | Oden                | Steagall          |
| Casey        | Hain        | Perry               | Sullivan          |
| Cates        | Hanby       | Pierce              | Thomas            |
| Cook         | Hawkins     | Powell              | Turner            |
| Cornett      |             |                     |                   |

—65

### Nays:

|          |        |                   |                     |
|----------|--------|-------------------|---------------------|
| Messrs.: | Grant  | Lee               | Reynolds (Chambers) |
| Brooks   | Harris | Long (Lauderdale) | Taylor              |
| Cabiness |        |                   |                     |

—8

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and sends same herewith to the House without engrossment:

By Messrs. Cooper and Hines:

S. 414. Relating to schools; to provide for a state tenure commission to determine appeal cases under the teacher tenure law, to

provide for the appointment of members and their compensation, and to define the jurisdiction of the commission.

Also:

By Mr. Webb:

S. 355. To amend Section 587 of Title 37, Code of Alabama (1940) which relates to appeals from Recorder's Court.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 414. Ways and Means

S. 355. Local Government

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 703. To make an appropriation to the Cahaba Historical Commission.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 77. Extending best wishes for the success of the South Alabama Fair.

Also:

H. J. R. 83. Commending the Alabama Farm Bureau for holding their convention in Montgomery, and wishing them success.

Also:

H. J. R. 86. Mourning the passing of Judge Eleanor Montgomery Coleman, wife of Justice James S. Coleman, and extending sympathy to her bereaved family.

Also:

H. J. R. 79. Mourning the passing of Honorable Samuel Cornelius Nettles, Sr., father of Representative Nettles, and extending sympathy to his family.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 76. Mourning the passing of Colonel James P. Clinton and extending sympathy to his widow.

Also:

H. J. R. 78. Mourning the passing of Judge Frank O. Deese and extending sympathy to his bereaved family.

Also:

H. J. R. 80. Mourning the passing of Professor J. E. Henley and extending sympathy to his widow.

Also:

H. J. R. 82. Mourning the passing of the Honorable Samuel Palmer Gaillard and extending sympathy to his bereaved family.

Also:

H. J. R. 75. Relative to the Alabama-Coosa River Development in the States of Alabama and Georgia; requesting that restrictions on the Corps of Engineers, U. S. Army, in the allocation of funds for development of the authorized projects on the Alabama River, be lifted, etc.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

H. 803. To amend Sections 1, 3, and 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County; altering, modifying, and changing the rates of tax provided for therein and extending the applicability of such taxes to certain sales and to the storage, use, or other consumption of certain property within Tuscaloosa County heretofore exempt, and redefining certain terms.

by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 24, Nays 0.

And said Bill, as thus amended by executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 24, Nays 0.

And said Bill, H. B. 803, together with the amendment proposed by His Excellency, the Governor, is herewith returned to the House.

J. E. SPEIGHT,  
Secretary.



## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 87. Expressing appreciation to the Commissioner and Board of Corrections and its employees for the dove shoot and barbecue on October 24 near Greensboro.

J. E. SPEIGHT,  
Secretary

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate bill:

S. 358. To authorize the governing body of DeKalb County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate bill:

S. 41. To amend further Section 64 of Title 36, Code of Alabama 1940; providing for the issuance of learner permits to persons between the ages of fifteen and sixteen years, authorizing such persons to operate motor vehicles under certain prescribed conditions.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate bill:

S. B. 90. To amend Title 37 Section 462 of the Code of Alabama 1940, as amended, relating to the publication and recording of ordinances.

J. E. SPEIGHT,  
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 805. To levy in Walker County a county license tax, in addition to all other taxes or licenses now required by law, on each package of cigarettes sold, stored, or received, for the purpose of distribution to any person, firm, corporation, club, or association within the county; to provide for the payment of the tax by the purchase and sale of stamps to be affixed to each package of cigarettes sold or distributed in such county; to provide for the ascertainment, collection, payment, distribution, and use of such license tax and for the enforcement of this Act; and to prescribe penalties and fix the punishment for violations of the Act.

Also:

H. 806. To make an annual appropriation from the general fund of Walker County to support the Peoples' Hospital of Walker County.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 703. To make an appropriation to the Cahaba Historical Commission.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 803. To amend Sections 1, 3, and 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County; altering, modifying, and changing the rates of tax provided for therein and extending the applicability of such taxes to certain sales and to the storage, use, or other consumption of certain property within Tuscaloosa County heretofore exempt, and redefining certain terms.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 75. Relative to the Executive Department Bureau of the Budget removing any restrictions on the Corps of Engineers, U. S. Army in the allocation of funds for development of the authorized projects on the Alabama-Coosa River System.

Also:

H. J. R. 76. Relative to the death of Colonel James P. Clinton of Tuscaloosa.

Also:

H. J. R. 77. Relative to commending the members of the Kiwanis Club for their sponsorship of the 6th Annual South Alabama Fair.

Also:

H. J. R. 78. Relative to the death of Judge Frank O. Deese of Dale County.

Also:

H. J. R. 79. Relative to the death of Samuel Cornelius Nettles of Wilcox County, father of Representative Sam C. Nettles, Jr.

Also:

H. J. R. 80. Relative to the death of Professor J. E. Henley of Florala, Alabama.

Also:

H. J. R. 82. Relative to the death of Samuel Palmer Gaillard of Mobile, Alabama.

Also:

H. J. R. 83. Relative to commending the officers and members of Alabama Farm Bureau for their decision to hold their 1959 annual meeting in Montgomery.

Also:

H. J. R. 86. Relative to the death of Judge Eleanor Montgomery Coleman, wife of Justice James S. Coleman, and the daughter of the late Judge L. H. Montgomery.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions the titles to which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 87. Relative to extending thanks to the Commissioner and Board of Corrections and employees of the Department of Corrections for the dove shoot and barbecue given in honor of the members on Thursday, October 24, 1959, at the Department's cattle ranch near Greensboro.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

## MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor, relative to House Bill No. 537.

Respectfully submitted,

JOSEPH G. ROBERTSON,  
Executive Secretary.

OCTOBER 30, 1959

House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which this bill originated, House Bill No. 537, with a suggested executive amendment, as follows:

Amend House Bill No. 537 by striking therefrom Section 9 in its entirety and substituting in lieu thereof Section 9 to read as follows:

"This Act shall become effective November 1, 1959."

If the above suggested amendment is adopted it will remove my objection to the bill.

Respectfully,

JOHN PATTERSON,  
Governor.

## GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 537, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 89; Nays 0.

## Yeas:

|                            |           |             |                                |
|----------------------------|-----------|-------------|--------------------------------|
| Mr. Speaker:               | Branyon   | Dodd        | Guthrie                        |
| Adams <sup>(Houston)</sup> | Brewer    | Edwards     | Hain                           |
| Albea                      | Broadfoot | Faulk       | Hanby                          |
| Ashworth                   | Brooks    | Ferguson    | Hankins                        |
| Avery                      | Callahan  | Gilchrist   | Harvey                         |
| Bailey                     | Camp      | Gilmer      | Hawkins                        |
| Barnett                    | Casey     | Glass       | Hearn                          |
| Bassett                    | Cates     | Goldthwaite | Hocklander                     |
| Bevill                     | Chambers  | Gordon      | Johnson <sup>(Hardaway)</sup>  |
| Bishop                     | Cook      | Grant       | Johnson <sup>(J. T. Tom)</sup> |
| Boyd                       | Cornett   | Gross       | Johnston <sup>(Leonard)</sup>  |
| Brannan                    | Daniel    | Grouby      | Jones <sup>(Monroe)</sup>      |

|                              |          |                                |          |
|------------------------------|----------|--------------------------------|----------|
| Lee                          | Oakley   | Reynolds <sup>(Chambers)</sup> | Solomon  |
| Locke                        | Oden     | Roberts                        | Speaks   |
| Long <sup>(Lauderdale)</sup> | Perry    | Rogers                         | Steagall |
| McClendon <sup>(Chamb)</sup> | Phillips | Rozelle                        | Sullivan |
| McCorquodale                 | Pierce   | Salter                         | Taylor   |
| Martin                       | Powell   | Self                           | Thomas   |
| Merrill                      | Pruitt   | Sessions                       | Torbert  |
| Morrow                       | Ramey    | Shumate                        | Trimmier |
| Murphy                       | Rast     | Smith <sup>(Russell)</sup>     | Turner   |
| Nettles                      | Ray      | Smith <sup>(St. Clair)</sup>   | Turnham  |
| Nichols                      |          |                                |          |

—89

Which was a majority of the whole number elected to the House.

And said bill:

H. 537. To provide a retirement benefit to any state employee who had attained age 60 on or before October 1, 1945, who declined membership in the Employees' Retirement System of Alabama in the manner prescribed in Section 3 of Act 515 approved July 9, 1945, and who retires with a minimum of fifteen years of service as a state employee; and to provide a supplement to the retirement benefits of certain state employees who are now or will be retired by the Board of Control of the Employees' Retirement System under the provisions of Act 515, approved July 9, 1945; to set forth the requirements under which said retirement and supplemental benefits shall be granted; and to provide for the management of the fund from which said assistance payments shall be made; and to repeal Act 571 approved September 18, 1957 relating to certain benefits to retired state employees, and to provide the appropriation necessary to carry out the provisions of this act.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 78; Nays 0.

#### Yeas:

|                            |                                |                               |                                |
|----------------------------|--------------------------------|-------------------------------|--------------------------------|
| Mr. Speaker:               | Dodd                           | Johnston <sup>(Leonard)</sup> | Ray                            |
| Adams <sup>(Houston)</sup> | Edwards                        | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Albea                      | Faulk                          | Lee                           | Roberts                        |
| Ashworth                   | Ferguson                       | McClendon <sup>(Chamb)</sup>  | Rogers                         |
| Bailey                     | Franklin                       | McCorquodale                  | Rozelle                        |
| Barnett                    | Gilchrist                      | Martin                        | Self                           |
| Bassett                    | Gilmer                         | Merrill                       | Sessions                       |
| Bevill                     | Glass                          | Morrow                        | Shumate                        |
| Bishop                     | Goldthwaite                    | Murphy                        | Smith <sup>(St. Clair)</sup>   |
| Boyd                       | Gordon                         | Nettles                       | Solomon                        |
| Brannan                    | Grant                          | Nichols                       | Speaks                         |
| Brewer                     | Gross                          | Oakley                        | Steagall                       |
| Brooks                     | Grouby                         | Oden                          | Sullivan                       |
| Cabiness                   | Guthrie                        | Owens                         | Taylor                         |
| Callahan                   | Hain                           | Perry                         | Thomas                         |
| Camp                       | Hanby                          | Phillips                      | Torbert                        |
| Casey                      | Hawkins                        | Pierce                        | Trimmier                       |
| Cook                       | Hearn                          | Ramey                         | Turner                         |
| Cornett                    | Johnson <sup>(Hardaway)</sup>  | Rast                          | Turnham                        |
| Daniel                     | Johnson <sup>(J. T. Tom)</sup> |                               |                                |

—78

Which was a majority of the whole number elected to the House.

## MOTION TO RECONSIDER ADOPTED

The motion of Mr. Speaks to reconsider the vote by which the bill, H. 970, was passed, was adopted.

And the bill:

H. 970. To apply only in Chilton and Shelby Counties: To require railroads to install and maintain flashing electric signals or other similar warning devices at every intersection of their tracks with a federal or state highway or a county road where there is a grade crossing in either Chilton or Shelby County, when requested to do so by the state highway department or the county governing body; and to prescribe penalties.

As amended, was again taken up.

And the motion of Mr. Speaks to reconsider the vote by which the amendment offered by Mr. Cates to the bill, H. 970, was adopted, was adopted.

And the motion of Mr. Speaks to lay on the table the amendment offered by Mr. Cates to the bill, H. 970, was adopted.

Mr. Speaks then offered the following substitute for the bill, H. 970;

A BILL  
TO BE ENTITLED  
AN ACT

To apply only in Chilton County: To require railroads to install and maintain flashing electric signals or other similar warning devices at every intersection of their tracks with a federal or state highway or a county road where there is a grade crossing in Chilton County, when requested to do so by the state highway department or the county governing body; and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Every person, firm, or corporation engaged in operating a railroad in Chilton County shall, within thirty days after receipt of a request therefor from the state highway department, install and thereafter maintain flashing electric signals or similar devices warning of the immediate approach of trains at any grade crossing of its tracks by a federal or state highway in Chilton County at which the state highway department requests such signals or warning devices; and, within thirty days after receipt of request therefor from the court of county commissioners, board of revenue, or other like governing body of Chilton County, shall install and thereafter maintain flashing electric signals or devices warning of the immediate approach of a train, at any grade crossing of its tracks by a county road in such county, at which the county governing body requests such signals or warning devices.

Section 2. Any person, firm or corporation operating a railroad in Chilton County who fails to install flashing signals or warning devices when and where the installation thereof is requested as hereinabove prescribed, shall upon conviction be fined not more than one hundred dollars, and each day of such failure after the expiration of thirty days from the receipt of the request for such installation shall constitute a separate offense.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 87; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker:               | Cook        | Hocklander                    | Powell                       |
| Adams <sup>(Houston)</sup> | Cornett     | Jenkins                       | Ramey                        |
| Albea                      | Daniel      | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Ashworth                   | Dodd        | Johnston <sup>(Leonard)</sup> | Ray                          |
| Avery                      | Edwards     | Jones <sup>(Monroe)</sup>     | Roberts                      |
| Bailey                     | Faulk       | Lee                           | Rogers                       |
| Barnett                    | Franklin    | Locke                         | Rozelle                      |
| Bassett                    | Gilmer      | McClendon <sup>(Chamb)</sup>  | Salter                       |
| Bevill                     | Glass       | McCorquodale                  | Self                         |
| Bishop                     | Goldthwaite | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Boyd                       | Goodwyn     | Martin                        | Shumate                      |
| Brannan                    | Gordon      | Merrill                       | Smith <sup>(Russell)</sup>   |
| Branyon                    | Grant       | Morrow                        | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Grouby      | Murphy                        | Solomon                      |
| Broadfoot                  | Guthrie     | Nettles                       | Steagall                     |
| Brooks                     | Hain        | Nichols                       | Sullivan                     |
| Cabiness                   | Hanby       | Oakley                        | Taylor                       |
| Callahan                   | Hankins     | Oden                          | Thomas                       |
| Camp                       | Harris      | Owens                         | Trimmier                     |
| Casey                      | Harvey      | Perry                         | Turner                       |
| Cates                      | Hawkins     | Phillips                      | Turnham                      |
| Chambers                   | Hearn       | Pierce                        |                              |

—87

And said bill, H. 970, as thus amended, was again read at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|              |           |             |                               |
|--------------|-----------|-------------|-------------------------------|
| Mr. Speaker: | Broadfoot | Faulk       | Hankins                       |
| Albea        | Brooks    | Franklin    | Harris                        |
| Ashworth     | Cabiness  | Gilchrist   | Hawkins                       |
| Avery        | Callahan  | Gilmer      | Hearn                         |
| Bailey       | Camp      | Glass       | Hocklander                    |
| Barnett      | Casey     | Goldthwaite | Jenkins                       |
| Bassett      | Cates     | Goodwyn     | Johnson <sup>(Hardaway)</sup> |
| Bevill       | Chambers  | Gordon      | Johnston <sup>(Leonard)</sup> |
| Bishop       | Cook      | Grant       | Jones <sup>(Monroe)</sup>     |
| Boyd         | Daniel    | Grouby      | Lee                           |
| Brannan      | Dickson   | Guthrie     | Locke                         |
| Branyon      | Dodd      | Hain        | Long <sup>(Perry)</sup>       |
| Brewer       | Edwards   | Hanby       | McClendon <sup>(Chamb)</sup>  |



|                    |          |                     |                   |
|--------------------|----------|---------------------|-------------------|
| McCorquodale       | Oden     | Ray                 | Smith (St. Clair) |
| McLendon (Bullock) | Owens    | Reynolds (Chambers) | Solomon           |
| Martin             | Perry    | Roberts             | Sullivan          |
| Merrill            | Phillips | Rogers              | Taylor            |
| Morrow             | Pierce   | Rozelle             | Thomas            |
| Murphy             | Powell   | Salter              | Trimmier          |
| Nettles            | Pruitt   | Self                | Turner            |
| Nichols            | Ramey    | Sessions            | Turnham           |
| Oakley             | Rast     | Smith (Russell)     | —87               |

## MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor, relative to House Bill No. 475.

Respectfully submitted,

JOSEPH G. ROBERTSON,  
Executive Secretary.

OCTOBER 30, 1959

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which this bill originated, House Bill No. 475, with a suggested executive amendment, as follows:

Amend said House Bill No. 475 by striking therefrom Section 2 in its entirety, and substituting in lieu thereof Section 2 to read as follows:

"This Act shall become effective November 1, 1959, following its passage and approval by the Governor, or upon its otherwise becoming a law."

If the above suggested amendment is adopted it will remove my objection to the bill.

Respectfully,

JOHN PATTERSON,  
Governor.

## GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 475, Said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 84; Nays 0.

**Yeas:**

|              |             |                     |                     |
|--------------|-------------|---------------------|---------------------|
| Mr. Speaker: | Copeland    | Jenkins             | Pruitt              |
| Albea        | Daniel      | Johnson (Hardaway)  | Ramey               |
| Avery        | Dickson     | Johnson (J. T. Tom) | Rast                |
| Bailey       | Dodd        | Johnston (Leonard)  | Ray                 |
| Barnett      | Edwards     | Lee                 | Reynolds (Chambers) |
| Bassett      | Faulk       | Locke               | Roberts             |
| Bevill       | Ferguson    | Long (Perry)        | Rogers              |
| Bishop       | Gilmer      | McClendon (Chamb)   | Rozelle             |
| Boyd         | Glass       | McCorquodale        | Self                |
| Brannan      | Goldthwaite | McLendon (Bullock)  | Shumate             |
| Branyon      | Goodwyn     | Martin              | Smith (St. Clair)   |
| Brewer       | Gordon      | Merrill             | Solomon             |
| Broadfoot    | Grant       | Morrow              | Speaks              |
| Brooks       | Grouby      | Murphy              | Steagall            |
| Cabiness     | Hain        | Nettles             | Sullivan            |
| Callahan     | Hankins     | Oden                | Taylor              |
| Camp         | Harris      | Owens               | Thomas              |
| Casey        | Harvey      | Perry               | Torbert             |
| Cates        | Hearn       | Phillips            | Trimmier            |
| Chambers     | Hocklander  | Pierce              | Turner              |
| Cook         | Ingram      | Powell              | Turnham             |

—84

Which was a majority of the whole number elected to the House.

And said bill:

H. 475. To amend Section 1 of Act 515 approved July 9, 1945, as amended, which relates to the Employees' Retirement System of Alabama.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 85; Nays 0.

**Yeas:**

|              |             |                     |                     |
|--------------|-------------|---------------------|---------------------|
| Mr. Speaker: | Daniel      | Johnson (Hardaway)  | Pruitt              |
| Albea        | Dickson     | Johnson (J. T. Tom) | Ramey               |
| Avery        | Edwards     | Johnston (Leonard)  | Rast                |
| Bailey       | Faulk       | Jones (Monroe)      | Ray                 |
| Barnett      | Ferguson    | Lee                 | Reynolds (Chambers) |
| Bassett      | Gilmer      | Locke               | Roberts             |
| Bevill       | Glass       | Long (Perry)        | Rogers              |
| Bishop       | Goldthwaite | McClendon (Chamb)   | Rozelle             |
| Boyd         | Goodwyn     | McCorquodale        | Salter              |
| Brannan      | Gordon      | McLendon (Bullock)  | Self                |
| Branyon      | Grant       | Martin              | Sessions            |
| Brewer       | Grouby      | Merrill             | Shumate             |
| Broadfoot    | Hain        | Morrow              | Smith (St. Clair)   |
| Brooks       | Hankins     | Murphy              | Solomon             |
| Cabiness     | Harris      | Nettles             | Speaks              |
| Callahan     | Harvey      | Oakley              | Steagall            |
| Camp         | Hawkins     | Oden                | Sullivan            |
| Casey        | Hearn       | Owens               | Taylor              |
| Cates        | Hocklander  | Phillips            | Thomas              |
| Chambers     | Ingram      | Pierce              | Trimmier            |
| Cook         | Jenkins     | Powell              | Turnham             |
| Copeland     |             |                     |                     |

—85

Which was a majority of the whole number elected to the House.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 975. To amend Section 33 of Act No. 100 enacted at the Second Special Session of the Legislature of Alabama of 1959, entitled "An Act to raise revenue: Levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented."

J. E. SPEIGHT,  
Secretary.

#### BILLS ON SECOND READING

Mr. Oden, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1043. To propose an Amendment to the Constitution of Alabama to provide that the making and collection of mortgage loans in Alabama by non-residents solely through the Agency of loan brokers duly licensed as Mortgage Loan Brokers under the laws of Alabama, and maintaining a place of business in the State of Alabama, shall not constitute doing business in Alabama by such non-resident lender, but subjecting such non-resident lender to process in Alabama for the purpose of determining any question concerning such loans.

The above bill was read a second time at length as required by the Constitution.

Mr. Hankins, Chairman of the Standing Committee on Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 532. To amend Section 301 (7), Code of Alabama 1940, pertaining to the administration of Alabama Motor Carrier Act 1939.

Mr. Grouby, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 873. To amend Section 15 of Act No. 75 adopted at the First Special Session of the Legislature of Alabama of 1959 pertaining to records of the proceedings of and resolutions and ordinances adopted by Boards of Commissioners in certain cities having the commission form of government.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favora-

ble report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 719. Relating to the City of Mobile; to provide for a separate Mobile Urban Renewal Agency to plan or carry out any redevelopment or urban renewal project in such municipality if the governing body of the municipality by resolution declares that there is need for such Agency; to provide the number, method of appointment and terms of office of the commissioners of said Mobile Urban Renewal Agency; to provide the powers of said Mobile Urban Renewal Agency; to provide that such Urban Renewal Agency shall not have authority to construct or operate any dwelling accommodations except that it may temporarily operate dwellings and real property acquired in a project area pending disposition; to provide that any existing municipal housing authority of said City shall not, after appointment of the Commissioners of said Mobile Urban Renewal Agency, have power to plan or carry out any redevelopment project or urban renewal project except as stated in this Act; to provide for the transfer of all assets and liabilities in connection with an existing project which is taken over by said Mobile Urban Renewal Agency; to supplement Title 25 of the Code of Alabama of 1940, relating to Housing as amended and supplemented by any Acts of the Legislature of Alabama heretofore enacted, including the following: Act No. 614 of the General Acts of 1939, approved July 10, 1940; Act No. 466 of the General Acts of 1943, approved July 7, 1943; Act No. 541 of the General Acts of 1943, approved July 7, 1943; Act No. 490 of the General Acts of 1949, approved August 30, 1949; Act No. 491 of the General Acts of 1949, approved August 30, 1949; Act No. 193 of the General Acts of 1951, approved July 9, 1951; Act No. 776 of the General Acts of 1951, approved September 11, 1951; Act No. 590 of the General Acts of 1953, approved September 11, 1953; Act No. 553 of the General Acts of 1955, approved September 9, 1955; Act No. 554 of the General Acts of 1955, approved September 9, 1955; to repeal any act or law inconsistent herewith; and to provide that if any portion of this act is held unconstitutional, such holding shall not affect the other parts thereof:

H. 872. To propose an amendment to the Constitution of Alabama authorizing the several school districts of Etowah County to levy and and collect additional special property taxes for public school purposes.

The above bill was read a second time at length as required by the Constitution.

H. 949. To regulate the qualifications and compensation of school bus drivers in all counties having a population of not less than 53,000 nor more than 56,000, according to the most recent federal decennial census.

H. 1044. To require the tax collector of Mobile County to charge and collect the same fees, and to deduct from taxes collected by him the same commissions that are prescribed by the general law as compensation for tax assessors and tax collectors and to pay all such fees and commissions into the county treasury of Mobile County; and to repeal Act No. 241, H. 401 and Act No. 242, H. 473 of 1935 (Local Acts of Alabama of 1935, pages 139 and 141, respectively) and Section 1 of Act No. 191, H. 634 of 1955 (Acts of Alabama of 1955, page 476).

H. 1070. To provide for the compensation of special bailiffs in the circuit courts of all counties having a population of not less than 80,000 nor more than 94,000, according to the most recent federal decennial census.

H. 1074. To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the town of Millport, Lamar County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said town; to prescribe the powers, duties, and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

H. 1082. To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County.

H. 1083. To provide a salary for the Coroner of Blount County, and to describe the manner of payment thereof; and making this Act effective upon approval of the voters of the county voting at a referendum.

H. 1084. Providing for the appointment of a Clerk or secretarial assistant for the County Solicitor of Blount County, and for the payment of the compensation of such clerk or assistant from the County Treasury; and making this Act effective upon the approval of the voters of the County voting at a referendum.

H. 1085. To alter, rearrange, and extend the boundary line of the City of Cullman, in Cullman County, Alabama.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1086 (with amendment): To empower the county board of education of Marengo County to authorize the use of school buses for transporting persons to and from certain educational, civic and recreational functions, meetings, gatherings or encampments.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1087. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Linden, in Marengo County, Alabama.

H. 1088. To abolish the Etowah County Law Library Fund which was created by Act No. 482, H. 1036, approved August 30, 1949; to provide for the transfer of any moneys in such abolished fund to the Etowah County Law Library Fund established pursuant to Act No. 197, H. 596, which became law on August 1, 1955, and to authorize the expenditure of such moneys after being so transferred.

H. 1089. To Amend Section 6 of Act No. 393, H. 681, approved July 14, 1931, an act that abolished the county board of education of Geneva County and created in lieu thereof a county board of school commissioners (Local Acts 1931, pages 175, 176), in relation to the compensation of school commissioners.

H. 1091. To provide that Justices of the Peace, in all Counties having a population of not less than 38,750 and not more than 39,250 according to the last or any subsequent Federal decennial census,

shall not have any jurisdiction over any criminal offense, unless, there is no other Court or Courts existing in any such County which can lawfully exercise jurisdiction over such offense; to abolish the criminal jurisdiction of Justices of the Peace in such Counties and to confer the same upon other Court or Courts existing in such Counties which can lawfully exercise such jurisdiction.

H. 1107. To provide that the County Board of Revenue and Control or its successors in office or other governing body of Marshall County shall, upon the passage and approval of this bill shall have the right, in its judgment, after investigation of the necessity therefor, in the Register's office in said County, to authorize the Register to employ some person who shall have the ability to take shorthand notes and transcribe the same, to work therein, take testimony, transcribe their notes and do any other thing that a Deputy Register could do under the law and to fix the salary of such person at not less than \$250.00 nor more than \$300.00 per month, to be paid to the Register for such services or to such person as the Register may appoint thereto. Said salary to be paid out of the General Fund of Marshall County.

H. 1108. To fix the supplemental salaries of Circuit Solicitors in Judicial Circuits in Alabama composed of one county where the population of such county exceeds 94,000 people and is less than 134,000 people according to the last preceding or any succeeding decennial United States census to be paid out of the county treasury of such counties.

H. 1110. To provide for the appointment and tenure and number and fixing the compensation of Bailiffs for the Sixth Judicial Circuit of Alabama.

H. 1111. To amend further Act No. 472, H. 956, approved September 15, 1939, an act regulating and defining the powers, duties, and authority of the county superintendent of education of Conecuh County (Local Acts 1939, p. 319), in relation to the compensation and expense allowance of the county superintendent of education; repealing Act No. 152, H. 402, approved June 30, 1953 (Acts of Alabama, 1953 Reg. Sess., vol. I, p. 192) and all conflicting laws.

S. 371. To establish for Chilton County, Alabama a Law and Equity Court; to define its jurisdiction and power; to provide for its officers and appointment, election, terms of office, powers, duties and compensation; to provide for a Court Reporter for said Court and to fix and prescribe his duties, compensation and to provide for the payment of his salary; to provide that said Court shall be open at all times for the trial of causes and the transaction of business; to provide the rules and procedures of said Court; to provide a fine and forfeiture fund of said Court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court and the Juvenile Court of Chilton County, Alabama; and to give said Court Juvenile and Domestic Relations jurisdiction; and to abolish the County Court of Chilton County, Alabama.

S. 404. To amend Section 1 of Act No. 486, H. 765, approved July 9, 1943, an act providing for the appointment of a board of trustees to acquire, maintain, and protect certain properties and objects of historical interest located at the first permanent seat of government of the State of Alabama at Cahaba in Dallas County, (General Acts 1943, p. 449), so as to provide for the appointment of two additional

members of the board of trustees of the Cahaba Historical Commission.

S. 418. To amend Section 1 of the Act of the Legislature approved on the 9th day of August, 1949, General and Local Acts, 1949, Page 536, entitled: "To provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being served by the Mobile Public Library."

Mr. Harvey, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 902. To provide for examining persons employed as school bus drivers.

Mr. Perry, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1092. To provide, with respect to any pension system heretofore or hereafter established for the employees of any city of the state having a population of 300,000 or more according to the last or any subsequent federal census, that if there are numerous members of any such pension system, or if there are numerous beneficiaries under any such pension system, whose several rights to benefits or several claims for benefits are affected by the same question of law, then such of them, one or more, as will fairly insure the adequate representation of all, may upon behalf of all file a class suit against the trustees of the pension system to enforce the benefits in the equity division, or on the equity side of the circuit court, of that judicial circuit wherein the city is situated; to provide that no such class suit shall be instituted unless one of the parties in the original bill of complaint, either personally or through his attorney, files with the secretary of the trustees of the pension system a demand for payment of the benefit claimed, and that no such class suit shall be filed until ninety days have elapsed between the time of the filing of the said claim with said secretary and the filing of the bill of complaint in the circuit court, or until after the trustees of the pension system or the said secretary of said trustees, or the city attorney, has advised the claimant or the claimant's attorney that the benefit demanded is denied; to provide for the allowance of a solicitor's fee to the solicitor or solicitors prosecuting the class suit subject to the terms, conditions and limitations prescribed in said act; to provide that any such solicitor's fee allowed shall not be charged as costs in the suit and shall not be charged against the city, the trustees of the pension system or against the pension fund, and to provide the funds out of which any such solicitor's fee allowed shall be payable; to provide the factors which shall be taken into consideration in determining the amount of any such solicitor's fee; and to provide that Section 63, Title 46 Code of Alabama of 1940, shall not apply so as to authorize the allowance of any attorney's fee or solicitor's fee in any action or suit involving any such pension system of any such city.

H. 1093. To apply to counties having a population of 500,00 or

more according to the last or any subsequent federal census; to provide for a study of judicial practice and procedure and court operation in such counties; to establish and provide for the composition of a "Commission for Judicial Study"; to state the powers, authority and duties of such Commission; and to provide for the financing of the work of the Commission.

H. 1094. To vacate the following described land dedicated or conveyed for a park and to vacate all public interests therein and rights thereto: A strip of land of indefinite width lying Southwesterly of and adjacent to Crestview Subdivision, which subdivision is located in the SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 4, Township 19 South, Range 3 West and the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 9, Township 19 South, Range 3 West, and recorded in Deed Book 1241, Page 294, in the Probate Court, Birmingham, Alabama and Bessemer, Alabama. Excepted from the above is a strip of right of way lying west of, parallel to and abutting the west line of said subdivision.

H. 1095. To provide for the relief of John Hollis Camp out of the County Treasury of Jefferson County, Alabama.

H. 1096. To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 200,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury.

H. 1097. To provide that any city which may now or hereafter have a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment; and to prescribe the power, jurisdiction and authority of such Board.

H. 1098. To apply to all counties in the State of Alabama having a population of 500,000 persons or more according to the last or any subsequent federal census, to provide that the governing body of each such county shall have authority to purchase, acquire and maintain one unmarked or undesignated passenger automobile for official use, said car to be serviced by the county and to provide for the payment and expenses of its upkeep.

H. 1099. To amend Section 2 of an act entitled "an act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal Census, a countywide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein



and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the County affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof." (Approved July 6, 1945, General Acts of Legislature of Alabama, 1945, page 376.)

H. 1100. To amend Section 440 of Title 37 of the Code of Alabama, 1940, as last amended.

H. 1101. To prohibit deception and fraud in the vending of certain foods and food products; and to provide that in all counties having a population in excess of 500,000, according to the last or any subsequent federal decennial census, that it shall be a misdemeanor for any person with intent to defraud to sell or offer to sell any meat or meat preparation, or other article of food as being kosher when it is not kosher, to offer for sale in the same place of business both kosher and non-kosher meat and other food products without stating that fact on his window signs, or to have in any place of business any non-kosher food, where the window signs indicate that only kosher food was sold, or to mark, stamp, tag or by any other means of identification represent non-kosher food to be kosher food and to provide penalties for the violations of the provisions of this act.

H. 1102. To apply in counties which now have or which may hereafter have a population in excess of 500,000 according to the last or any subsequent federal decennial census; providing for the use and disposition of sums in the amount of less than one dollar (\$1.00) which come into the hands of the License Commissioner, Director of the Department of Revenue or such other official as may be by law charged with responsibility for the collection and remittance of licenses and license fees, as a result of overpayment for licenses or other fees.

H. 1104. To apply in all counties of the State having a population of not less than 500,000 according to the last or any subsequent Federal decennial census; to authorize the county commission of any county to which this act applies to call an election for the approval or disapproval of central daylight savings time; providing for the ordering and holding of such election.

H. 1105. To extend, alter and rearrange the boundary lines and corporate limits of the city of Irondale in Jefferson County, Alabama, so as to include within the corporate limits of said city of Irondale all territory now within such corporate limits and also certain other territory contiguous thereto.

H. 1106. To amend further Section 22 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), an Act relating to a personnel system for certain counties in the State.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendments, and they were severally read a second time and placed on the Calendar, to-wit:

H. 767 (with amendment): To amend Section 613 of Title 51, Code of Alabama (1940), which relates to the license on vending machines.

H. 893 (with amendment): To make an appropriation for a tentative or preliminary survey of the Mulberry Fork of the Black Warrior River for the purpose of promoting the development of a waterway system connecting the Tennessee River and the Warrior River in the State of Alabama.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 734. To authorize the state highway department, or the director thereof, to contract with the governing body of any county in this state to construct parking areas or wayside parks along county roads and to declare that such parking areas and wayside parks shall constitute a part of the county road system.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 517 (with admendment): To amend Section 613, Title 51, Code of Alabama 1940, as amended by Act entitled an Act to amend Section 613, Title 51, Code of Alabama 1940, Act No. 207, General Acts Regular Session 1943, approved June 22, 1943, page 185; as further amended by Act No. 688, General Acts Regular Session 1947, approved October 7, 1947 (General Acts 1947, page 522).

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 661. To appropriate out of any funds in the State Treasury not otherwise appropriated for the fiscal year ending September 30, 1959, the sum of \$30,000.00 or so much thereof as may be necessary to renovate, remodel, repair, redecorate, alter, and modernize the offices occupied by the State Treasurer on the west side of the south corridor on the first floor of the Capitol Building in Montgomery, Alabama; and to repair and renovate adequate space for use by the State Treasurer in the basement of the State Capitol Building in Montgomery, Alabama.

S. 197. To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$50,000.00 for the purpose of renovating and remodeling space in the basement of the State Capitol for a restaurant and for the correction of the electrical distribution system for the Capitol.

H. 875. To fix the compensation of the Director of Aeronautics; repealing conflicting laws.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1006. Relating to Tallapoosa County: To impose extra, new and additional duties upon members of the Court of County Commissioners and to provide additional compensation for the performance of such duties.

H. 1007. Proposing an amendment to the Constitution of Alabama relative to costs and charges of courts in, and the compensation of officers of Tallapoosa County.

The above bill was read a second time at length as required by the Constitution.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Brewer to suspend the rules in order to allow the call of counties for the introduction of local bills, and to take up for immediate consideration the third reading of uncontested local bills, was adopted.

Yeas 89; Nays 0.

#### Yeas:

|                 |            |                     |                     |
|-----------------|------------|---------------------|---------------------|
| Mr. Speaker:    | Dickson    | Johnson (Hardaway)  | Pruitt              |
| Adams (Houston) | Dodd       | Johnson (J. T. Tom) | Ramey               |
| Albea           | Edwards    | Johnston (Leonard)  | Rast                |
| Avery           | Faulk      | Jones (Monroe)      | Ray                 |
| Bailey          | Ferguson   | Lee                 | Reynolds (Chambers) |
| Barnett         | Franklin   | Locke               | Roberts             |
| Bassett         | Gilmer     | Long (Perry)        | Rogers              |
| Bevill          | Goodwyn    | McClendon (Chamb)   | Rozelle             |
| Bishop          | Gordon     | McCorquodale        | Salter              |
| Brannan         | Grant      | McLendon (Bullock)  | Self                |
| Branyon         | Gross      | Martin              | Sessions            |
| Brewer          | Grouby     | Merrill             | Shumate             |
| Broadfoot       | Hain       | Morrow              | Smith (St. Clair)   |
| Brooks          | Hanby      | Murphy              | Speaks              |
| Cabiness        | Hankins    | Nettles             | Steagall            |
| Callahan        | Hardy      | Nichols             | Sullivan            |
| Camp            | Harvey     | Oakley              | Taylor              |
| Casey           | Hawkins    | Oden                | Thomas              |
| Cates           | Hearn      | Owens               | Torbert             |
| Chambers        | Hocklander | Perry               | Trimmier            |
| Cook            | Ingram     | Pierce              | Turner              |
| Copeland        | Jenkins    | Powell              | Turnham             |
| Daniel          |            |                     |                     |

—89

#### INTRODUCTION OF BILLS

Upon a call of counties bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Brannan (with notice and proof):

H. 1112. Relating to Baldwin County: Authorizing the County Commissioners of Baldwin County, Alabama, to pay the salaries of additional deputy sheriffs, designate the fund out of which said salaries shall be paid. To prescribe their method of appointment and fix their duties.

Local Legislation No. 1.

Notice and Proof H. 1112:

## LEGAL NOTICE

## AN ACT

Relating to Baldwin County:

Authorizing the County Commissioners of Baldwin County, Alabama, to pay the salaries of additional deputy sheriffs, designate the fund out of which said salaries shall be paid. To prescribe their method of appointment and fix their duties.

**Be It Enacted by the Legislature of Alabama:**

Section 1. That the County Commissioners of Baldwin County, Alabama, or any like governing body of said County is hereby authorized and empowered to pay the salaries of additional deputy sheriffs. Such deputies shall be in addition to those now required by law to be paid.

Section 2. The deputies shall receive a salary of not more than \$4200.00 per annum, to be paid in equal monthly installments and may be paid in whole or in part from the General Fund. The Fine and Forfeiture Fund of the County Public Highway and Traffic Fund as the governing body shall direct. The salaries shall be set by the County Commissioners at their discretion, not to exceed the maximum designated herein.

Section 3. The Sheriff shall appoint the additional deputies as provided for in this act and they shall serve at his pleasure.

Section 4. It shall be the duty of said deputies to enforce state traffic and motor vehicle laws, and while not so engaged to perform such other duties of the Sheriff as the Sheriff shall direct, but his essential duties shall be to enforce said state traffic and vehicle laws as aforesated.

Section 5. If any sentence, clause provision or section of this act be declared invalid, the invalidity thereof shall not affect the validity of any other portion or provision of this act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of portions thereof.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**AFFIDAVIT OF PUBLICATION**

**STATE OF ALABAMA  
COUNTY OF BALDWIN**

E. R. Morrisette Jr., being duly sworn, deposes and says that he is the Editor of The Baldwin Times, a weekly newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of An Act — Relating to Baldwin County was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Aug. 27, 1959 Vol. 71 No. 33.

Date of 2nd publication Sept. 3, 1959 Vol. 71 No. 34.

Date of 3rd publication Sept. 10, 1959 Vol. 71 No. 35.

Date of 4th publication Sept. 17, 1959 Vol. 71 No. 36.

Subscribed and sworn before the undersigned this 14 day of Oct., 1959.

E. R. MORRISSETTE, JR.,  
Editor.

DOROTHY MARTIN  
Notary Public, Baldwin Co.

By Messrs. Hocklander and Reynolds (Chambers) (with notice and proof):

H. 1113. To amend Section four (4) of an Act of the Legislature approved March 23, 1955, entitled: An Act; To establish in Mobile County, Alabama, the positions of Administrative Assistant to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama and Legal Stenographer to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama; to prescribe their duties; to fix their term of employment and to prescribe their compensation and provide for the payment of their compensation out of the General Fund of Mobile County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1113:

#### LEGAL NOTICE

Notice is hereby given that a local bill substantially as follows will be introduced in the present session of the Alabama Legislature.

#### A BILL TO BE ENTITLED AN ACT

To amend Section four (4) of an Act of the Legislature approved March 23, 1955, entitled: An Act; To establish in Mobile County, Alabama the positions of Administrative Assistant to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama and Legal Stenographer to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama; to prescribe their duties; to fix their term of employment and to prescribe their compensation and provide for the payment of their compensation out of the General Fund of Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section four (4) of an Act of the Legislature approved March 23, 1955, entitled: An Act, To establish in Mobile County, Alabama, the positions of Administrative Assistant to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama and Legal Stenographer to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama; to prescribe their duties; to fix their term of employment and to prescribe their compensation and provide for the payment of their compensation out of the General Fund of Mobile County, Alabama, is amended to read as follows: Section four (4). The Administrative Assistant to the Circuit Solicitor shall receive as compensation for such services the sum of not less than forty-two hundred dollars annually and not more than six thousand dollars annually, the amount to be fixed by the Circuit Solicitor and the Legal Stenographer to the Circuit Solicitor shall receive as compensation for such services the sum of thirty-six hundred dollars annually, payable in equal

monthly installments out of the General Fund of Mobile County, Alabama.

Section 2. This Act shall become effective on the first day of the month following its passage and approval by the Governor or upon its otherwise becoming a law.

A. A. Johnson being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Press, 10/7, 14, 21, 28, 1959.

A. A. JOHNSON

Sworn to and subscribed before me This 28th day of October, 1959.

GREG L. KENNY  
Notary Public.

By Messrs. Murphy and Reynolds (Chambers) (with notice and proof):

H. 1114. Relating to Mobile County: to prescribe additional qualifications for recorders and persons holding municipal court in the incorporated municipalities of Mobile County.

Local Legislation No. 1.

Notice and Proof H. 1114:

#### LEGAL NOTICE

STATE OF ALABAMA,  
COUNTY OF MOBILE.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL To BE ENTITLED AN ACT

Relating to Mobile County; to prescribe additional qualifications for recorders and persons holding municipal court in the incorporated municipalities of Mobile County.

Be it Enacted by the Legislature of Alabama:

Section 1. Every recorder and every other person holding municipal court in any incorporated municipality in Mobile County must be learned in the law in addition to possessing all other qualifications prescribed by law.

Section 2. The provisions of this Act shall not apply to nor affect the eligibility or qualifications of any person now holding the office of recorder in any municipality in Mobile County.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared A. A. Johnson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Comptroller of the Mobile Press Register, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 2nd, Sept. 9th, Sept. 16th, and Sept. 23rd, all in the year 1959.

A. A. JOHNSON

Sworn to and subscribed before me September 23rd, 1959.

GREG L. KENNY,  
Notary Public.

By Messrs. Murphy, Hocklander and Reynolds (Chambers) (with notice and proof):

1115. To amend further Section VIII of the act approved September 15, 1939, creating and establishing the Personnel Department of Mobile County (Act No. 470, H. 952, Local Acts 1939, p. 298); to provide for the qualifications, salary and duties of the Personnel Director, to provide for the retirement of the Personnel Director and to prescribe the terms and conditions of such retirement.

Local Legislation No. 1.

Notice and Proof H. 1115:

## LEGAL NOTICE

Notice is hereby given that a bill will be introduced in the legislature now in session the substance and effect of which bill will be to amend further Section VIII of the act approved September 15, 1939, creating and establishing the Personnel Department of Mobile County (Act No. 470, H. 952, Local Acts 1939, p. 298); to provide for the qualifications, salary and duties of the Personnel Director, to provide for the retirement of the Personnel Director and to prescribe the terms and conditions of such retirement.

W. F. Egan being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Press, Oct. 8, 15, 22, and 29, 1959.

W. F. EGAN

Sworn to and subscribed before me This 29th day of October, 1959.

GREG L. KENNY  
Notary Public.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Smith (Russell) to suspend the rules in order to introduce a general bill was adopted.

## INTRODUCTION OF BILL

The following bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Messrs. Smith (Russell) and Pruitt:

H. 1116. To make an additional appropriation for payment of expenses of the Legislature.

Ways and Means.

## INTRODUCTION OF BILLS

Upon a continuation of a call of counties, the following bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Hocklander and Reynolds (Chambers) (with notice and proof):

H. 1117. Relating to Mobile County: To amend further Section 3 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), entitled "An Act to place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer," to provide further for the compensation of the chief clerk in the office of the sheriff.

Local Legislation No. 1.

Notice and Proof H. 1117:

## LEGAL NOTICE

State of Alabama, County of Mobile.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Mobile County: To amend further Section 3 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), entitled "An Act to place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide



for the necessary equipment and supplies for said officer," to provide further for the compensation of the chief clerk in the office of the sheriff.

**Be It Enacted by the Legislature of Alabama:**

Section 1. Section 3 of an act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355) entitled "An Act to place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer," as amended, is amended further to read as follows:

"Section 3. The Sheriff of Mobile County, Alabama, may, after the effective date of this act, employ the following assistants at the following rate of compensation, viz: One (1) chief deputy sheriff to receive six thousand four hundred dollars (\$6,400) per annum; one assistant chief deputy sheriff to receive five thousand four hundred dollars (\$5,400) per annum; not less than eight (8) civil and criminal deputy sheriffs to receive not less than fifteen hundred dollars (\$1,500) each per annum; one (1) civil and criminal deputy sheriff, who shall also act as bailiff of the Inferior Court of Mobile County, Alabama, to receive not less than fifteen hundred dollars (\$1,500) per annum; three (3) part-time deputy sheriffs to receive not less than six hundred dollars (\$600) each per annum; not less than four (4) jail guards to receive not less than fifteen hundred dollars (\$1,500) each per annum; one chief clerk to receive six thousand dollars (\$6,000) per annum; one (1) office employee to receive not less than eighteen hundred dollars (\$1,800) per annum; two (2) office employees to receive not less than fifteen hundred dollars (\$1,500) each per annum; one (1) office employee to receive not less than nine hundred dollars (\$900) per annum; one (1) jail matron to receive not less than one thousand dollars (\$1,000) per annum; one (1) kitchen steward to receive not less than nine hundred dollars (\$900) per annum. Each of the foregoing assistants shall receive their compensation in equal monthly installments upon warrants drawn in the same manner as other employees of Mobile County. The power and authority to fix the salaries of each and every assistant herein provided for above the minimum amounts named in this section is hereby conferred on the Personnel Board of the Civil Service System of Mobile County, Alabama; and all assistants affected hereby, except the chief deputy sheriff, the assistant chief deputy sheriff, and the chief clerk shall be subject to all the terms and provisions of the Civil Service Act relating to Mobile County, said act having been passed at the 1939 Session and being House Bill No. 952 and having been approved September 15, 1939; provided, however, that the chief deputy sheriff, the assistant chief deputy sheriff, and the chief clerk, shall be qualified electors of Mobile county at the time of their appointment and during their continuance in office. The chief deputy sheriff, the assistant chief deputy sheriff, and the chief clerk shall each give bond in an amount to be determined by the Sheriff, such bond to be conditioned as prescribed by law. Nothing herein contained shall be construed as depriving the

Personnel Board of the Civil Service System of Mobile County, Alabama, of authority to provide additional assistants for the Sheriff of Mobile County, Alabama.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

W. F. Egan being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Press, Oct. 8, 15, 22, and 29, 1959.

W. F. EGAN

Sworn to and subscribed before me This 29th day of October, 1959.

GREG L. KENNY  
Notary Public.

By Messrs. Hocklander, Murphy, Trimmier and Reynolds (Chambers)  
(with notice and proof):

H. 1118. Relating to Mobile County: To provide further for the distribution of fines and forfeitures in certain cases.

Local Legislation No. 1.

Notice and Proof H. 1118:

#### LEGAL NOTICE

#### STATE OF ALABAMA, COUNTY OF MOBILE.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

Relating to Mobile County: To provide further for the distribution of fines and forfeitures in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1. One-half of all fines and forfeitures hereafter paid by persons convicted in courts of competent jurisdiction within Mobile County of violations of the rules of the road, or the laws of this state relating to or regulating traffic or the operation of motor vehicles upon the highways of this state, shall be paid into the fine and forfeiture fund of Mobile County, and the remainder shall be remitted by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

A. A. Johnson being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register 7/8.15.22.29, 1959.

A. A. JOHNSON

Sworn to and subscribed before me this 5th day of October, 1959.

GREG L. KENNY,  
Notary Public.

By Messrs. Hocklander, Murphy, Trimmier and Reynolds (Chambers)  
(with notice and proof):

H. 1119. To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said city.

Local Legislation No. 1.

Notice and Proof H. 1119:

#### LEGAL NOTICE

#### AN ACT

To alter, rearrange and add to the limits of the City of Chickasaw, Alabama, and to describe the area added to the said limits of the said city.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Chickasaw are altered, rearranged and extended to include within the corporate limits of said City the land described as follows:

A. Begin at the southeast corner of the North-East quarter of said Section 20; thence in a westerly direction along the south boundary of said North-East quarter 1317.6 feet, more or less, to intersection with a northerly projection of the east boundary of Fifth Street (now known as Erie Street) as shown by map of the Survey of North Mobile made for the North Mobile Development Company, Inc., by B. F. Bates, Civil Engineer, said map being recorded in the office of the Judge of Probate of Mobile County, Alabama, in Deed Book No. 145 N.S., Pages 252 to 263, inclusive; thence in a northerly direction along said projection of the east boundary of Fifth Street (now known as Erie Street) 835.1 feet, more or less, to the center line of Eight Mile Creek; thence in a northeasterly direction down said center line of Eight Mile Creek to intersection with the east boundary of said Section 20; said intersection being 540 feet, more or less, south of the northeast corner of said Section 20; thence in a southerly direction along said east boundary of Section 20, to the point of beginning; the above described Tract having an area of 36.63 acres, more or less;

B. Begin at the intersection of the west boundary of Fourth Street (now known as Delaware Street) with the north boundary of Second Avenue as shown by map of the Survey of North Mobile made for the North Mobile Development Company, Inc., by B. F. Bates, Civil Engineer, said map being recorded in the office of the Judge of Probate of Mobile County, Alabama, in Deed Book No. 145, N.S., Pages 252 to 263, inclusive; thence in a northerly direction along said west boundary of Fourth Street (now known as Delaware Street)

and a projection thereof 750.0 feet to the point of beginning of boundary of tract of land herein described; thence turning an angle of 90 degrees and 04 minutes and 30 seconds to the right in an easterly direction 450.0 feet to intersection with a northerly projection of the west boundary of Fifth Street (now known as Erie Street) as shown by said map of North Mobile; thence in a northerly direction along said projection of the west boundary of Fifth Street (now known as Erie Street) 1467.6 feet, more or less, to the center line of Eight Mile Creek; thence in a southwesterly direction up the center line of said creek to intersection with said northerly projection of the west boundary of Fourth Street (now known as Delaware Street); thence in a southerly direction along said projection of the west boundary of Fourth Street (now known as Delaware Street) 900.0 feet, more or less, to the point of beginning; the above described Tract having an area of 13.20 acres, more or less;

C. Begin at the intersection of the east boundary of Fourth Street (now known as Delaware Street) with the north boundary of Second Avenue as shown by Map of the Survey of North Mobile, made for the North Mobile Development Company, Inc., by B. F. Bates, Civil Engineer, said map being recorded in the office of the Judge of Probate of Mobile County, Alabama, in Deed Book No. 145 N.S., Pages 252 to 263, inclusive; thence in a northerly direction along said east boundary of Fourth Street (now known as Delaware Street) and a northerly projection thereof 700.0 feet; thence turning an angle of 90 degrees and 104 minutes and 30 seconds to the right in an easterly direction along a line parallel with said north boundary of Second Avenue 450.0 feet to intersection with a northerly projection of the east boundary of Fifth Street (now known as Erie Street) as shown by said map of North Mobile; thence turning an angle of 90 degrees and 04 minutes and 30 seconds to the left in a northerly direction along said northerly projection of the east boundary of Fifth Street (now known as Erie Street) 1526.6 feet, more or less, to the center line of Eight Mile Creek; thence in a northerly direction down said center line of Eight Mile Creek to intersection with the east boundary of said Section 20; thence in a northerly direction along said east boundary of Section 20 a distance of 540.0 feet, more or less, to the southeast corner of said Section 17; thence in a northerly direction along the east boundary of said Section 17 a distance of 1334.4 feet to the northeast corner of the Fractional South-East quarter of said Section 17; thence turning an angle of 89 degrees and 18 minutes and 30 seconds to the left in a westerly direction along the north boundary of said Fractional South-East quarter of South-East quarter 1113.5 feet to the northeast corner of a tract of land conveyed by Chickasaw Land Company to Leon L. Solomon by deed dated March 22, 1921; thence turning an angle of 90 degrees and 41 minutes and 30 seconds to the left in a southerly direction along the east boundary of said tract of land conveyed by Chickasaw Land Company to Leon L. Solomon 2769.2 feet; thence turning an angle of 90 degrees and 00 minutes to the right in a westerly direction along the south boundary of said tract of land conveyed by Chickasaw land Company to Leon L. Solomon and a westerly projection thereof 494.5 feet; thence turning an angle of 35 degrees and 51 minutes to the left in a southwesterly direction 1427.4 feet; thence turning an angle of 144 degrees and 06 minutes to the left in an easterly direction 995.4 feet, more or less, to the center line of Eight Mile Creek; thence in a northeasterly direction down said center line of Eight Mile Creek 700.0 feet, more or less, to intersection with a northerly projection of the west boundary of Fifth Street (now known as Erie Street) as shown by said Map of North Mobile;

thence in a southerly direction along said projection of the west boundary of Fifth Street (now known as Erie Street) 1467.6 feet, more or less, to intersection with a line 750.0 feet north of and parallel with said north boundary of Second Avenue; thence turning an angle of 90 degrees and 04 minutes and 30 seconds to the right in a westerly direction along said parallel line 450.0 feet to intersection with a northerly projection of the west boundary of said Fourth Street (now known as Delaware Street); thence turning an angle of 90 degrees and 04 minutes and 30 seconds to the left in a southerly direction along said northerly projection of the west boundary of Fourth Street (now known as Delaware Street) 750.0 feet to intersection with said north boundary of Second Avenue; thence turning an angle of 89 degrees and 55 minutes and 30 seconds to the left in an easterly direction along said north boundary of Second Avenue 50.0 feet to the point of beginning;

Section 2. That all laws and parts of laws either general or special in conflict with the provision of this act, be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval by the governor.

A. A. Johnson being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register Oct. 7, 14, 21, 26, 1959.

A. A. JOHNSON

Sworn to and subscribed before me This 26th day of October, 1959.

GREG L. KENNY  
Notary Public.

By Messrs. Hocklander and Reynolds (Chambers):

H. 1120. To provide further for assuring the appearance for trial of persons arrested for violations of certain municipal ordinances regulating traffic in all cities in this State having a population of not less than 125,000 nor more than 250,000 according to the last or any subsequent federal decennial census; authorizing and prescribing an additional procedure for securing such appearance; designating failure to appear as promised a misdemeanor and prescribing penalties.

Local Legislation No. 1.

By Messrs. Hocklander, Murphy, Trimmier and Reynolds (Chambers) (with notice and proof):

H. 1121. To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said City.

Local Legislation No. 1.

Notice and Proof H. 1121:

#### LEGAL NOTICE

#### AN ACT

To alter, rearrange and add to the limits of the City of Chickasaw, Alabama, and to describe the area added to the said limits of

the said City.

**Be It Enacted by the Legislature of Alabama:**

Section 1. That the boundaries of the City of Chickasaw are altered, rearranged and extended to include within the corporate limits of said City the land described as follows:

Begin at the intersection of Sections 15, 16, 21 and 22, T3S, R1W, being the NE corner of the City of Chickasaw, Mobile County, Alabama, run thence in a Westerly direction along the Southern Boundary of said Section 16, to the point of beginning of the boundary of tract of land herein described; thence turning an angle of 89 degrees and 16 minutes to the right in a Northerly direction 500 feet, more or less, to intersection with center line of a slough; thence in a general Eastwardly and Northeasterly direction along and with the meanders of said center line to the point in said center line that is 1,400 feet Northwardly from the South Boundary of said Section 16, measured at right angles to said South Boundary, thence in a Westwardly direction, parallel to and 1,400 feet from the South Boundary of said Section 16, run to the point of intersection with the center line of Eight Mile Creek. Thence in a general southerly direction along and with the meanders of said center line of Eight Mile Creek to intersection with the West Boundary of said Section 16; thence in a Southerly direction along said West Boundary 725.0 feet, more or less, to the Southwest corner of said Section 16; thence in an Easterly direction along the South Boundary of said Section, to the point of beginning; together with all of the grantor's right, title and interest in and to that certain easement granted to Harold William Adams on April 5, 1954, by W. G. Fain and Emma Lena Fain, his wife, and Max Buchman and Freda R. Buchman, his wife, as shown by instrument recorded in the Probate Court of Mobile County, Alabama.

Section 2. That all laws and parts of laws either general or special in conflict with the provision of this act, be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval by the Governor.

A. A. Johnson being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register Oct. 7, 14, 21, 26, 1959.

A. A. JOHNSON

Sworn to and subscribed before me This 26th day of October, 1959.

GREG L. KENNY  
Notary Public.

By Messrs. Hocklander and Reynolds (Chambers) (with notice and proof):

H. 1122. To provide for and fix the compensation and duties of the Chief Assistant in the office of the Clerk of the Circuit Court of Mobile County, Alabama, in charge of the Criminal Division of said Circuit Court.

Local Legislation No. 1.

Notice and Proof H. 1122:

## LEGAL NOTICE

Notice is hereby given that a local bill substantially as follows will be introduced in the Legislature of Alabama.

## AN ACT

To provide for and fix the compensation and duties of the Chief Assistant in the office of the Clerk of the Circuit Court of Mobile County Alabama, in charge of the Criminal Division of said Circuit Court.

**Be It Enacted by the Legislature of Alabama:**

Section 1. That the Clerk of the Circuit Court of Mobile County, Alabama, may employ at public expense one Clerk to serve as Clerk of the Criminal Division of said Court to be known as the Chief Assistant to the Clerk of said Court and authorized to perform all of the official duties of the Clerk of said Court, who shall be an employee of the Clerk of said Court and as such may be discharged as may be done between private employer and employee, such Chief Assistant to discharge the duties imposed upon him or her by law and by the Clerk of said Court.

Section 2. That such Chief Assistant shall be paid a salary of \$6,600.00 per year, payable in equal monthly installments out of the Treasury of Mobile County, Alabama.

Section 3. That the Chief Assistant to the Clerk of said Court provided for herein, before he or she enters upon his or her duties herein prescribed, must take the oath directed to be taken by the officers of this state, and give bond with surety, payable to the said Clerk of said Court, in such sum as he may prescribe. Upon this Bond the said Chief Assistant to the Clerk of said Court shall be liable to the said Clerk of said Court in consequence of any act of misfeasance or malfeasance of such Chief Assistant in the duties of his or her office. Said bond must be approved by the said Clerk of said Court, and be filed and recorded in the office of the Judge of Probate for said County, and the premiums for said bond paid from funds of the Treasury for said County.

Section 4. That all laws, general, local or special, in conflict with the provisions of this Act are hereby repealed.

Section 5. This act shall take effect immediately upon its passage and approval by the Governor its otherwise becoming a law.

W. F. Egan being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register Oct. 9, 16, 23, 30, 1959.

W. F. EGAN

Sworn to and subscribed before me This 30th day of October, 1959.

GREG L. KENNY  
Notary Public.

By Mr. Meade (with notice and proof):

H. 1123. To amend Section 2 of Act No. 261, H. 808, approved August 23, 1955, an act relating to the construction, maintenance and

repair of county roads and bridges in Cherokee County (Act 1955, Vol. I, p. 606) in relation to the authority of the county governing body to determine, subject to the approval of the state highway department, which new county roads and bridges are to be built within the county.

Local Legislation No. 1.

Notice and Proof H. 1123:

STATE OF ALABAMA  
COUNTY OF CHEROKEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 2 of Act No 261, H. 808, approved August 23, 1955, an act relating to the construction, maintenance and repair of county roads and bridges in Cherokee County (Act 1955, Vol. I, p. 606), in relation to the authority of the county governing body to determine, subject to the approval of the state highway department, which new county roads and bridges are to be built within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 261, H. 808, approved August 23, 1955, an act relating to the construction, maintenance and repair of the county roads and bridges of Cherokee County (Acts 1955, Vol. I, p. 606), is hereby amended to read as follows:

"Section 2. The county governing body of Cherokee County shall have and exercise only the powers and functions relative to the construction, maintenance and repair of the county roads and bridges as are conferred upon it by this Act, as follows:

"(a) To levy road and bridge taxes and to appropriate money for the construction, maintenance and repair of county roads and bridges in the same manner and to the same extent as it may presently do so under the laws of the State;

"(b) To borrow money and issue bonds or other evidences of indebtedness, subject to the approval of the State Highway Department, for the purpose of constructing, maintaining and repairing county roads and bridges to the same extent as it may presently do so under the laws of the State;

"(c) To exercise, subject to the approval of the State Highway Department the right of eminent domain for the purpose of acquiring right-of-way for the establishment and changing county roads and bridges in the manner presently provided by law.

"(d) To determine, subject to the approval of the State Highway Department, which new county roads and bridges are to be built within the county."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.



## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF CHEROKEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joe Shaw, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 7, Oct. 14, Oct. 21, and Oct. 28, all in the year 1959.

JOE SHAW, JR.

Sworn to and subscribed before me this 30th day of October, 1959.

LAURA FRANCES COFFEY,  
Notary Public.

By Mr. Meade (with notice and proof):

H. 1124. To provide for the compensation of the coroner of Cherokee County.

Local Legislation No. 1.

Notice and Proof H. 1124:

## LEGAL NOTICE

STATE OF ALABAMA  
COUNTY OF CHEROKEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the compensation of the coroner of Cherokee County.

## Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Cherokee County shall be entitled to an annual salary of three hundred dollars (\$300), which shall be payable in equal monthly installments from the general fund of the county, on warrants drawn on such fund in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF CHEROKEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joe Shaw, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 7, Oct. 14, Oct. 21, and Oct. 28, all in the year 1959.

JOE SHAW, JR.

Sworn to and subscribed before me October 30, 1959.

LAURA FRANCES COFFEY  
Notary Public.

By Mr. Salter (with notice and proof):

H. 1125. To authorize the court of county commissioners, board of revenue or other like governing body of Conecuh County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Conecuh County public highway and traffic fund.

Local Legislation No. 1.

Notice and Proof H. 1125:

A BILL  
TO BE ENTITLED  
AN ACTSTATE OF ALABAMA  
COUNTY OF CONECHUH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To authorize the court of county commissioners, board of revenue or other like governing body of Conecuh County to designate deputy sheriffs as county traffic control officers and to provide for their compensation, in whole or in part, from the Conecuh County public highway and traffic fund.

Be It Enacted by the Legislature of Alabama:

Section 1. It being the duty of the chief deputy sheriff and any other deputy sheriffs of Conecuh County to enforce state traffic and motor vehicle laws, the court of county commissioners, board of revenue, or other like governing body of Conecuh County is hereby authorized to designate the chief deputy and any other deputy sheriffs, whose compensation is paid by the county according to law, as a county traffic control officer. In its discretion, the county governing body may provide for the payment of the compensation of the deputy sheriffs so designated as traffic control officers, in whole or in part, from the Conecuh County public highway and traffic control fund.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF CONECUH

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. G. Bozeman, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Evergreen Courant, a newspaper of general circulation published in Conecuh County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 8, Oct. 15, Oct. 22, and Oct. 29, all in the year 1959.

R. G. BOZEMAN, JR.

Sworn to and subscribed before me Oct. 29, 1959.

J. M. JOHNSTON  
Notary Public.

By Messrs. Sessions, Edwards, Locke, Hawkins, Rast, Morrow and Perry (with notice and proof):

H. 1126. To alter and extend the boundaries of the City of Leeds, Alabama.

Local Legislation No. 2.

Notice and Proof H. 1126:

#### LEGAL NOTICE

To Alter, Rearrange and extend the boundaries of the City of Leeds.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Leeds are hereby altered, rearranged and extended to include within the corporate limits of said municipality the following described territory to wit: An area in Jefferson County only to be measured from the Southern Railway Depot situated on the Southern Railway right of way on the North of the tracks between 24th and 25th Streets in the City of Leeds, 2½ miles each way North, South, East and West from said depot to each lateral boundary of the corporate limits. However, it shall be limited to Jefferson County only and shall not affect the boundary of the City of Leeds in Shelby and St. Clair Counties which boundary shall remain the same as extended by Act No. 521, approved on August 22, 1951 by the Legislature of the State of Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

#### AFFIDAVIT OF PUBLISHER

STATE OF ALABAMA  
ST. CLAIR COUNTY

On this 30th day of June 1959, personally appeared before me Ethel Blair, Notary Public, in and for the County and State aforesaid,

E. R. Blair, who being duly sworn according to Law, declares that he is publisher of the "The Leeds News," a newspaper published in the city of Leeds, in the County of Jefferson, State of Alabama, and the advertisement, a true copy of which is herewith attached, appeared in the "The Leeds News" on the following dates: 5-22, 5-29, 6-12, 6-19, 1959.

E. R. BLAIR.

Subscribed and sworn to before me, this 30th day of June, A. D., 1959.

ETHEL BLAIR,  
Notary Public.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Rast to suspend the rules in order to introduce a general bill was adopted.

#### INTRODUCTION OF BILL

The following bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Messrs. Locke, Edwards, Rast, Perry, Hawkins, Sessions, and Morrow:

H. 1127. To provide for the relief of Jack Coggins, of Jefferson County, by making an appropriation to him from the state treasury.

Ways and Means.

#### INTRODUCTION OF BILLS

Upon a continuation of a call of counties, the following bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Messrs. Sessions, Edwards, Hawkins, Rast, Perry, Locke and Morrow:

H. 1128. To Fix Compensation of Election Officials in Primary Elections, General Elections, and Special Elections held in Counties Which Now Have or Which May Hereafter Have a Population In Excess of 500,000 According to the Last or Any Subsequent Federal Decennial Census.

Local Legislation No. 2.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Sessions to suspend the rules in order to introduce a general bill was adopted.

#### INTRODUCTION OF BILL

The following bill was introduced, read on time and referred to appropriate standing committee, as follows:

By Messrs. Sessions, Locke, Hankins, Bishop, Nichols, Rogers, Dodd, Pierce, Ferguson, Lee, Johnston (Leonard), Harris, Edwards, Guthrie, Pruitt, Gilmer, Ashworth and Perry:

H. 1129. To protect and preserve basic trust and fiduciary purposes and interests inherent in the intent and understanding when property in Alabama shall have been subjected or devoted to local fraternal uses; to prevent impairment of such intent and to preserve

the charitable or trust use intended, from subjection to uses, functions or rules subversive of such intent or inconsistent with social order, harmony and good will in the administration thereof as a result of or in the event of action by any higher or affiliate order or other authority affecting the administration or use of the property; and to provide for repayment of loans or grants made by the parent order (or its affiliated organization) to the local fraternity as those terms are herein defined; and to provide procedure for protection and preservation of such intent and the fraternal, charitable or educational use involved and said declaratory act to that end.

Judiciary.

### INTRODUCTION OF BILLS

Upon a continuation of a call of counties the following bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Dodd (with notice and proof):

H. 1130. To amend Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama entitled "An Act relating to Lawrence County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 25 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 25 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said State Use Tax; so as to adopt by reference certain provisions of the said Act No. 100 and the said Article 11, as so amended; so as to make

subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

Local Legislation No. 1.

Notice and Proof H. 1130:

NOTICE OF INTENTION TO  
APPLY FOR PASSAGE OF  
LOCAL ACT

Notice is hereby given that application will be made to the Legislature of Alabama for passage of a local bill reading substantially as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act. No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama entitled "An Act relating to Lawrence County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying on excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 25 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 25 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of

the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said State Use Tax; so as to adopt by reference certain provisions of the said Act No. 100 and the said Article 11, as so amended; so as to make subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama and entitled "An Act relating to Lawrence County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes" is hereby amended so that the said title shall read as follows: "An Act relating to Lawrence County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county; of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959; provid-

ing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to person subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes."

Section 2. Section 1 of the said Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama shall be and hereby is amended so that the said Section I shall read as follows:

"Section 1. Meaning of Terms Used in This Act. The following words, terms and phrases were used in this act shall have the following respective meanings, except where the context clearly indicates a different meaning: 'This State' means the State of Alabama; 'Lawrence County' means Lawrence County in this State; 'State Sales Tax statutes' means Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama; 'State Sales Tax' means the tax imposed by the State Sales Tax statutes; 'State Use Tax statutes' means Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940 as the said Article 11 had been last amended on September 1, 1959, and as it existed on said date; 'State Use Tax' means the tax imposed by the State Use Tax statutes; 'registered seller' means the person registered with the State Department of Revenue pursuant to Section 790 of Title 51 of said Code, as heretofore amended; 'month' means a calendar month; 'quarterly period' means the period of three months ending on the last day of each March, June, September, or December; and 'fiscal year' means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year. In addition to the foregoing definitions, all words, terms and phrases that are defined in the State Sales Tax statutes or in the State Use Tax statutes shall, where used in this act, have the meanings respectively ascribed to them in the State Sales Tax statutes or in the State Use Tax statutes as the case may be, except where the context herein clearly indicates a different meaning."

Section 3. Section 2 of the said Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama is hereby amended so that the said Section 2 shall read as follows:

"Section 2. Levy of License Tax Measured by Gross Sales or Gross Receipts. There is hereby levied in Lawrence County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation (including The Board of Trustees of the University of Alabama, The Alabama Polytechnic Institute, and all other institutions of higher learning in the State, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of any such institution) engaged or continuing, within Lawrence County, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind



and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business;

“(b) Upon every person, firm or corporation engaged on continuing, within Lawrence County, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Lawrence County, an amount equal to one per cent (1%) of the gross receipts of any such business;

“(c) Upon every person, firm or corporation engaged or continuing within Lawrence County in the business of selling at retail machines used in the mining, quarrying, compounding, processing and manufacturing tangible personal property, and the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily used in the operation thereof, an amount equal to one-half of one per cent ( $\frac{1}{2}$  of 1%) of the gross proceeds of the sale of such machines, parts, attachments and replacements; and

“(d) Upon every person, firm, or corporation engaged or continuing, within Lawrence County, in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one per cent ( $\frac{1}{2}$  of 1%) of the gross proceeds of the sale of said automotive vehicle, or truck trailer and semi-trailer; provided, that where any used automotive vehicle, used truck trailer, or used semi-trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

provided, that there are exempted from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax statutes from computation of the amount of the State Sales Tax.”

Section 4. Section 3 of the said Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama is hereby amended so that the said Section 3 shall read as follows:

“Section 3. Levy of Excise Tax on Use, Storage and Consumption of Tangible Personalty. An excise tax is hereby imposed on

"(a) The storage, use or other consumption in Lawrence County of tangible personal property purchased at retail, on or after the first day of \_\_\_\_\_, 19\_\_\_\_ (the date to be inserted here will be the first day of the month succeeding the month during which this bill becomes law), for storage, use or other consumption in Lawrence County, at the rate of one per cent (1%) of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Lawrence County or in this State, except as provided in subsections (b) and (c) of this section;

"(b) The storage, use or other consumption in Lawrence County of any machine used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of \_\_\_\_\_, 19\_\_\_\_ (the date to be inserted here will be the first day of the month succeeding the month during which this bill becomes law), for storage, use or other consumption in Lawrence County, at the rate of one-half of one per cent ( $\frac{1}{2}$  of 1%) of the sale price of such machine, parts, attachments, or replacements; and

"(c) The storage, use or other consumption in Lawrence County of any automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of \_\_\_\_\_, 19\_\_\_\_ (the date to be inserted here will be the first day of the month succeeding the month during which this bill becomes law), for storage, use or other consumption in Lawrence County, at the rate of one-half of one per cent ( $\frac{1}{2}$  of 1%) of the sales price of such automotive vehicle, truck trailer, or semi-trailer; provided, that where any used automotive vehicle or used truck trailer or used semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

provided, however, that there are exempted from the provisions of this section and the tax imposed in this section the storage, use or other consumption of property the storage, use or other consumption of which are presently exempted under the State Use Tax statutes from the State Use Tax. Subject to the exemptions provided for in the preceding sentence, every person storing, using or otherwise consuming in Lawrence County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the said tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given, pursuant to Section 5 of this act, to the purchaser of any property to be used, stored or consumed in Lawrence County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer."

Section 5. Severability Clause. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 6. Effective Date of Act. This act shall become effective on the first day of \_\_\_\_\_, 19\_\_\_\_ (the date to be inserted here will be the first day of the month succeeding the month during which this bill becomes law).

STATE OF ALABAMA,  
LAWRENCE COUNTY.

Before me a Notary Public, in and for said State and County, personally appeared Arthur F. Slaton, publisher of The Moulton Advertiser, a newspaper published in said State and County, who being sworn according to law, deposes and says that, the legal notice, copy of which is herewith attached, was duly published in The Moulton Advertiser for 4 consecutive weekly issues beginning with the issue of October 8, 1959 and ending with the issue of October 29, 1959.

ARTHUR F. SLATON

Subscribed and sworn to before me, this the 29 day of October, 1959 at Moulton, Alabama.

BETTY S. DYAR,  
Notary Public.

My commission expires 5-29-63.

By Mr. Bishop (with notice and proof):

H. 1131. To amend Act No. 243, House Bill 685, approved August 13, 1957, (Acts of Alabama 1957, Page 308), Relating to Colbert County: To authorize the board of revenue, court of county commissioners, or like governing body of Colbert County to call an election in the county for the purpose of determining whether or not the county body may levy an additional county privilege or excise tax on tobacco products; prescribing the power, duties, and authority of the county governing body in the collection and enforcement of the tax, if imposed; prescribing the method or manner of evidencing the payment of the tax, if imposed, through the use of stamps, and allowing a discount for handling tobacco tax stamps; providing that the proceeds of the tax, if imposed, shall be used exclusively for the purpose of acquiring, constructing, equipping, enlarging, improving, maintaining, and operating a public hospital in the county; and prescribing penalties for violations of the Act.

Local Legislation No. 1.

Notice and Proof H. 1131:

## NOTICE

STATE OF ALABAMA,  
COUNTY OF COLBERT.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act No. 243, House Bill 685, approved August 13, 1957, (Acts of Alabama 1957, Page 308), Relating to Colbert County: To authorize the board of revenue, court of county commissioners, or like governing body of Colbert County to call an election in the county for the purpose of determining whether or not the county body may levy an additional county privilege or excise tax on tobacco products; prescribing the power, duties, and authority of the county

governing body in the collection and enforcement of the tax, if imposed; prescribing the method or manner of evidencing the payment of the tax, if imposed, through the use of stamps, and allowing a discount for handling tobacco tax stamps; providing that the proceeds of the tax, if imposed, shall be used exclusively for the purpose of acquiring, constructing, equipping, enlarging, improving, maintaining and operating a public hospital in the county; and prescribing penalties for violations of the Act.

**Be It Enacted by the Legislature of Alabama:**

Section 1. Section 3 of Act No. 243, House Bill 685, approved August 13, 1957, (Acts of Alabama, 1957, Page 308), is amended by adding the following sentence at the end of the said Section 3, "Cigars packaged in quantities of two or more and not less or not more than ten shall have stamps in denominations to the amount of the tax affixed to the box, package or container in which they are packaged."

**Section 2. Section 6 is amended as follows:**

"Section 6 (A). After the tax herein authorized has been levied in accordance with the provisions of this Act, no person, firm or corporation shall sell, store, or distribute tobacco or tobacco products, which are subject to such tax, without complying with the provisions of this Act and the rules and regulations promulgated and adopted by the county governing body pursuant thereto, and paying any and all tax which such person, firm or corporation may be liable under this Act. Every person, firm, or corporation selling, storing, or distributing in Colbert County any tobacco or tobacco products shall keep such books, documents, papers, and other such records as will enable the county governing body, or an authorized employee thereof, to determine the amount of the tax due the county under this Act and such records shall at all reasonable times be open to inspection by the county governing body, or any officer or employee thereof charged with the duty of collecting and enforcing the tax, and such person, firm or corporation shall make available to the county governing body or any authorized officer, agent or employee thereof all stocks of tobacco products as defined in this act which may be in possession of the person, firm or corporation, at all reasonable times in order to enable the said county governing body or any authorized officer, agent, or employee thereof charged with the duty of collecting and in forcing the tax, to inspect the said goods to determine if the proper stamps as provided by this Act are affixed to the said tobacco or tobacco products as provided by this Act.

(B). Any tobacco or tobacco products taxable under the provisions of this act, found at any point within Colbert County, Alabama, which said tobacco or tobacco products taxable under the provisions of this act, not having affixed to the package or product, as above defined, the stamps as above provided are hereby declared to be contraband goods and the same may be seized by the officer or employee of the County governing body charged with the duty of collecting and enforcing the tax, without a warrant and the said goods shall be delivered to the county governing body of Colbert County, Alabama for sale at public auction to the highest bidder after due advertisement, but the county governing body before delivering any of said goods so seized, shall require the purchaser to affix the proper amount of stamps to the individual package or product as above defined. The proceeds of sale for any goods sold hereunder shall be turned over to the County Treasury, and shall be appropriated for the purposes as set out in Section 7 of this act; Provided, that the

cost of confiscation and sale shall be paid out of the proceeds derived from such sale before making remittance to the treasurer.

(C). In all cases of seizure of any tobacco or tobacco products, or other property hereafter made as being subject to forfeiture under provisions of this subdivision which in the opinion of the officer, or person making the seizure, are of the appraised value of fifty dollars, or more, the said officer or person shall proceed as follows; First, he shall cause a list containing a particular description of the goods, wares, merchandise, or other property seized to be effected. Second, if the said goods prepared in duplicate and an appraisers to be selected by him, who shall be respectable and disinterested citizens of the State of Alabama, residing within the Colbert County. Said list and appraisement shall be properly attested by said officer, or person, and the said appraisers, for which service each of said appraisers shall be allowed the sum of one dollar per day, not exceeding two days, to be paid by the County governing body out of any revenue received by it from the sale of the confiscated goods or the compromise which may be effected. Second, if the said goods are believed by the officer making the seizure to be of value of less than fifty dollars, no appraisement shall be made. The said officer, or person, shall proceed to post a notice for three weeks, in writing at three places in the county where the seizure was made, describing the articles and stating the time and place and cause of their seizure and requiring any person claiming them to appear and make such claim in writing within thirty days from the date of the first posting of such notice. Third, any person claiming the said tobacco or tobacco products, or other property so seized as contraband within the time specified in the notice, may file with the county governing body a claim in writing, stating his interest in the articles seized, and may execute a bond to the county governing body in a penal sum equal to double the value of said goods so seized, but in no case shall said bond be less than the sum of two hundred dollars, with sureties to be approved by the Chairman of the Board of Revenue of Colbert County, conditioned that in the case of condemnation of the articles as seized, the obligors shall pay to the county governing body the full value of the goods so seized and all costs and expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. And upon the delivery of such bond to the county governing body, it shall transmit the same with the duplicate list or description of the goods seized to the solicitor of the Colbert Circuit Court, and the said solicitor shall file a bill in the Circuit Court in equity to secure the forfeiture of said tobacco or tobacco products or other property. Upon the filing of the bond aforesaid and said goods shall be delivered to the claimant pending the outcome of said case; provided, however, said goods must have the proper stamps affixed to each such article of tobacco or tobacco product before turning same over to claimant, the stamps so affixed to be paid for by claimant when goods properly stamped are delivered by the County Governing Body. Fourth. If no claim is interposed and no bond given within the time above specified, such tobacco or tobacco products or other property shall be forfeited without further proceedings and the same shall be sold as herein provided. And the proceeds of sale when received by the county governing body shall be turned in to the treasury as other revenues are required by law to be turned in: Provided, that in seizure in quantities of less value than fifty dollars the same may be advertised with other quantities in Colbert County, Alabama, by the county governing body and disposed of as hereinabove provided. The proceedings against tobacco or tobacco products, other property, pursuant to the provisions of this subdivision, shall be considered as proceedings in rem unless

otherwise herein provided. Provided, however, should the county governing body have to resort to the courts for collection of the tax due and assessed, no advertisement shall be made and the confiscated tobaccos may be held as evidence pending the results of court action.

(D). The county governing body may in its discretion return any tobacco or tobacco products or other property confiscated under this subdivision or any part thereof, when it is shown that there was not intention to violate the provisions of this subdivision. Provided, when any tobacco or tobacco products or other property, are confiscated under the provisions of this subdivision, the county governing body may, in its discretion, return such goods to the parties from whom they are confiscated if and when such parties shall pay to the county governing body, or its duly authorized representative, an amount equal to the tax due under this subdivision on the goods confiscated, and in such cases no advertisement shall be made or notices in connection with said confiscation. The county governing body may promulgate rules and regulations governing the stamping of any articles or commodities enumerated herein handled by persons, firms, or corporations operation on interstate common carriers. Any rules or regulations of the county governing body, when duly made an promulgated shall have the full force and effect of law.

(E). Whoever removes or otherwise prepares any Colbert County Public Hospital Tax stamps with intent to use, or cause the same to be used, after it has already been used, or buys, sells, offers for sale, or gives away any such washed or removed or restored stamps to any person for using or who used the same, or any person, firm, corporation, who shall re-use or refill with any tobacco products enumerated herein, any box, package or container from which tobacco products theretofore tax paid have been removed shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars, nor more than five hundred dollars.

#### STATE OF ALABAMA COLBERT COUNTY.

I, W. F. Miller, publisher of Colbert County Reporter, a newspaper of general circulation, published in Tuscumbia, Colbert County, Alabama, for 52 consecutive weeks, past, hereby certify that the attached notice of a local law for Colbert County, Alabama, was published in said Colbert County Reporter for four consecutive weeks, in the issues of October 8, 15, 22 and 29, 1959.

W. F. MILLER

Sworn to and subscribed before me this 30th day of October, 1959.

FRANCES DIRAGO,  
Notary Public.

By Mr. Steagall:

H. 1132. To provide for the compensation of the county or deputy solicitor in all counties having a population of not less than 20,500 nor more than 20,830, according to the most recent federal decennial census.

Local Legislation No. 1.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Turnham to suspend the rules in order to introduce a general bill was adopted.

## INTRODUCTION OF BILL

The following bill was introduced, read one time and referred to appropriate standing committee, as follows:

By Messrs. Turnham and Torbert:

H. 1133. To provide for liens by registered veterinarians to aid in the collection of their charges, and for the enforcement thereof.

Judiciary.

## INTRODUCTION OF BILLS

Upon a continuation of a call of counties, the following bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Adams (Tallapoosa) and Johnson (J. T. Tom) (with notice and proof):

H. 1134. To alter, rearrange and extend the boundaries of Dadeville, Tallapoosa County; repealing Section 2 of Act No. 286, H. B. 197, passed at the Session of 1878-1879, and approved January 16, 1879 (Acts of Alabama 1878, p. 328).

Local Legislation No. 1.

Notice and Proof H. 1134:

STATE OF ALABAMA  
COUNTY OF TALLAPOOSA.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To alter, rearrange and extend the boundaries of Dadeville, Tallapoosa County; repealing Section 2 of Act No. 286, H. B. 197 passed at the Session of 1878-1879, and approved January 16, 1879 (Acts of Alabama 1878, p. 328).

**Be It Enacted by the Legislature of Alabama:**

Section 1. The corporate limits of the town of Dadeville, Tallapoosa County, are hereby altered, rearranged, and extended so as to embrace and include all tracts, lots and parcels of land in a boundary extending one and one-half miles in every direction from the center of the courthouse square in said town.

Section 2. Section 2 of Act No. 286, H. B. 197, passed at the Session of 1878-1879, and approved January 16, 1879 (Acts of Alabama 1878, p. 328) and all other laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF TALLAPOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. C. Henderson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Alexander City Outlook, a newspaper of general circulation published in Tallapoosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on October 6, October 13, October 20, and October 27, all in the year 1959.

J. C. HENDERSON

Sworn to and subscribed before me October 28, 1959.

T. C. WOLSONCROFT,  
Notary Public.

My Commission Expires May 14, 1963.

By Messrs. Casey, Ferguson and Harris:

H. 1135. For the relief of Sisk and Meade, contractors, of Centre, Alabama; making an appropriation of state highway department funds to compensate such contractors for certain construction work done on Alabama highway projects.

## Ways and Means.

By Messrs. Perry, Morrow, Rast, Locke, Sessions, Hawkins and Edwards: (with notice and proof):

H. 1136. To establish an inferior court to be called the Intermediate Civil Court of Bessemer; to provide for the Judge, Clerks and other officers, their selection and duties; to provide for the jurisdiction, practice and procedure of said Court; to provide for the transfer of causes from said Court to the circuit court; and to provide for appeals from said Court and regulate the manner of taking same.

Local Legislation No. 2.

Notice and Proof H. 1136:

NOTICE OF INTENTION TO APPLY FOR THE ADOPTION OF A  
LOCAL LAW BY THE LEGISLATURE OF ALABAMA

Notice is hereby given as provided and required under Section 106 of the Constitution of the State of Alabama, that it is the intention to request the Legislature of Alabama to adopt a local law, in substance as hereinafter stated:

## AN ACT

To provide for the creation of a court of limited jurisdiction to be designated and titled, The Intermediate Civil Court of Bessemer, and to fix the territorial jurisdiction as co-extensive with the territorial jurisdiction of the Tenth Judicial Circuit of Alabama, Bessemer Division, but to limit the jurisdiction to suits above One Hundred Dollars and not more than One Thousand Dollars, provided said suits are not for libel, slander, assault and battery, or ejection; to fix the duties of judge, clerk and other officials of said Court and to determine the method of



filling said positions; to provide for the procedures in said court including the provisions relating to appeal from the judgements of said Court to the Tenth Judicial Circuit Court of Alabama, Bessemer Division and to provide for recording of judgements of said Court and for processes of execution and writs of seizure on the judgements of said Court.

### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
JEFFERSON COUNTY.

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: B. M. McElroy, Who being duly sworn, says on oath that he is: Editor-Publisher of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: Sept. 25 - Oct. 2-9-16, 1959.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

B. M. McELROY,  
Editor-Publisher.

Subscribed and sworn to before me this the 16 day of Oct., 1959.

W. E. MILLER,  
Notary Public.

By Messrs. Perry, Morrow, Rast, Locke, Sessions, Hawkins and Edwards (with notice and proof):

H. 1137. To establish an Inferior Court in Precinct 33 and all other precincts in Jefferson County, Alabama, lying within or partly within the City of Bessemer, in lieu of all Justices of the Peace in said precinct or precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory, said Court to be called The Bessemer Common Claims and Criminal Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and to fix the method of service of all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court, and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said Court .

Local Legislation No. 2.

Notice and Proof H. 1137:

### NOTICE

Notice is hereby given that the following bill or a bill in substance as follows, will be introduced and its passage urged by the Legislature of Alabama, without cost to the State.

A BILL  
TO BE ENTITLED  
AN ACT

To establish an inferior court of record to be called the Bessemer Common Claims and Criminal Court: to define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and fix the method of service of all processes therefrom; to create and designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court and define their duties and the duties of other officials with respect to said Court; and to provide for appeals from said Court and regulate the manner of taking same; and to otherwise provide for said Court. Said Court to be created in the precinct or precincts lying within or partly within the City of Bessemer, Jefferson County, Alabama. Said Court to be created in lieu of all Justices of the Peace and Notary Public ex-officio Justices of the Peace in said precinct or precincts.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
JEFFERSON COUNTY.

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: B. M. McElroy, Who being duly sworn, says on oath that he is: Editor-Publisher of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: Sept. 25 - Oct. 2-9-16, 1959.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

B. M. McELROY,  
Editor-Publisher.

Subscribed and sworn to before me this the 16 day of Oct., 1959.

W. E. MILLER,  
Notary Public.

By Mr. Murphy:

H. 1138. To provide a punishment for the violation of any law or regulation pertaining to Seafood Conservation where a specific punishment is not otherwise provided for.

Conservation.

MOTION TO SUSPEND RULES LOST

The motion of Mr. Smith (St. Clair) to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 511, was lost.

Yeas 43; Nays 29.

**Yeas:**

|                 |           |                     |                   |
|-----------------|-----------|---------------------|-------------------|
| Mr. Speaker:    | Copeland  | Harvey              | Rozelle           |
| Adams (Houston) | Dodd      | Hocklander          | Self              |
| Ashworth        | Faulk     | Johnson (Hardaway)  | Smith (Russell)   |
| Brannan         | Ferguson  | Johnson (J. T. Tom) | Smith (St. Clair) |
| Branyon         | Gilchrist | Long (Lauderdale)   | Solomon           |
| Brewer          | Gordon    | Meade               | Speaks            |
| Broadfoot       | Gross     | Nettles             | Steagall          |
| Cabiness        | Grouby    | Oakley              | Sullivan          |
| Callahan        | Hain      | Oden                | Turner            |
| Camp            | Hanby     | Pruitt              | Turnham           |
| Casey           | Harris    | Rogers              |                   |

—43

**Nays:**

|          |                    |              |                     |
|----------|--------------------|--------------|---------------------|
| Messrs.: | Daniel             | Lee          | Ray                 |
| Albea    | Dickson            | Long (Perry) | Reynolds (Chambers) |
| Bailey   | Glass              | Martin       | Salter              |
| Barnett  | Goldthwaite        | Merrill      | Taylor              |
| Bassett  | Goodwyn            | Murphy       | Thomas              |
| Boyd     | Grant              | Pierce       | Torbert             |
| Brooks   | Hankins            | Powell       | Trimmier            |
| Cates    | Johnston (Leonard) |              |                     |

—29

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Powell to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 568, was adopted.

Yeas 67; Nays 13.

**Yeas:**

|                 |                    |                     |                     |
|-----------------|--------------------|---------------------|---------------------|
| Mr. Speaker:    | Dodd               | Johnson (J. T. Tom) | Ramey               |
| Adams (Houston) | Edwards            | Lee                 | Ray                 |
| Bailey          | Faulk              | Locke               | Reynolds (Chambers) |
| Bassett         | Ferguson           | McClendon (Chamb)   | Rogers              |
| Bevill          | Gilmer             | McLendon (Bullock)  | Rozelle             |
| Bishop          | Goldthwaite        | Martin              | Salter              |
| Boyd            | Goodwyn            | Meade               | Self                |
| Brannan         | Hain               | Nettles             | Sessions            |
| Branyon         | Hanby              | Nichols             | Shumate             |
| Broadfoot       | Hankins            | Oakley              | Smith (Russell)     |
| Brooks          | Hardy              | Oden                | Solomon             |
| Callahan        | Harris             | Owens               | Steagall            |
| Camp            | Harvey             | Perry               | Sullivan            |
| Chambers        | Hawkins            | Phillips            | Thomas              |
| Cook            | Hocklander         | Pierce              | Trimmier            |
| Daniel          | Jenkins            | Powell              | Turnham             |
| Dickson         | Johnson (Hardaway) | Pruitt              |                     |

—67

**Nays:**

|          |           |                   |              |
|----------|-----------|-------------------|--------------|
| Messrs.: | Casey     | Gross             | Long (Perry) |
| Barnett  | Cates     | Hearn             | Speaks       |
| Brewer   | Copeland  | Long (Lauderdale) | Turner       |
| Cabiness | Gilchrist |                   |              |

—13

And the bill:

H. 568 (with amendment): To provide that all offices of the officials in the court houses of the several counties in the State of Ala-

bama may close one weekday in each week during the year; to provide for the fixing of the day of such closing to be determined by the governing body of the county by resolution entered on its minutes; to repeal Act No. 74, H. 12, approved June 9, 1945 (General Acts of Alabama 1945, p. 72).

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

#### AMENDMENT TO H. B. 568

In the caption, 2nd line, insert after "Alabama" and before "may" the words, "other than the offices of the sheriff and other county law enforcement agencies";

Also, in Section 1, insert after "State" and before "may" the words "other than the offices of the sheriff and other county law enforcement agencies".

And the amendment was adopted.

Yeas 84; Nays 0.

#### Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Copeland    | Hawkins                        | Powell                         |
| Adams <sup>(Houston)</sup> | Cornett     | Hearn                          | Pruitt                         |
| Ashworth                   | Daniel      | Hocklander                     | Ramey                          |
| Avery                      | Dickson     | Jenkins                        | Ray                            |
| Bailey                     | Dodd        | Johnson <sup>(Hardaway)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Rogers                         |
| Bassett                    | Faulk       | Johnston <sup>(Leonard)</sup>  | Rozelle                        |
| Bevill                     | Ferguson    | Lee                            | Salter                         |
| Bishop                     | Gilchrist   | Locke                          | Self                           |
| Boyd                       | Gilmer      | Long <sup>(Perry)</sup>        | Sessions                       |
| Brannan                    | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Shumate                        |
| Branyon                    | Goodwyn     | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>     |
| Brewer                     | Gordon      | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grant       | Meade                          | Solomon                        |
| Brooks                     | Gross       | Nettles                        | Speaks                         |
| Cabiness                   | Grouby      | Nichols                        | Steagall                       |
| Callahan                   | Guthrie     | Oakley                         | Sullivan                       |
| Camp                       | Hain        | Owens                          | Taylor                         |
| Casey                      | Hankins     | Perry                          | Thomas                         |
| Chambers                   | Hardy       | Phillips                       | Trimmier                       |
| Cook                       | Harris      | Pierce                         | Turnham                        |

—84

Mr. Powell offered the following amendment to the bill, H. 568, as amended:

#### AMENDMENT TO H. B. 568, AS AMENDED

Add at the end of Section 1 the following:

Provided, that in lieu of closing all day on one weekday, the county governing body may authorize such offices to be closed a half day on two different weekdays in each week.

And the amendment was adopted.

Yeas 75; Nays 9.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker:    | Cornett     | Harvey              | Ramey               |
| Adams (Houston) | Daniel      | Hawkins             | Rast                |
| Albea           | Dickson     | Hocklander          | Ray                 |
| Ashworth        | Dodd        | Johnson (Hardaway)  | Reynolds (Chambers) |
| Avery           | Edwards     | Johnson (J. T. Tom) | Rogers              |
| Bassett         | Faulk       | Johnston (Leonard)  | Rozelle             |
| Bevill          | Ferguson    | Lee                 | Salter              |
| Bishop          | Gilmer      | Locke               | Self                |
| Boyd            | Glass       | McLendon (Bullock)  | Sessions            |
| Brannan         | Goldthwaite | Martin              | Shumate             |
| Branyon         | Goodwyn     | Meade               | Smith (Russell)     |
| Brewer          | Gordon      | Nettles             | Smith (St. Clair)   |
| Broadfoot       | Grant       | Nichols             | Solomon             |
| Brooks          | Grouby      | Oakley              | Steagall            |
| Callahan        | Guthrie     | Owens               | Thomas              |
| Casey           | Hain        | Perry               | Torbert             |
| Chambers        | Hankins     | Phillips            | Trimmier            |
| Cook            | Hardy       | Powell              | Turnham             |
| Copeland        | Harris      | Pruitt              |                     |

—75

**Nays:**

|          |         |              |          |
|----------|---------|--------------|----------|
| Messrs.: | Gross   | Long (Perry) | Sullivan |
| Barnett  | Hearn   | Speaks       | Turner   |
| Cabiness | Jenkins |              |          |

—9

And said bill, H. 568, as thus amended, was read a third time at length and passed.

Yeas 72; Nays 13.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker:    | Dodd        | Johnson (Hardaway)  | Ramey               |
| Adams (Houston) | Edwards     | Johnson (J. T. Tom) | Rast                |
| Ashworth        | Faulk       | Johnston (Leonard)  | Ray                 |
| Avery           | Ferguson    | Lee                 | Reynolds (Chambers) |
| Bassett         | Gilmer      | Locke               | Rogers              |
| Bevill          | Glass       | McLendon (Bullock)  | Rozelle             |
| Bishop          | Goldthwaite | Martin              | Salter              |
| Boyd            | Goodwyn     | Meade               | Self                |
| Brannan         | Gordon      | Murphy              | Sessions            |
| Branyon         | Grant       | Nettles             | Shumate             |
| Broadfoot       | Grouby      | Nichols             | Smith (Russell)     |
| Brooks          | Guthrie     | Oakley              | Smith (St. Clair)   |
| Callahan        | Hain        | Owens               | Solomon             |
| Camp            | Hankins     | Perry               | Steagall            |
| Cook            | Hardy       | Phillips            | Sullivan            |
| Cornett         | Harvey      | Pierce              | Thomas              |
| Daniel          | Hawkins     | Powell              | Trimmier            |
| Dickson         | Hocklander  | Pruitt              | Turnham             |

—72

**Nays:**

|          |           |                   |              |
|----------|-----------|-------------------|--------------|
| Messrs.: | Casey     | Gross             | Long (Perry) |
| Barnett  | Cates     | Jenkins           | Speaks       |
| Brewer   | Copeland  | Long (Lauderdale) | Turner       |
| Cabiness | Gilchrist |                   |              |

—13

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Salter to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 981, was adopted.

And the bill:

H. 981. To amend Section 87 of Title 22, Code of Alabama 1940, in relation to the enactment of regulations governing the removal or transportation of the bodies of deceased persons by cities and towns.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

## Yeas:

|                 |             |                    |                     |
|-----------------|-------------|--------------------|---------------------|
| Mr. Speaker:    | Cornett     | Hearn              | Pierce              |
| Adams (Houston) | Daniel      | Hocklander         | Powell              |
| Albea           | Dickson     | Jenkins            | Pruitt              |
| Ashworth        | Dodd        | Johnson (Hardaway) | Ramey               |
| Avery           | Edwards     | Johnston (Leonard) | Rast                |
| Bailey          | Faulk       | Jones (Monroe)     | Ray                 |
| Barnett         | Ferguson    | Lee                | Reynolds (Chambers) |
| Bassett         | Gilchrist   | Locke              | Rogers              |
| Bevill          | Gilmer      | Long (Lauderdale)  | Rozelle             |
| Bishop          | Glass       | Long (Perry)       | Salter              |
| Boyd            | Goldthwaite | McClendon (Chamb)  | Self                |
| Brannan         | Goodwyn     | McLendon (Bullock) | Sessions            |
| Branyon         | Gordon      | Meade              | Shumate             |
| Brewer          | Grant       | Merrill            | Smith (Russell)     |
| Broadfoot       | Gross       | Morrow             | Smith (St. Clair)   |
| Brooks          | Grouby      | Murphy             | Solomon             |
| Cabiness        | Guthrie     | Nettles            | Speaks              |
| Callahan        | Hain        | Nichols            | Steagall            |
| Camp            | Hanby       | Oakley             | Sullivan            |
| Casey           | Hankins     | Oden               | Thomas              |
| Cates           | Hardy       | Owens              | Trimmier            |
| Chambers        | Harris      | Perry              | Turner              |
| Cook            | Harvey      | Phillips           | Turnham             |
| Copeland        | Hawkins     |                    |                     |

—94

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Smith (Russell) to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 616, was adopted.

And the bill:

H. 616 (with amendment): To create the position of Chief Engineer in the State Highway Department; to provide for his appointment, qualifications, duties, responsibilities and salary; and to provide for the effective date of this Act.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. B. 616 by striking the figure \$14,000.00 where it appears in Section 1 of said bill and insert in lieu therefor \$12,000.00.

And the amendment was adopted.

Yeas 86; Nays 2.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker:               | Daniel      | Hawkins                       | Powell                         |
| Adams <sup>(Houston)</sup> | Dickson     | Hocklander                    | Pruitt                         |
| Albea                      | Dodd        | Jenkins                       | Ramey                          |
| Ashworth                   | Edwards     | Johnson <sup>(Hardaway)</sup> | Rast                           |
| Bailey                     | Faulk       | Johnston <sup>(Leonard)</sup> | Ray                            |
| Barnett                    | Ferguson    | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Gilchrist   | Lee                           | Rogers                         |
| Bevill                     | Gilmer      | Locke                         | Rozelle                        |
| Boyd                       | Glass       | Long <sup>(Perry)</sup>       | Salter                         |
| Brannan                    | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Self                           |
| Branyon                    | Goodwyn     | McLendon <sup>(Bullock)</sup> | Sessions                       |
| Brewer                     | Gordon      | Martin                        | Shumate                        |
| Broadfoot                  | Grant       | Meade                         | Smith <sup>(Russell)</sup>     |
| Brooks                     | Gross       | Merrill                       | Smith <sup>(St. Clair)</sup>   |
| Callahan                   | Grouby      | Morrow                        | Speaks                         |
| Camp                       | Guthrie     | Nettles                       | Steagall                       |
| Casey                      | Hain        | Nichols                       | Sullivan                       |
| Cates                      | Hanby       | Oakley                        | Thomas                         |
| Chambers                   | Hankins     | Oden                          | Trimmier                       |
| Cook                       | Hardy       | Phillips                      | Turner                         |
| Copeland                   | Harris      | Pierce                        | Turnham                        |
| Cornett                    | Harvey      |                               |                                |

—86

**Nays:** Messrs. Avery and Cabiness

—2

And said bill, H. 616, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 18:

**Yeas:**

|                            |         |                                |                                |
|----------------------------|---------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Edwards | Hocklander                     | Powell                         |
| Adams <sup>(Houston)</sup> | Faulk   | Jenkins                        | Pruitt                         |
| Ashworth                   | Gilmer  | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Bailey                     | Glass   | Jones <sup>(Monroe)</sup>      | Ray                            |
| Bassett                    | Goodwyn | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Gordon  | McClendon <sup>(Chamb)</sup>   | Rogers                         |
| Boyd                       | Grant   | McLendon <sup>(Bullock)</sup>  | Rozelle                        |
| Brannan                    | Grouby  | Martin                         | Self                           |
| Branyon                    | Guthrie | Meade                          | Sessions                       |
| Broadfoot                  | Hain    | Merrill                        | Shumate                        |
| Callahan                   | Hanby   | Morrow                         | Smith <sup>(Russell)</sup>     |
| Cates                      | Hankins | Murphy                         | Smith <sup>(St. Clair)</sup>   |
| Chambers                   | Hardy   | Nettles                        | Steagall                       |
| Cook                       | Harris  | Oakley                         | Sullivan                       |
| Cornett                    | Harvey  | Oden                           | Thomas                         |
| Daniel                     | Hawkins | Phillips                       | Torbert                        |
| Dickson                    | Hearn   | Pierce                         | Turnham                        |
| Dodd                       |         |                                |                                |

—69

**Nays:**

|          |          |                               |          |
|----------|----------|-------------------------------|----------|
| Messrs.: | Brooks   | Goldthwaite                   | Perry    |
| Albea    | Cabiness | Johnson <sup>(Hardaway)</sup> | Speaks   |
| Avery    | Casey    | Johnston <sup>(Leonard)</sup> | Trimmier |
| Barnett  | Copeland | Locke                         | Turner   |
| Brewer   | Ferguson | Long <sup>(Perry)</sup>       |          |

—18

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Rast to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 662, was adopted.

And the bill:

H. 662 (with amendment): For the relief of Robins Engineering, Inc: To make an appropriation of State Highway Department funds to compensate such company for certain construction work done on Alabama Highway Project S-532-B Lauderdale County, Alabama.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

**AMENDMENT TO H. B. 662**

In Section 1, strike out "twenty-eight thousand one hundred thirty-one dollars and eight cents (\$28,131.08)" and insert "eighteen thousand and nine hundred thirty dollars and forty-three cents (\$18,930.43)".

And the amendment was adopted.

Yeas 86; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Dodd        | Johnson <sup>(Hardaway)</sup>  | Powell                         |
| Adams <sup>(Houston)</sup> | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Pruitt                         |
| Avery                      | Faulk       | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Bailey                     | Ferguson    | Jones <sup>(Monroe)</sup>      | Rast                           |
| Barnett                    | Franklin    | Lee                            | Ray                            |
| Bassett                    | Gilmer      | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Glass       | Long <sup>(Lauderdale)</sup>   | Roberts                        |
| Bishop                     | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Rogers                         |
| Boyd                       | Goodwyn     | McCorquodale                   | Rozelle                        |
| Branyon                    | Gordon      | McLendon <sup>(Bullock)</sup>  | Salter                         |
| Brewer                     | Grant       | Martin                         | Self                           |
| Brooks                     | Grouby      | Meade                          | Sessions                       |
| Cabiness                   | Guthrie     | Morrow                         | Solomon                        |
| Callahan                   | Hanby       | Murphy                         | Speaks                         |
| Camp                       | Hankins     | Nettles                        | Sullivan                       |
| Casey                      | Harris      | Nichols                        | Taylor                         |
| Cates                      | Harvey      | Oakley                         | Thomas                         |
| Chambers                   | Hawkins     | Oden                           | Torbert                        |
| Cook                       | Hearn       | Perry                          | Trimmier                       |
| Cornett                    | Hocklander  | Phillips                       | Turner                         |
| Daniel                     | Ingram      | Pierce                         | Turnham                        |
| Dickson                    | Jenkins     |                                |                                |

—86



And said bill, H. 662, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 2.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Dickson     | Johnson <sup>(Hardaway)</sup>  | Pierce                         |
| Adams <sup>(Houston)</sup> | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Powell                         |
| Ashworth                   | Edwards     | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Avery                      | Faulk       | Jones <sup>(Monroe)</sup>      | Rast                           |
| Bailey                     | Ferguson    | Lee                            | Ray                            |
| Barnett                    | Franklin    | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Gilmer      | Long <sup>(Lauderdale)</sup>   | Roberts                        |
| Bevill                     | Glass       | McClendon <sup>(Chamb)</sup>   | Rogers                         |
| Bishop                     | Goldthwaite | McCorquodale                   | Rozelle                        |
| Boyd                       | Goodwyn     | McLendon <sup>(Bullock)</sup>  | Salter                         |
| Brannan                    | Gordon      | Martin                         | Self                           |
| Branyon                    | Grouby      | Meade                          | Sessions                       |
| Brewer                     | Guthrie     | Morrow                         | Solomon                        |
| Brooks                     | Hanby       | Murphy                         | Sullivan                       |
| Callahan                   | Hankins     | Nettles                        | Taylor                         |
| Camp                       | Harris      | Nichols                        | Thomas                         |
| Casey                      | Harvey      | Oakley                         | Torbert                        |
| Chambers                   | Hawkins     | Oden                           | Trimmier                       |
| Cook                       | Hocklander  | Perry                          | Turner                         |
| Cornett                    | Ingram      | Phillips                       | Turnham                        |
| Daniel                     | Jenkins     |                                |                                |

—82

**Nays:** Messrs. Cabiness and Speaks

—2

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Rast to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 256, was adopted.

Yeas 78; Nays 13.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker:               | Edwards     | Hocklander                    | Pruitt                         |
| Adams <sup>(Houston)</sup> | Faulk       | Ingram                        | Rast                           |
| Albea                      | Ferguson    | Johnson <sup>(Hardaway)</sup> | Reynolds <sup>(Chambers)</sup> |
| Ashworth                   | Gilchrist   | Johnston <sup>(Leonard)</sup> | Roberts                        |
| Bailey                     | Gilmer      | Jones <sup>(Monroe)</sup>     | Rogers                         |
| Bassett                    | Glass       | Lee                           | Rozelle                        |
| Bevill                     | Goldthwaite | Locke                         | Salter                         |
| Boyd                       | Goodwyn     | McCorquodale                  | Self                           |
| Brannan                    | Gordon      | McLendon <sup>(Bullock)</sup> | Sessions                       |
| Branyon                    | Grant       | Meade                         | Shumate                        |
| Brewer                     | Grouby      | Morrow                        | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Guthrie     | Murphy                        | Solomon                        |
| Brooks                     | Hain        | Nettles                       | Sullivan                       |
| Casey                      | Hanby       | Oakley                        | Taylor                         |
| Chambers                   | Hankins     | Oden                          | Thomas                         |
| Copeland                   | Hardy       | Perry                         | Torbert                        |
| Cornett                    | Harris      | Phillips                      | Trimmier                       |
| Daniel                     | Harvey      | Pierce                        | Turner                         |
| Dickson                    | Hawkins     | Powell                        | Turnham                        |
| Dodd                       | Hearn       |                               |                                |

—78

**Nays:**

|          |          |                     |                   |
|----------|----------|---------------------|-------------------|
| Messrs.: | Callahan | Johnson (J. T. Tom) | Ramey             |
| Avery    | Camp     | Long (Lauderdale)   | Smith (St. Clair) |
| Barnett  | Franklin | Long (Perry)        | Speaks            |
| Cabiness | Jenkins  |                     |                   |

—13

And the bill:

H. 256 (with substitute): Relating to the registration of vessels and motor boats and their operation on the waters of this state and providing for water safety; providing for definitions; registration and identification of vessels and boats used on the waters of this state by the Conservation Department of this state; the enforcement of this Act; duties of the Director of the State Department of Conservation; fee schedule for vessel and motor boat registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent Amendment thereto; prohibiting vessel and motor boat operation when un-numbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation Department; certain operations of vessels and motor boats prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this Act; the establishment of License Fees on vessels and motor boats and providing penalties for violation of the provisions of this Act and repealing all laws in conflict with the provisions of this Act.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Conservation, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of \$100,000.00 to the Department of Conservation for the administration of the provisions of this act; to transfer the sum of \$20,000.00 from the monies appropriated herein to the Administrative Division of the Department of Conservation; to

provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this act.

Be it Enacted by the Legislature of the State of Alabama:

Section 1. Declaration of policy. It is the policy of this state to promote safety for persons and property in and connected with the use, operation and equipment of vessels used on the waters of this state and to promote uniformity of laws relating thereto.

Section 2. Application. The provisions of this act shall be applicable to all vessels as herein defined, navigating the waters within the jurisdiction of this state, except where inconsistent with any laws or regulations of the United States, in which case such laws or regulations shall prevail.

Section 3. Definitions. As used in this act, unless the context clearly requires a different meaning;

(1) "Vessel" means every description of watercraft, other than a sea plane capable of being used as a means of transportation on water, but shall not include vessels under foreign registry temporarily using the public waters of this state nor shall it include public vessels of the United States, State, County, or Municipal vessels, ships' life-boats or vessels temporarily operating upon the public waters of this state which have been validly licensed by another state or the Federal Government.

(2) "Waters of this State" means any waters within the territorial limits of this State and the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to and from the shore of this State. Provided, however, "waters of this state" shall not be interpreted to mean any private pond which is not used for boat rentals or the charging of fees for fishing therein.

(3) "Owner" means a person, other than a lien holder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(4) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(5) "Operate" means to navigate or otherwise use a vessel.

(6) "Director as used in this act" means the Director of the State Conservation Department.

(7) "State Department of Conservation" or "Department of Conservation" means that department created by the laws of this state having supervision over game, fish, forestry, parks, seafoods, and such lands of the state and such supervision over public waters of this state as now are constituted by law or any subsequent amendment thereto.

(8) "Certificate" means registration by a vessel owner with the Department of Conservation and includes the issuance of an identifying number awarded each vessel and the issuance of a pocket-size certificate of registration.

(9) "Length" means measured from end to end over the deck excluding sheer.

Section 4. Duty of Director. It is hereby expressly made the duty of the Director to set up a division with the department of conservation to be known as 'Division of Water Safety' with sufficient personnel to perform the necessary clerical and routine work for the department in issuing, handling and recording vessel registration identifying numbers, including the receiving and accounting of all registration fees and payments of same into the state treasury, receiving and recording accident reports, and making such reports of such accidents to such federal agency as may be required by federal law and such other incidental clerical work connected with the administration of this act.

Section 5. Enforcement. This act shall be enforced by the Department of Conservation, Division of Water Safety, and such other agents and employees of the Department of Conservation as may be designated and required by the Director.

Section 6. Sale of certificate; fees; accounting; use of funds. The Department of Conservation may issue any certificate of registration directly or may authorize any probate judge in the State or any other official in the state who are presently authorized to issue automobile license plates, to issue certificates of registration and numbers in connection therewith. In conformity with this act and any rules and regulations which may be validly issued by the department of conservation and the department of conservation may assign to each issuing officer in said county a block of numbers and certificates therefor which upon issue the issuing officer shall be allowed a fee of twenty-five cents (25c) for each certificate issued by him which fee in counties where the probate judge is on the fee system shall be retained by the probate judge and in counties where the issuing officer or probate judge is on salary basis the fee shall be paid into the County Treasury.

(1) All registration monies, except the twenty-five cent (25c) fee allowed as aforesaid, shall be remitted monthly to the department of conservation not later than ten (10) days after the first of each month. The department of conservation shall transmit all monies received by it to the state treasurer, there to be deposited in a fund to be known as the "State Water Safety Fund".

(2) All monies received out of the sale of licenses under the provisions of this act are hereby appropriated and released to the department of Conservation and may be used by the Director of the Department of Conservation for all purposes reasonably necessary in the cost of administration of this act including the printing of certificates of registration, postage and transportation charges, clerical, personnel, equipment purchases, salaries, and other expenses for each year except no funds collected under the provisions of this act may be used to supplement or pay the salaries of any enforcement officers other than those hired specifically for the purposes of administering the provisions of this act.

(3) Any unexpended sums in excess of yearly costs of administration that are available out of the monies derived under the provisions of this act may be expended and used by the Department of Conservation for the purposes of water safety education and improvement of non-commercial boating facilities in this state.

Section 7. Operation of Unnumbered Vessels Prohibited. Every vessel on the waters of this state shall be registered and numbered. No person shall operate or give permission for the operation of any vessel on such waters unless the vessel is registered and numbered with the identifying number set forth in the certificate of registration displayed on each side of the bow of such vessel, or in accordance with applicable federal law or in accordance with a federally approved numbering system of another state, and unless the certificate of number awarded to such vessel is in full force and effect.

Section 8. Identification Number. The owner of each vessel requiring numbering by this state shall file an application for number with the department of Conservation or probate judges offices, or license commissioner on forms approved by the Department of Conservation. The application shall be filed by the owner of the vessel and shall be accompanied by a fee in accordance with Section 16 of this act. Upon receipt of the application and its approval by the authorized issuing officer he shall enter the same upon the records of his office and issue to the applicant a certificate of registration stating the number awarded to the vessel, the name and address of the owner, and a description of the vessel. The owner shall paint on or attach to each side of the bow of the vessel the identification number issued to him in such manner as may be prescribed by rules and regulations of the department of conservation, in order that it may be clearly visible and be of such size as required by the Federal Boating Act of 1958 or any subsequent amendment thereto. The number shall be maintained in legible condition. The certificate of registration shall be pocket size and shall be available at all times for inspection on the vessel for which issued whenever such vessel is in operation.

Section 9. Numbering of manufacturers' and dealers' vessels.

(1) The description of the vessel shall be omitted from the certificate since the number awarded may be used on different vessels at different times. In lieu of the description, the word "manufacturer" or "dealer," as appropriate, shall be plainly marked on each certificate.

(2) The manufacturer or dealer may have the number awarded printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the vessel being demonstrated or tested so long as the display meets the requirements of this act.

Section 10. Foreign Vessels. The owner of any vessel already covered by a number in full force and effect which has been awarded to it pursuant to the operative federal law or a federally-approved numbering system of another state shall record the number prior to operating the vessel on the waters of this state in excess of the ninety (90) day consecutive reciprocity period provided for in this act. Such recordation shall be in the manner and pursuant to the procedure required for the award of an original number, except that no additional or substitute number shall be issued.

(a) Should the ownership of a vessel change, a new application form with fee of \$1.00 for change of registration shall be filed with the Department of Conservation and a new certificate issued, transferring the original vessel number to the new owner.

Section 11. Number System.

(1) The vessel identification number issued by the Department of Conservation pursuant to this act shall be divided into parts. The first part shall consist of the symbols identifying the state followed by a combination of numerals and letters which furnish individual vessel identification. The group of digits appearing between letters shall be separated from those letters by hyphens or equivalent spaces.

(2) The first part of the number shall be a symbol indicating Alabama which shall be AL.

(3) The remainder of the vessel's number shall consist of not more than four arabic numerals and two capital letters or not more than three arabic numerals and three capital letters, in sequence, separated by a hyphen or equivalent space, in accordance with the serials, numerically and alphabetically.

(4) Since the letters "I" "O" and "Q" may be mistaken for arabic numerals, all letter sequences using "I" "O" and "Q" shall be omitted.

Section 12. Public Records. All records of the Department of Conservation, probate judge, or license commissioner made or kept pursuant to this section shall be public records, except confidential reports and except accident reports as set out in this act.

Section 13. Term of Certificates. Every certificate pursuant to this act shall continue in full force and effect for a period of one (1) year unless sooner terminated or discontinued in accordance with the provisions of this act. A certificate may be renewed by the owner in the same manner provided for in the initial securing of the same.

Section 14. Change of interest and address. The owner shall furnish the department of conservation notice of the transfer of all or any part of his interest other than the creation of a security interest in a vessel numbered in this state pursuant to this act or of the destruction or abandonment of such vessel, within fifteen (15) days thereof. Such transfer, destruction, or abandonment shall terminate the certificate for such vessel except, that in the case of a transfer of a part interest which does not affect the owner's right to operate such vessel, such transfer shall not terminate the certificate.

(1) Any holder of a certificate shall notify the department of conservation within fifteen (15) days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the department of conservation with his new address. The department of conservation may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

Section 15. Only authorized number to be used. No number other than the number awarded to the vessel or granted reciprocity pursuant to this act shall be painted, attached, or otherwise displayed on either side of the bow of such vessel.

Section 16. Classification and fees. Vessels subject to the provisions of this act shall be classified according to the following schedule and the fees charged by the department of conservation for registration shall be in the following amounts:

Class 1. Less than sixteen (16) feet in length .....\$2.00

|                                                                                    |         |
|------------------------------------------------------------------------------------|---------|
| Class 2. Sixteen (16) feet or over and less than twenty-six (26) feet in length .. | \$3.00  |
| Class 3. Twenty-six (26) feet or over and less than forty (40) feet in length ..   | \$6.00  |
| Class 4. Forty (40) feet or over ..                                                | \$12.00 |
| Class 5. Dealer or manufacturers' temporary license .....                          | \$10.00 |

Section 17. Equipment. Every vessel while being operated on the waters of this state shall be equipped with reasonable safety devices and lights as may be required under regulations promulgated by the director of conservation.

(1) No person shall operate or give permission for the operation of a vessel which is not equipped as is required by rules and regulations duly promulgated by the director of the department of conservation.

(2) All such safety equipment and safety lights required by this section shall meet such standards as the director of conservation may from time to time establish as minimum equipment and all such safety equipment and safety lights above the minimum requirements which are required by the rules and regulations of the department of conservation shall conform with specific standards as may be adopted by the department of conservation.

(3) Airboats shall display a flag ten (10) by fourteen (14) inches on a twelve (12) foot mast.

(4) A diver's flag must be displayed on the surface of any water where skin divers are operating as may be stipulated by the department of conservation.

Section 18. Exemption from numbering provisions of this act. A vessel shall not be required to be numbered under this act if it is:

(1) vessel operating under valid temporary certificate or number,

(2) already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a federally approved numbering system of another state; provided, however, that such vessel shall not have been within this State for a period in excess of ninety (90) consecutive days,

(3) A vessel under registry from a country other than the United States temporarily using the waters of this state.

(4) A vessel owned by the United States, a State, County, or Municipality.

(5) A ship's lifeboat.

Section 19. Boat Liveries. The owner or operator of a boat livery shall cause to be kept a record of the name and address of all persons using any vessel owned or operated by the boat livery. Said record shall also state the identification of the number of the vessel used, the departure date and time of the person or persons using same, the expected time of return, and the actual time of return. This record shall be kept by the owner or operator of the boat livery for a period of at least six (6) months and such record may be inspected at any

time upon request of an authorized agent of the Department of Conservation. Neither the owner of a boat livery or his agent or employee shall permit any vessel owned or operated by him to depart from his premises unless it shall have been provided with the safety equipment required under the provisions of this act and any rules and regulations made pursuant thereto.

Section 20. Muffling Devices and Sirens. The exhaust of every internal combustion engine used on any vessel shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cut-outs is prohibited, except for vessels competing in a regatta or official boat race, and for such vessels while on trial runs. No person shall use a siren of any type while operating or on a vessel on the waters of this state except as may be specifically allowed by the Director of Conservation for enforcement purposes.

Section 21. Prohibited Operation.

(1) No person shall operate any vessel or manipulate any water skis, aquaplane, or similar device in a reckless or negligent manner so as to endanger or be likely to endanger the life, limb, or property of any person.

(2) No person shall operate any vessel or manipulate any water skis, aquaplane, or similar device while intoxicated or under the influence of any narcotic, drug, barbiturate or marijuana.

(3) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed \$500.00 and/or imprisonment not to exceed six (6) months for each violation thereof.

Section 22. Collisions, accidents, and casualties.

(1) It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to render to other persons affected by the collision, accident or other casualty, such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(2) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of fifty dollars (\$50.00) shall within ten (10) days file with the department of conservation a full description of the collision, accident, or other casualty, including such information as the department of conservation, by regulation, may require.

(3) All accident reports required by this section made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department of conservation or other governmental agencies having use of the record, except that the department of conservation may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.



No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department of conservation shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department of conservation solely to prove a compliance or a failure to comply with the requirements that such a report be made to the department of conservation.

Section 23. Transmittal of information. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the department of conservation shall be transmitted to said official or agency of the United States.

Section 24. Water skis and aquaplanes.

(1) No person shall operate a vessel on any waters of this state for towing a person or persons on water skis, or an aquaplane or similar device unless there is in such vessel a person, in addition to the operator, in a position to observe the progress of the person or persons being towed or such vessel is equipped with a wide-angle rear view mirror mounted in such a manner as to permit the operator of the vessel to observe the progress of the person or persons being towed.

(2) No person shall operate a vessel on any waters of this state towing a person or persons on water skis, aquaplane, or similar device, nor shall any person engage in water skiing, aquaplaning, or similar activity at any time between the hours from one hour after sunset to one hour before sunrise.

(3) The provisions of subsections (1) and (2) of this section do not apply to a performer engaged in a professional exhibition or a person or persons participating in an official regatta, motorboat race, marine parade, tournament or exhibition.

(4) No person except in jump buoys and like objects used normally in competitive and recreational skiing shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such way as to cause the water skis, aquaplane, or similar device, or any person thereon to collide with or strike against any object or person.

Section 25. Regattas, races, marine parades, tournaments or exhibitions.

(1) The director shall adopt and may, from time to time, amend regulations concerning the safety of vessels and persons thereon, either observers or participants.

(2) Any person or organization sponsoring a regatta, motorboat or other boat race, marine parade, tournament or exhibition shall be responsible for providing adequate protection from marine traffic interference and hazards.

Section 26. Local Regulation Prohibited.

(1) The provisions of this act and rules and regulations promulgated thereto, and other general laws of this state shall govern the operation, equipment, numbering and all other matters relating there-

to whenever any vessel shall be operated on the waters of this state, or when any activity regulated by this act shall take place thereon; but nothing in this act shall be construed to prevent the adoption of any ordinance or local law relating to operation of vessels the provisions of which are identical to the provisions of this act, amendments thereto or regulations issued thereunder; provided, that such ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this act, amendments thereto or regulations issued thereunder.

(2) Any subdivision of this state may, at any time, but only after public notice, make formal application to the Director for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate. The public notice shall be effected by the said subdivision causing a copy of the proposed public rules or regulations to be published one (1) time per week for four (4) consecutive weeks in a newspaper of general circulation within the area that the subdivision is located.

(3) The Director is hereby authorized to make special rules and regulations with reference to the operation of vessels on any waters within the territorial limits of any subdivision of this state.

Section 27. Filing of Regulations. A copy of the regulations adopted pursuant to this act, and of any amendments thereto, shall be filed in the office of the Secretary of State, and in the office of the Department of Conservation. Rules and regulations may be published by the Director in a convenient form.

Section 28. Rules and regulations. The director of the department of conservation shall make, adopt, promulgate, amend and repeal all rules and regulations necessary, or convenient for the carrying out of the duties and obligations and powers conferred on the said director or the department of conservation by this act. Further clarifying the rule making power of the director, he shall have power and authority to make, adopt, promulgate, amend, and repeal all rules and regulations as shall promote safety for persons and property in and connected with the use, operation and equipment of vessels and for the carrying out of duties, obligations and powers conferred upon the director of the department of conservation by this act, subject to such supervision of the advisory board of conservation as set out in Section 9, Title 8 of the Alabama Code of 1940 or subsequent amendments thereto.

Section 29. Promulgation of rules. All rules and regulations shall be published in a newspaper or newspapers of general circulation in the state and shall take effect and be enforced at the time specified therein. Such rules and regulations shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the director of conservation, certifying that the rule or regulation has been lawfully adopted, promulgated and published, and such affidavit shall be prima facie evidence of proper adoption, promulgation and publication of the rule of regulation.

Section 30. Jurisdiction of offense; disposition of fines. Justices of the peace or the inferior criminal courts of any county of the state of Alabama shall be and are hereby given final jurisdiction to try and convict persons, firms, or corporations violating any of the pro-

visions of this act or the rules and regulations promulgated thereunder; and they shall remit to the director on or before the 10th day of each month all fines and forfeitures collected by them for the violation of such laws, rules and regulations, together with a statement of the name of the person, firm or corporation convicted of such violation, the time of such conviction, the amount of the fine or penalty, the date of the remittance, and the specific charge for which the defendant was tried.

Section 31. Fees of arresting officer. When an arrest for violation of the provisions of this act or regulations promulgated thereunder is made by a salaried officer not employed by the Department of Conservation and the defendant is convicted there shall be taxed as cost the same fee as a sheriff in this state is entitled to for similar services and if collected from the defendant shall be immediately remitted by the trial court direct to the treasurer of the county in which the offense occurred. When an arrest for violation of the provisions of this act or regulations promulgated thereunder is made by a salaried officer of the Department of Conservation and the defendant is convicted, there shall be taxed as cost the same fee as a sheriff in this state is entitled to for similar services and if collected from the defendant shall be immediately remitted by the trial court direct to the Department of Conservation which fee shall be deposited to the credit of the Water Safety Fund. If the officer making the arrest be a non-salaried officer and if said fee is collected from the defendant, said non-salaried officer shall be entitled to said fee; provided, however, no person shall be entitled to receive an informer's fee and further provided no fee shall be allowed in cases of acquittal.

Section 32. Costs of administration. There is hereby appropriated from any funds available in the state treasury not otherwise appropriated, the sum of one hundred thousand dollars (\$100,000.00) to the department of conservation for use in administering the provisions of this act; provided, however, such appropriation shall be repaid to the general fund of the state by the department of conservation as the monies become available from the revenue derived from the sale of licenses, fines and forfeitures as provided for in this act. It shall be the duty of the director of conservation and the state budget officer to ascertain when and in what amounts such payments are to be made to the credit of the general fund. The director of conservation is hereby authorized to transfer twenty thousand dollars (\$20,000.00) from the Water Safety Fund to the Administrative Division of the Department of Conservation which twenty thousand dollars (\$20,000.00) is hereby appropriated to the Department of Conservation, Administrative Division, in addition to all other monies heretofore appropriated to said Division. The director of conservation with the approval of the director of finance may allocate said monies within the Administrative Division as he may deem proper.

Section 33. Effective date. All vessels coming within the provisions of this act shall be licensed not later than five (5) months after the passage of this act and thereafter, not later than November 15 of each year.

Section 34. Special agents. The director of conservation is authorized to appoint special agents to sell boat licenses as provided for herein; provided, however, the director of conservation may not appoint any special agent until said agent is bonded for not less than five thousand dollars (\$5,000.00). Such agents shall receive licenses

from the department of conservation in the same manner as the probate judges and license commissioners and shall make such reports and be subject to such audits as the director of conservation may specify. Special agents so appointed shall make returns to the department of conservation in the same manner as probate judges and license commissioners. The director of conservation is further authorized to cancel such special agents' authority to sell licenses at any time he may so desire. Special agents shall be entitled to an issuance fee of twenty-five (25c). Any special agent selling licenses in excess of the cost of licenses as herein specified shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100.00).

Section 35: Penalties. Any person convicted of violating any provision of this act except as set out in Section 21(3) of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and costs for each such violation.

Section 36. Warning Citations. The Director of Conservation is authorized to provide by duly promulgated regulation a system for issuing warning citations under such conditions as he may deem proper.

Section 37. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section 38. All laws or parts of laws in conflict with the provisions of this act are hereby expressly repealed.

On motion of Mr. Rast the substitute reported by the Standing Committee on Conservation was laid upon the table.

Mr. Rast then offered the following substitute for the bill, H. 256:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveryes; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of \$32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide

for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. Declaration of policy. It is the policy of this State to promote safety for persons and property in and connected with the use, operation and equipment of vessels used on the waters of this state and to promote uniformity of laws relating thereto.

Section 2. Application. The provisions of this Act shall be applicable to all vessels as herein defined, navigating the waters within the jurisdiction of this state, except where inconsistent with any laws or regulations of the United States, in which case such laws or regulations shall prevail.

Section 3. Definitions. As used in this Act, unless the context clearly requires a different meaning;

(1) "Vessel" means every description of watercraft, other than a sea plane capable of being used as a means of transportation on water, but shall not include vessels under foreign registry temporarily using the public waters of this state nor shall it include public vessels of the United States, State, County, or Municipal vessels, ships' life-boats or vessels temporarily operating upon the public waters of this State which have been validly licensed by another state or the Federal Government.

(2) "Waters of this State" means any waters within the territorial limits of this State and the marginal sea adjacent to this State and the high seas when navigated as a part of a journey or ride to and from the shore of this State. Provided, however, "waters of this State" shall not be interpreted to mean any private pond which is not used for boat rentals or the charging of fees for fishing therein.

(3) "Owner" means a person, other than a lien holder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(4) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(5) "Operate" means to navigate or otherwise use a vessel.

(6) "Director" as used in this Act means the Director of the State Conservation Department.

(7) "State Department of Conservation" or "Department of Conservation" means that department created by the laws of this State having supervision over game, fish, forestry, parks, seafoods, and such lands of the State and such supervision over public waters of this State as now are constituted by law or any subsequent amendment thereto.

(8) "Certificate" means registration by a vessel owner with the Department of Conservation and includes the issuance of an identifying number awarded each vessel and the issuance of a pocket-size certificate of registration.

(9) "Length" means measured from end to end over the deck excluding sheer.

Section 4. Duty of Director. It is hereby expressly made the duty of the Director to set up a division within the Department of Conservation to be known as 'Division of Water Safety' with sufficient personnel to perform the necessary clerical and routine work for the Department in issuing, handling and recording vessel registration identifying numbers, including the receiving and accounting of all registration fees and payments of same into the state treasury, receiving and recording accident reports, and making such reports of such accidents to such federal agency as may be required by federal law and such other incidental clerical work connected with the administration of this Act.

Section 5. Enforcement. This Act shall be enforced by the Department of Conservation, Division of Water Safety, and by all law enforcement officers of the State, and by such other agents and employees of the Department of Conservation as may be designated and required by the Director.

Section 6. Sale of certificate; fees, appropriation; use of funds. The Department of Conservation will issue annual certificates of registration directly or may authorize any probate judge in the State or any other official in the State who are presently authorized to issue automobile license plates, to issue certificates of registration and numbers in connection therewith. In conformity with this Act and any rules and regulations which may be validly issued by the Department of Conservation, the Department of Conservation may assign to each issuing officer in said county a block of numbers and certificates therefor which upon issue the issuing officer shall be allowed a fee of twenty-five cents (25c) for each certificate issued by him which fee in counties where the probate judge is on the fee system shall be retained by the probate judge and in counties where the issuing officer or probate judge is on salary basis the fee shall be paid into the county treasury.

(1) All registration monies, except the twenty-five cent (25c) fee allowed as aforesaid, shall be remitted monthly to the Department of Conservation not later than ten (10) days after the first of each month. The Department of Conservation shall transmit all monies received by it to the state treasurer, there to be deposited in a fund to be known as the "State Water Safety Fund."

(2) All monies received out of the sale of licenses under the provisions of this Act are hereby appropriated and released to the Department of Conservation and may be used by the Director of the Department of Conservation for all purposes reasonably necessary in the cost of administration of this Act including the printing of certificates of registration, postage and transportation charges, clerical, personnel, equipment purchases, salaries, and other expenses for each year except no funds collected under the provisions of this Act may be used to supplement or pay the salaries of any enforcement officers other than those hired specifically for the purposes of administering the provisions of this Act.

(3) There is hereby appropriated from any funds in the State Treasury, not otherwise appropriated, the sum of Thirty-two Thousand Five Hundred Dollars (\$32,500.00) to the Department of Conservation, Division of Water Safety, for use in administering the provisions of

this Act. The Division of Water Safety upon the order of the Director of Conservation shall transfer to the Administrative Division of the Department of Conservation its pro rata share of the administration costs of the Department of Conservation in the same manner as the other divisions of the Department of Conservation so transfer. Provided, however, the Director of Conservation shall not transfer to the Administrative Division monies from Water Safety Division in excess of twenty-five percent (25%) of the Water Safety Division's yearly income from all sources. The Administrative Division of the Department of Conservation shall expend such monies as may be transferred, in addition to all other monies heretofore appropriated to said Division, in such manner as the Director of Conservation may deem necessary and appropriate. It is the intent of the Legislature that the Department of Conservation utilize existing personnel and equipment of that Department and of the Sheriffs of this State to the maximum possible extent in enforcing and administering this Act, to the end that there be no costly duplication of services.

(4) Any unexpended sums in excess of costs of administration that are available out of the monies derived under the provisions of this Act may be expended and used by the Department of Conservation for the purposes of water safety education and improvement of non-commercial boating facilities in this State.

Section 7. Operation of Unnumbered Vessels Prohibited. Every vessel on the waters of this State shall be registered and numbered. No person shall operate or give permission for the operation of any vessel on such waters unless the vessel is registered and numbered with the identifying number set forth in the certificate of registration displayed on each side of the bow of such vessel, or in accordance with applicable federal law or in accordance with a federally approved numbering system of another state, and unless the certificate of number awarded to such vessel is in full force and effect.

Section 8. Identification Number. The owner of each vessel requiring numbering by this State shall file an application for number with the Department of Conservation or probate judges' offices, or license commissioner on forms approved by the Department of Conservation. The application shall be filed by the owner of the vessel and shall be accompanied by a fee in accordance with Section 16 of this Act. Upon receipt of the application and its approval by the authorized issuing officer he shall enter the same upon the records of his office and issue to the applicant a certificate of registration stating the number awarded to the vessel, the name and address of the owner; and a description of the vessel. The owner shall paint on or attach to each side of the bow of the vessel the annual identification number issued to him in such manner as may be prescribed by rules and regulations of the Department of Conservation, in order that it may be clearly visible and be of such size as required by the Federal Boating Act of 1958 or any subsequent amendment thereto. The number shall be maintained in legible condition. The certificate of registration shall be pocket size and shall be available at all times for inspection on the vessel for which issued whenever such vessel is in operation.

Section 9. Numbering of manufacturers' and dealers' vessels.

(1) The description of the vessel shall be omitted from the certificate since the number awarded may be used on different vessels at different times. In lieu of the description, the word "manufacturer" or "dealer", as appropriate, shall be plainly marked on each certificate.

(2) The manufacturer or dealer may have the number awarded printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the vessel being demonstrated or tested so long as the display meets the requirements of this Act.

Section 10. Foreign Vessels and Change of Ownership. Any vessel already covered by a number in full force and effect which has been awarded to it pursuant to the operative federal law or federally approved numbering system of another state may be operated on the waters of this State for a period of ninety (90) consecutive days without being licensed under the provisions of this Act. Any vessel operating for more than ninety (90) consecutive days must then be registered and licensed in the same manner as other vessels are required to be licensed under this Act.

(a) Should the ownership of a vessel change, a new application form with fee of One Dollar (\$1.00) for change of registration shall be filed with the Department of Conservation and a new certificate issued, transferring the original vessel number to the new owner.

(b) No citizen or resident of this State may operate his vessel on the waters of this State when such vessel is under foreign registry; provided, however, any such citizen or resident who has previously registered his vessel in another state or by federal registry before coming into this State may operate same for a period of ninety (90) consecutive days without being required to register under the provisions of this Act.

Section 11. Numbering System. The numbering system employed pursuant to this Act shall be determined and promulgated by the Director of the Department of Conservation acting pursuant to the authority conferred on him by Section 28 of this Act. Provided, however, that in the event an agency of the United States Government shall have in force an overall system of identification numbering for vessels within the United States, any numbering system employed or promulgated pursuant to this Act shall conform thereto.

Section 12. Public Records. All records of the Department of Conservation, probate judge, or license commissioner made or kept pursuant to this section shall be public records, except confidential reports and except accident reports as set out in this Act.

Section 13. Term of Certificates. Every certificate and license as provided for in this Act is to be issued on a yearly basis and said certificate and license shall be valid for one (1) issuing year only. And all vessels coming within the provisions of this Act shall be licensed not later than four (4) months after the passage of this Act and thereafter not later than November 15 of each year.

Section 14. Change of interest and address. The owner shall furnish the Department of Conservation notice of the transfer of all or any part of his interest other than the creation of a security interest in a vessel numbered in this State pursuant to this Act or of the destruction or abandonment of such vessel, within fifteen (15) days thereof. Such transfer, destruction, or abandonment shall terminate the certificate for such vessel except, that in the case of a transfer of a part interest which does not affect the owner's right to operate such vessel, such transfer shall not terminate the certificate.



(1) Any holder of a certificate shall notify the Department of Conservation within fifteen (15) days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the Department of Conservation with his new address. The Department of Conservation may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

Section 15. Only authorized number to be used. No number other than the number awarded to the vessel or granted reciprocity pursuant to this Act shall be painted, attached, or otherwise displayed on either side of the bow of such vessel.

Section 16. Classification and fees. Vessels subject to the provisions of this Act shall be classified according to the following schedule and the annual fees charged by the Department of Conservation for registration shall be in the following amounts:

Class 1. Less than sixteen (16) feet in length, \$2.00

Class 2. Sixteen (16) feet or over and less than twenty-six (26) feet in length, \$3.00

Class 3. Twenty-six (26) feet or over and less than forty (40) feet in length, \$6.00

Class 4. Forty (40) feet or over, \$12.00

Class 5. Dealer or manufacturers' temporary license, \$10.00

Section 17. Equipment. Every vessel while being operated on the waters of this State shall be equipped with reasonable safety devices and lights as may be required under regulations promulgated by the Director of Conservation.

(1) No person shall operate or give permission for the operation of a vessel which is not equipped as is required by rules and regulations duly promulgated by the Director of the Department of Conservation.

(2) All such safety equipment and safety lights required by this section shall meet such standards as the Director of Conservation may from time to time establish as minimum equipment and all such safety equipment and safety lights above the minimum requirements which are required by the rules and regulations of the Department of Conservation shall conform with specific standards as may be adopted by the Department of Conservation.

(3) Airboats shall display a flag ten (10) by fourteen (14) inches on a twelve (12) foot mast.

(4) A diver's flag must be displayed on the surface of any water where skin divers are operating as may be stipulated by the Department of Conservation.

Section 18. Exemption from numbering provisions of this Act. A vessel shall not be required to be numbered under this Act if it is:

(1) vessel operating under valid temporary certificate or number,

(2) already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a federally approved numbering system of another state; provided, however, that such vessel shall not have been within this State for a period in excess of ninety (90) consecutive days.

(3) a vessel under registry from a country other than the United States temporarily using the waters of this State.

(4) a vessel owned by the United States, a State, County, or Municipality.

(5) a ship's lifeboat.

(6) A vessel not propelled by machinery, except sail boats and boats for hire.

Section 19. Boat Liveries. The owner or operator of a boat livery shall cause to be kept a record of the name and address of all persons using any vessel owned or operated by the boat livery. Said record shall also state the identification of the number of the vessel used, the departure date and time of the person or persons using same, the expected time of return, and the actual time of return. This record shall be kept by the owner or operator of the boat livery for a period of at least six (6) months and such record may be inspected at any time upon request of an authorized agent of the Department of Conservation. Neither the owner of a boat livery or his agent or employee shall permit any vessel owned or operated by him to depart from his premises unless it shall have been provided with the safety equipment required under the provisions of this Act and any rules and regulations made pursuant thereto.

Section 20. Muffling Devices and Sirens. The exhaust of every internal combustion engine used on any vessel shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cut-outs is prohibited, except for vessels competing in a regatta or official boat race, and for such vessels while on trial runs. No person shall use a siren of any type while operating or on a vessel on the waters of this State except as may be specifically allowed by the Director of Conservation for enforcement purposes.

#### Section 21. Prohibited Operations.

(1) No person shall operate any vessel or manipulate any water skis, aquaplane, or similar device in a reckless or negligent manner so as to endanger or be likely to endanger the life, limb, or property of any person.

(2) No person shall operate any vessel or manipulate any water skis, aquaplane, or similar device while intoxicated or under the influence of any narcotic, drug, barbiturate or marijuana.

(3) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) and/or imprisonment not to exceed six (6) months for each violation thereof.

(4) Upon conviction for a second offense violation under this section the owner's certificate or registration may be suspended for a period of time up to one year; and upon conviction for a third offense violation under this section said certificate of registration shall be re-

voked and said owner shall not be granted a new registration for three years following the date of said third conviction.

**Section 22. Collisions, accidents, and casualties.**

(1) It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to render to other persons affected by the collision, accident, or other casualty, such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(2) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of fifty dollars (\$50.00) shall within ten (10) days file with the Department of Conservation a full description of the collision, accident, or other casualty, including such information as the Department of Conservation, by regulation, may require.

(3) All accident reports required by this section made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Conservation or other governmental agencies having use of the record, except that the Department of Conservation may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department of Conservation shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department of Conservation solely to prove a compliance or a failure to comply with the requirements that such a report be made to the Department of Conservation.

**Section 23. Transmittal of information.** The Director of Conservation shall supply to any authorized official or agency of the United States upon such agency's or official's request and in accordance with any federal law or regulation relative thereto, necessary information pertaining to statistics and reports compiled under the provisions of this Act.

**Section 24. Water skis and aquaplanes.**

(1) No person shall operate a vessel on any waters of this State for towing a person or persons on water skis, or an aquaplane or similar device unless there is in such vessel a person, in addition to the operator, in a position to observe the progress of the person or persons being towed or such vessel is equipped with a wide-angle rear view mirror mounted in such a manner as to permit the operator of the vessel to observe the progress of the person or persons being towed.

(2) No person shall operate a vessel on any waters of this State towing a person or persons on water skis, aquaplane, or similar device, nor shall any person engage in water skiing, aquaplaning, or simi-

lar activity at any time between the hours from one hour after sunset to one hour before sunrise.

(3) The provisions of subsections (1) and (2) of this section do not apply to a performer engaged in a professional exhibition or a person or persons participating in an official regatta, motorboat race, marine parade, tournament or exhibition.

(4) No person except in jump buoys and like objects used normally in competitive and recreational skiing shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such way as to cause the water skis, aquaplane, or similar device, or any person thereon to collide with or strike against any object or person.

Section 25. Regattas, races, marine parades, tournaments or exhibitions.

(1) The Director shall adopt and may, from time to time, amend regulations concerning the safety of vessels and persons thereon, either observers or participants.

(2) Any person or organization sponsoring a regatta, motorboat or other boat race, marine parade, tournament or exhibition shall be responsible for providing adequate protection from marine traffic interference and hazards.

Section 26. Local Regulation Prohibited.

(1) The provisions of this Act and rules and regulations promulgated thereto, and other general laws of this State shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this State, or when any activity regulated by this Act shall take place thereon; but nothing in this Act shall be construed to prevent the adoption of any ordinance or local law relating to operation of vessels the provisions of which are identical to the provisions of this Act, amendments thereto or regulations issued thereunder; provided, that such ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this Act, amendments thereto or regulations issued thereunder.

(2) Any subdivision of this State may, at any time, but only after public notice, make formal application to the Director for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate. The public notice shall be effected by the said subdivision causing a copy of the proposed public rules or regulations to be published one (1) time per week for four (4) consecutive weeks in a newspaper of general circulation within the area that the subdivision is located.

(3) The Director is hereby authorized to make special rules and regulations with reference to the operation of vessels on any waters within the territorial limits of any subdivision of this State.

Section 27. Filing and notification of rules and regulations. A copy of the regulations adopted pursuant to this Act, and of any amendments thereto, shall be filed in the office of the Secretary of

State, and in the office of the Department of Conservation. Rules and regulations may be published by the Director in a convenient form. The Director of Conservation shall cause to be publicized by the issuance of newspaper releases for new or amended or rescinded rules and regulations promulgated by him.

Section 28. Rules and regulations. The Director of the Department of Conservation shall make, adopt, promulgate, amend and repeal all rules and regulations necessary, or convenient for the carrying out of the duties and obligations and powers conferred on the said Director of the Department of Conservation by this Act. Further clarifying the rule making power of the Director, he shall have power and authority to make, adopt, promulgate, amend, and repeal all rules and regulations as shall promote safety for persons and property in and connected with the use, operation, and equipment of vessels and for the carrying out of duties, obligations and powers conferred upon the Director of the Department of Conservation by this Act, subject to such supervision of the Advisory Board of Conservation as set out in Section 9, Title 8 of the Code of Alabama 1940 or subsequent amendments thereto.

Section 29. Rules and Regulations used in Courts. All rules and regulations duly promulgated under the provisions of this Act by the Director of Conservation shall be admitted as evidence in the courts of this State when accompanied by an affidavit from the Director of Conservation certifying that the rule or regulation has been lawfully adopted and promulgated and such affidavit shall be prima facie evidence of proper adoption and promulgation of the rule of regulation.

Section 30. Jurisdiction of offense; disposition of fines. Justices of the peace or the inferior criminal courts of any county of the State of Alabama shall be and are hereby given final jurisdiction to try and convict persons, firms, or corporations violating any of the provisions of this Act or the rules and regulations promulgated thereunder, subject to any proper appeal or writ of error; and they shall remit to the Director on or before the 10th day of each month all fines and forfeitures collected by them for the violation of such laws, rules and regulations, together with a statement of the name of the person, firm or corporation convicted of such violation, the time of such conviction, the amount of the fine or penalty, the date of the remittance, and the specific charge for which the defendant was tried.

Section 31. Fees of arresting officer. When an arrest for violation of the provisions of this Act or regulations promulgated thereunder is made by a salaried officer not employed by the Department of Conservation and the defendant is convicted, there shall be taxed as cost the same fee as a sheriff in this State is entitled to for similar services and if collected from the defendant shall be immediately remitted by the trial court direct to the treasurer of the county in which the offense occurred. When an arrest for violation of the provisions of this Act or regulations promulgated thereunder is made by a salaried officer of the Department of Conservation and the defendant is convicted, there shall be taxed as cost the same fee as a sheriff in this State is entitled to for similar services and if collected from the defendant shall be immediately remitted by the trial court direct to the Department of Conservation which fee shall be deposited to the credit of the Water Safety Fund. If the officer making the arrest be a non-salaried officer and if said fee is collected from the defendant,

said non-salaried officer shall be entitled to said fee; provided, however, no person shall be entitled to receive an informer's fee and further provided no fee shall be allowed in cases of acquittal. In the event the arrest is made by a county officer, salaried or non-salaried, fifty percent (50%) of the fine shall be remitted to the credit of the county treasury of the county in which the offense was committed, and the remaining 50% of the fine shall be remitted to the State Treasurer for deposit to the "State Water Safety Fund". In the event the arrest is made by an officer other than a county officer, the fine shall be remitted to the State Treasurer for deposit to the "State Water Safety Fund".

Section 32. Special Agents. The sheriffs of this State may be designated as special agents to sell boat licenses as provided for herein. The Director of Conservation is authorized to appoint other special agents to sell boat licenses as provided for herein; provided, however, the Director of Conservation may not appoint any special agent until said agent is bonded for not less than Five Thousand Dollars (\$5,000.00). Such agents shall receive licenses from the Department of Conservation in the same manner as the probate judges and license commissioners and shall make such reports and be subject to such audits as the Director of Conservation may specify. Special agents so appointed shall make returns to the Department of Conservation in the same manner as probate judges and license commissioners. The Director of Conservation is further authorized to cancel such special agents' authority to sell licenses at any time he may so desire. Special agents shall be entitled to an issuance fee of twenty-five cents (25c). Any special agent selling licenses in excess of the cost of licenses as herein specified shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars (\$100.00).

Section 33. Penalties. Any person convicted of violating any provision of this Act except as set out in Section 21 (3) of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) and costs for each such violation.

Section 34. Warning Citations. The Director of Conservation is authorized to provide by duly promulgated regulation a system for issuing warning citations under such conditions as he may deem proper.

Section 35. Authority to Enforce. The Director and his employees are hereby clothed with the authority of deputy sheriffs for the enforcement of the provisions of this Act or rules and regulations promulgated thereunder.

Section 36. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section 37. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

And the substitute was adopted.

Yeas 88; Nays 2.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Edwards     | Jenkins                        | Rast                           |
| Adams <sup>(Houston)</sup> | Faulk       | Johnson <sup>(Hardaway)</sup>  | Ray                            |
| Albea                      | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Ashworth                   | Gilmer      | Johnston <sup>(Leonard)</sup>  | Roberts                        |
| Bailey                     | Glass       | Jones <sup>(Monroe)</sup>      | Rogers                         |
| Bassett                    | Goldthwaite | Lee                            | Rozelle                        |
| Bevill                     | Goodwyn     | Locke                          | Salter                         |
| Bishop                     | Gordon      | McCorquodale                   | Self                           |
| Boyd                       | Grant       | McLendon <sup>(Bullock)</sup>  | Sessions                       |
| Brannan                    | Gross       | Meade                          | Shumate                        |
| Branyon                    | Grouby      | Merrill                        | Smith <sup>(Russell)</sup>     |
| Brewer                     | Guthrie     | Morrow                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hain        | Murphy                         | Solomon                        |
| Brooks                     | Hanby       | Nettles                        | Speaks                         |
| Camp                       | Hankins     | Oakley                         | Steagall                       |
| Casey                      | Hardy       | Oden                           | Sullivan                       |
| Chambers                   | Harris      | Owens                          | Taylor                         |
| Cook                       | Harvey      | Perry                          | Thomas                         |
| Copeland                   | Hawkins     | Phillips                       | Torbert                        |
| Daniel                     | Hearn       | Pierce                         | Trimmier                       |
| Dickson                    | Hocklander  | Powell                         | Turner                         |
| Dodd                       | Ingram      | Pruitt                         | Turnham                        |

—88

Nays: Messrs. Cabiness and Callahan

—2

And said bill, H. 256, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 20.

**Yeas:**

|                            |                               |              |                            |
|----------------------------|-------------------------------|--------------|----------------------------|
| Mr. Speaker:               | Glass                         | McCorquodale | Roberts                    |
| Adams <sup>(Houston)</sup> | Gordon                        | Meade        | Rogers                     |
| Ashworth                   | Grant                         | Merrill      | Salter                     |
| Bailey                     | Guthrie                       | Morrow       | Self                       |
| Bassett                    | Hain                          | Murphy       | Sessions                   |
| Bevill                     | Hankins                       | Nettles      | Shumate                    |
| Boyd                       | Hardy                         | Oakley       | Smith <sup>(Russell)</sup> |
| Brannan                    | Harvey                        | Owens        | Solomon                    |
| Brooks                     | Hawkins                       | Perry        | Steagall                   |
| Casey                      | Hearn                         | Phillips     | Sullivan                   |
| Cornett                    | Hocklander                    | Pierce       | Taylor                     |
| Daniel                     | Ingram                        | Powell       | Thomas                     |
| Dickson                    | Johnson <sup>(Hardaway)</sup> | Pruitt       | Torbert                    |
| Dodd                       | Johnston <sup>(Leonard)</sup> | Rast         | Turner                     |
| Edwards                    | Lee                           | Ray          | Turnham                    |
| Gilmer                     | Locke                         |              |                            |

—62

**Nays:**

|          |          |                                |                                |
|----------|----------|--------------------------------|--------------------------------|
| Messrs.: | Brewer   | Copeland                       | Martin                         |
| Albea    | Cabiness | Ferguson                       | Ramey                          |
| Avery    | Callahan | Jenkins                        | Reynolds <sup>(Chambers)</sup> |
| Barnett  | Camp     | Johnson <sup>(J. T. Tom)</sup> | Smith <sup>(St. Clair)</sup>   |
| Bishop   | Cates    | Long <sup>(Perry)</sup>        | Speaks                         |
| Branyon  |          |                                |                                |

—20

## MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to House Bill No. 837.

Respectfully submitted,

JOSEPH G. ROBERTSON,  
Executive Secretary.

OCTOBER 30, 1959

TO THE HOUSE OF REPRESENTATIVES  
STATE CAPITOL  
MONTGOMERY, ALABAMA

Gentlemen:

I am returning to you, the body in which this bill originated, House Bill 837, with a suggested executive amendment, as follows:

Amend House Bill 837 by striking from Section 2 thereof the words and figures, "Upon every person, firm or corporation engaged or continuing within Hale County in the business of selling at retail any tangible personal property ~~whatsoever~~, including merchandise and commodities of every kind and character," and insert "Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within Hale County in the business of selling at retail any tangible personal property ~~whatsoever~~, including merchandise and commodities of every kind and character,".

This bill is being returned with the full knowledge and approval of the author of the bill, and if the above amendment is adopted, it will remove my objection to the bill.

Respectfully,

JOHN PATTERSON,  
Governor.

## GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 837, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 85; Nays 0.

## Yeas:

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Mr. Speaker:               | Bailey  | Boyd      | Brooks   |
| Adams <sup>(Houston)</sup> | Barnett | Brannan   | Cabiness |
| Albea                      | Bassett | Branyon   | Camp     |
| Ashworth                   | Bevill  | Brewer    | Casey    |
| Avery                      | Bishop  | Broadfoot | Cates    |



|             |                                |          |                                |
|-------------|--------------------------------|----------|--------------------------------|
| Cook        | Hardy                          | Martin   | Reynolds <sup>(Chambers)</sup> |
| Cornett     | Harvey                         | Meade    | Roberts                        |
| Daniel      | Hawkins                        | Merrill  | Rogers                         |
| Dickson     | Hearn                          | Morrow   | Rozelle                        |
| Dodd        | Hocklander                     | Murphy   | Self                           |
| Edwards     | Ingram                         | Nettles  | Sessions                       |
| Ferguson    | Jenkins                        | Nichols  | Shumate                        |
| Gilmer      | Johnson <sup>(J. T. Tom)</sup> | Oakley   | Smith <sup>(Russell)</sup>     |
| Glass       | Johnston <sup>(Leonard)</sup>  | Oden     | Smith <sup>(St. Clair)</sup>   |
| Goldthwaite | Jones <sup>(Monroe)</sup>      | Phillips | Solomon                        |
| Gordon      | Lee                            | Pierce   | Sullivan                       |
| Grant       | Locke                          | Powell   | Taylor                         |
| Gross       | Long <sup>(Lauderdale)</sup>   | Pruitt   | Thomas                         |
| Grouby      | Long <sup>(Perry)</sup>        | Ramey    | Torbert                        |
| Guthrie     | McClendon <sup>(Chamb)</sup>   | Rast     | Turner                         |
| Hain        | McLendon <sup>(Bullock)</sup>  | Ray      | Turnham                        |
| Hankins     |                                |          |                                |

—85

Which was a majority of the whole number elected to the House.

And said bill:

H. 837. To levy additional county privilege license and excise taxes for public school purposes in Hale County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 86, H. 388, approved June 21, 1957 (Acts 1957, vol. I, pp. 127-130).

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 86; Nays 0.

#### Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker:               | Cornett     | Ingram                         | Powell                         |
| Adams <sup>(Houston)</sup> | Daniel      | Jenkins                        | Pruitt                         |
| Albea                      | Dickson     | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Ashworth                   | Dodd        | Johnston <sup>(Leonard)</sup>  | Rast                           |
| Avery                      | Edwards     | Jones <sup>(Monroe)</sup>      | Ray                            |
| Bailey                     | Ferguson    | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Gilmer      | Locke                          | Rogers                         |
| Bassett                    | Glass       | Long <sup>(Lauderdale)</sup>   | Rozelle                        |
| Bevill                     | Goldthwaite | Long <sup>(Perry)</sup>        | Self                           |
| Bishop                     | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Boyd                       | Gordon      | McLendon <sup>(Bullock)</sup>  | Shumate                        |
| Brannan                    | Grant       | Martin                         | Smith <sup>(Russell)</sup>     |
| Branyon                    | Gross       | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Grouby      | Merrill                        | Solomon                        |
| Broadfoot                  | Guthrie     | Murphy                         | Steagall                       |
| Brooks                     | Hain        | Nettles                        | Sullivan                       |
| Cabiness                   | Hankins     | Nichols                        | Taylor                         |
| Camp                       | Hardy       | Oakley                         | Thomas                         |
| Casey                      | Harvey      | Oden                           | Torbert                        |
| Cates                      | Hawkins     | Phillips                       | Turner                         |
| Cook                       | Hearn       | Pierce                         | Turnham                        |
| Copeland                   | Hocklander  |                                |                                |

—86

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to House Bill No. 833.

Respectfully submitted,

JOSEPH G. ROBERTSON,  
Executive Secretary.

OCTOBER 30, 1959

TO THE HOUSE OF REPRESENTATIVES  
STATE CAPITOL  
MONTGOMERY, ALABAMA

Gentlemen:

I am returning to you, the body in which this bill originated, House Bill 833, with a suggested executive amendment, as follows:

Amend House Bill 833 by inserting in Section 1 of the bill, after the first sentence, which ends with the words "tax levy", the following sentence: Provided, that the State of Alabama and the Alabama Alcoholic Beverage Control Board and ABC stores shall be exempt from any municipal tax so levied.

This bill is being returned with the full knowledge and approval of the author of the bill, and if the above amendment is adopted, it will remove my objection to the bill.

Respectfully,

JOHN PATTERSON,  
Governor.

GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 833, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 86; Nays 0.

**Yeas:**

|                            |           |          |             |
|----------------------------|-----------|----------|-------------|
| Mr. Speaker                | Bishop    | Casey    | Ferguson    |
| Adams <sup>(Houston)</sup> | Boyd      | Cates    | Franklin    |
| Albea                      | Brannan   | Cook     | Gilmer      |
| Ashworth                   | Branyon   | Copeland | Glass       |
| Avery                      | Brewer    | Cornett  | Goldthwaite |
| Bailey                     | Broadfoot | Daniel   | Goodwyn     |
| Barnett                    | Brooks    | Dickson  | Gordon      |
| Bassett                    | Cabiness  | Dodd     | Grant       |
| Bevill                     | Camp      | Edwards  | Gross       |

|                     |                    |                     |                   |
|---------------------|--------------------|---------------------|-------------------|
| Grouby              | Jones (Monroe)     | Oden                | Self              |
| Guthrie             | Lee                | Owens               | Sessions          |
| Hain                | Locke              | Phillips            | Shumate           |
| Hankins             | Long (Perry)       | Pierce              | Smith (St. Clair) |
| Hardy               | McClendon (Chamb)  | Powell              | Solomon           |
| Harvey              | McLendon (Bullock) | Pruitt              | Steagall          |
| Hawkins             | Martin             | Ramey               | Sullivan          |
| Hearn               | Meade              | Rast                | Taylor            |
| Hocklander          | Merrill            | Ray                 | Thomas            |
| Ingram              | Murphy             | Reynolds (Chambers) | Torbert           |
| Jenkins             | Nettles            | Rogers              | Turner            |
| Johnson (J. T. Tom) | Nichols            | Rozelle             | Turnham           |
| Johnston (Leonard)  | Oakley             |                     |                   |

—86

Which was a majority of the whole number elected to the House.

And said bill:

H. 833. To authorize, direct, and require the state department of revenue to collect any sales and use taxes which may be levied in the municipality of Double Springs, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said municipality; to prescribe the power, duties, and authority of the state department of revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 88; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Copeland    | Hearn               | Phillips            |
| Adams (Houston) | Cornett     | Hocklander          | Pierce              |
| Albea           | Daniel      | Ingram              | Powell              |
| Ashworth        | Dickson     | Jenkins             | Pruitt              |
| Avery           | Dodd        | Johnson (J. T. Tom) | Ramey               |
| Bailey          | Edwards     | Johnston (Leonard)  | Rast                |
| Barnett         | Ferguson    | Jones (Monroe)      | Ray                 |
| Bassett         | Franklin    | Lee                 | Reynolds (Chambers) |
| Bevill          | Gilmer      | Locke               | Rogers              |
| Bishop          | Glass       | Long (Perry)        | Rozelle             |
| Boyd            | Goldthwaite | McClendon (Chamb)   | Self                |
| Brannan         | Goodwyn     | McCorquodale        | Sessions            |
| Branyon         | Gordon      | McLendon (Bullock)  | Shumate             |
| Brewer          | Grant       | Martin              | Smith (St. Clair)   |
| Broadfoot       | Gross       | Meade               | Solomon             |
| Brooks          | Grouby      | Merrill             | Steagall            |
| Cabiness        | Guthrie     | Morrow              | Sullivan            |
| Camp            | Hain        | Murphy              | Taylor              |
| Casey           | Hankins     | Nettles             | Thomas              |
| Cates           | Hardy       | Nichols             | Torbert             |
| Chambers        | Harvey      | Oakley              | Turner              |
| Cook            | Hawkins     | Oden                | Turnham             |

—88

Which was a majority of the whole number elected to the House.

## MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to House Bill No. 812.

Respectfully submitted,

JOSEPH G. ROBERTSON,  
Executive Secretary.

OCTOBER 30, 1959

TO THE HOUSE OF REPRESENTATIVES  
STATE CAPITOL  
MONTGOMERY, ALABAMA

Gentlemen:

I am returning to you, the body in which this bill originated, House Bill 812, with a suggested executive amendment, as follows:

Amend House Bill 812 by striking from Section 2 thereof the words and figures, "Upon every person, firm, or corporation engaged or continuing within Chilton County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character," and insert "Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within Chilton County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character,".

This bill is being returned with the full knowledge of the author of the bill, and if the above amendment is adopted, it will remove my objection to the bill.

Respectfully,

JOHN PATTERSON,  
Governor.

## GOVERNOR'S MESSAGE

On motion of Mr. Speaks, consideration of the suggested Executive amendment to the bill, H. 812, as contained in the above and foregoing Message from the Governor, was postponed until the next legislative day.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Lee to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 774, was adopted.

And the bill:

H. 774. To make an appropriation to the Water Resources Study Commission for each of the two fiscal years ending September 30,

1960 and September 30, 1961 for expenditure by said Commission in the performance of its duties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cornett     | Ingram                         | Ramey                          |
| Adams <sup>(Houston)</sup> | Daniel      | Jenkins                        | Rast                           |
| Albea                      | Dickson     | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Ashworth                   | Dodd        | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Avery                      | Edwards     | Lee                            | Rogers                         |
| Bailey                     | Franklin    | Locke                          | Rozelle                        |
| Barnett                    | Gilmer      | Long <sup>(Perry)</sup>        | Salter                         |
| Bassett                    | Glass       | McClendon <sup>(Chamb)</sup>   | Self                           |
| Bevill                     | Goldthwaite | McCorquodale                   | Sessions                       |
| Bishop                     | Goodwyn     | McLendon <sup>(Bullock)</sup>  | Shumate                        |
| Boyd                       | Gordon      | Martin                         | Smith <sup>(Russell)</sup>     |
| Brannan                    | Grant       | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Branyon                    | Gross       | Murphy                         | Solomon                        |
| Brewer                     | Grouby      | Nettles                        | Speaks                         |
| Broadfoot                  | Guthrie     | Nichols                        | Steagall                       |
| Brooks                     | Hain        | Oakley                         | Sullivan                       |
| Cabiness                   | Hankins     | Oden                           | Taylor                         |
| Camp                       | Hardy       | Owens                          | Thomas                         |
| Casey                      | Harvey      | Phillips                       | Torbert                        |
| Cates                      | Hawkins     | Pierce                         | Turner                         |
| Chambers                   | Hearn       | Powell                         | Turnham                        |
| Copeland                   | Hocklander  | Pruitt                         |                                |

—87

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolution, your signature thereto is requested:

S. 41. To amend further Section 64 of Title 36, Code of Alabama 1940; providing for the issuance of learner permits to persons between the ages of fifteen and sixteen years, authorizing such persons to operate motor vehicles under certain prescribed conditions.

Also:

S. 277. To amend Section 14 of Act No. 207, S. 134, approved July 12, 1949 (Acts 1949, p. 242), the same being known as the "Alabama Coal Mine Safety Law of 1949", relating to "mine gases and quality of air"; to define certain terms used therein; and to provide further for reclassification of mines under certain circumstances.

Also:

S. 327. To fix the compensation of the county solicitor of Sumter County, Alabama.

Also:

S. 343. To provide a chief clerk for the Tax Assessor of Sumter County, Alabama, to regulate and fix his or her compensation and

provide for the payment thereof and define his or her duties, and to repeal conflicting laws.

Also:

S. 369. To regulate the manner of constructing, improving, maintaining, repairing, and equipping public school buildings in Chilton County.

Also:

S. 370. To amend Section 8 of the Act approved September 12, 1951, which established the Board of Revenue and Control of Chilton County (Act No. 872, H. 1118, Acts 1950-1951, vol. II, p. 1505); providing for nomination of each associate member of the Board by the voters of his district.

Also:

S. J. R. 30. Mourning the passing of Judge David H. Edington and expressing sympathy.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolution, the titles to which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 34. Mourning the passing of William T. Callahan, Jr. and Arthur Blackmon and expressing sympathy.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title to which is set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 90. To amend Title 37 Section 462 of the Code of Alabama 1940, as amended, relating to the publication and recording of ordinances.

Also:

S. 330. To amend further Section 46 of Title 36 Code of Alabama 1940, as amended, so as to provide that parking lights may exhibit an amber light as well as a white light.

Also:

S. 338. Relating to Marion County: To provide for the appointment and compensation of clerical assistance for certain county officers.

Also:

S. 339. For the relief of Lee Other Harris; authorizing and directing the board of revenue, court of county commissioners, or other like governing body of Marion County to make an appropriation from the county treasury to compensate Lee Other Harris for certain damages.

Also:

S. 358. To authorize the governing body of DeKalb County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

Also:

S. 377. To extend, alter and rearrange the boundary and corporate limits of the City of Union Springs, in Bullock County, Alabama.

Also:

S. 379. To authorize and empower the board of revenue, court of county commissioners, or other like governing body of Talladega County, in its discretion, to provide branch offices in the City of Sylacauga for the use of the judge of probate, tax assessor, tax collector, sheriff, or their clerks or deputies, or other officers of Talladega County, in the performance of their official duties; and to authorize and empower the governing body of Talladega County to furnish office space, clerical assistance, equipment, and supplies necessary for the proper and efficient operation of such branch offices and to adopt rules and regulations governing the operation of such branch offices.

Also:

S. 387. To alter and re-arrange the boundary lines of the City of Homewood, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Also:

S. 389. To regulate the duties and compensation of certain deputy sheriffs for Bullock County.

Also:

S. 398. To authorize and empower the board of revenue, court of county commissioners, or other like governing body of Talladega County to provide an annual allowance to the sheriff of Talladega County for the purchase of equipment and for the purchase of uniforms for the personnel of the sheriff's department.

Also:

S. 259. To allow the Sheriff of Marion County, Alabama, one additional deputy sheriff in addition to those now provided by law, and to authorize the governing body of Marion County to pay the salary of the same; to fix the salary of said additional deputy and to make same payable out of the general funds of Marion County, in monthly installments; to authorize the Sheriff's supervision and control of said additional deputy and to provide for the appointment of the same.

Also:

S. 267. To amend further Section 1 of Act No. 691, S. 284, approved September 5, 1951 (Acts of Alabama, 1951, p. 1192), entitled "An Act to fix the compensation of court reporters, and providing for the payment thereof," in relation to the compensation of the court reporters of the Twenty-third Judicial Circuit.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 975. To amend Section 33 of Act No. 100 enacted at the Second Special Session of the Legislature of Alabama of 1959, entitled "An Act to raise revenue: Levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented."

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.



## SIGNING OF BILL

The Speaker of the House, in the presence of the House immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 568. To provide that all offices of the officials in the court houses of the several counties in the State of Alabama other than the offices of the sheriff and other county law enforcement agencies may close one weekday in each week during the year; to provide for the fixing of the day of such closing to be determined by the governing body of the county by resolution entered on its minutes; to repeal Act No. 74, H. 12, approved June 9, 1945 (General Acts of Alabama 1945, p. 72).

CHAS. C. ADAMS,  
Chairman.

The above and foregoing report of the Standing Committee on Rules was concurred in and adopted.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Hines, Jones, Andrews and Samford:

S. J. R. 37. WHEREAS certain errors were inadvertently made in the biographical sketch pertaining to Judge Will Walton as set out in Senate Joint Resolution No. 29, adopted October 9, 1959, and in order that these errors may be corrected so that a proper minute may be spread upon the journal of each House as provided in said S. J. R. 29; be it

RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, THAT said S. J. R. 29 be and the same hereby is amended to read as follows:

By Messrs. Hines, Jones, Andrews and Samford:

S. J. R. 29. WHEREAS the two House of the Legislature of Alabama have heard with deep regret and profound sorrow of the death of Honorable William Ora Walton, well-beloved judge of the Fifth Judicial Circuit of Alabama, and a former Senator (1935-1939; 1943-1947) and Representative (1923-1927) from Chambers County; and

WHEREAS the two Houses, as a mark of respect for this peerless gentleman, able and devoted public servant, prodigious wit, and match-

less raconteur, do now RESOLVE that the following minute be spread upon the records of each House, on a separate page of the journal:

Judge William Ora Walton died in LaFayette, Chambers County, October 1, 1959. He was born at Waverly, Alabama, December 6, 1892, attended Waverly public schools and Birmingham College Training School, was graduated from Birmingham-Southern College and Cumberland University, and studied criminal law at Law Society Hall, London. He married Lynda Ruth Tatum, of Chambers County, Alabama, the mother of his two fine sons, William Ora Walton, Jr. and James Richard Walton. Judge Walton was a brave and distinguished soldier during World War I. Admitted to the Alabama Bar in 1922, he was an outstanding lawyer, a statesman, scholar, and patriot. His years were filled with useful deeds of kindness, of courage and fidelity to his State and to his fellowmen. His passing is deeply mourned.

RESOLVED FURTHER, That the Secretary of the Senate be directed to transmit a copy of these resolutions to the family of the deceased.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Reynolds (Chambers) the rules were suspended and the House concurred in and adopted the S. J. R. 37 set out in the above and foregoing Message from the Senate.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Merrill to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 775, was adopted.

And the bill:

H. 775. To amend Section 125 of Title 12, Code of Alabama 1940, which relates to the interest rate and maturity of temporary loans made by county governing bodies in anticipation of taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

#### Yeas:

|                 |          |             |                     |
|-----------------|----------|-------------|---------------------|
| Mr. Speaker     | Brooks   | Goldthwaite | Jenkins             |
| Adams (Houston) | Cabiness | Gordon      | Johnson (J. T. Tom) |
| Albea           | Callahan | Gross       | Johnston (Leonard)  |
| Ashworth        | Casey    | Grouby      | Jones (Monroe)      |
| Bailey          | Cates    | Guthrie     | Lee                 |
| Barnett         | Cornett  | Hain        | Locke               |
| Bassett         | Daniel   | Hanby       | Long (Perry)        |
| Bevill          | Dickson  | Hankins     | McClendon (Chamb)   |
| Bishop          | Dodd     | Hardy       | McCorquodale        |
| Boyd            | Edwards  | Harvey      | McLendon (Bullock)  |
| Brannan         | Ferguson | Hawkins     | Martin              |
| Branyon         | Franklin | Hearn       | Meade               |
| Brewer          | Gilmer   | Hocklander  | Merrill             |
| Broadfoot       | Glass    | Ingram      | Murphy              |

|          |                                |                              |          |
|----------|--------------------------------|------------------------------|----------|
| Nettles  | Powell                         | Rozelle                      | Sullivan |
| Nichols  | Pruitt                         | Sessions                     | Taylor   |
| Oakley   | Ramey                          | Smith <sup>(Russell)</sup>   | Thomas   |
| Oden     | Rast                           | Smith <sup>(St. Clair)</sup> | Trimmier |
| Owens    | Ray                            | Solomon                      | Turner   |
| Phillips | Reynolds <sup>(Chambers)</sup> | Speaks                       | Turnham  |
| Pierce   | Rogers                         | Steagall                     | —83      |

## MOTION TO SUSPEND RULES LOST

The motion of Mr. Smith (Russell) to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 683, H. 684, H. 685 and H. 686, was lost.

Yeas 62; Nays 17.

## Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cook        | Ingram                         | Pruitt                         |
| Adams <sup>(Houston)</sup> | Cornett     | Jenkins                        | Rast                           |
| Albea                      | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Ashworth                   | Edwards     | Jones <sup>(Monroe)</sup>      | Roberts                        |
| Bailey                     | Faulk       | McClendon <sup>(Chamb)</sup>   | Rogers                         |
| Bevill                     | Franklin    | McLendon <sup>(Bullock)</sup>  | Rozelle                        |
| Bishop                     | Glass       | Meade                          | Sessions                       |
| Boyd                       | Goldthwaite | Merrill                        | Shumate                        |
| Brannan                    | Goodwyn     | Nettles                        | Smith <sup>(Russell)</sup>     |
| Branyon                    | Gordon      | Nichols                        | Solomon                        |
| Broadfoot                  | Grant       | Oden                           | Steagall                       |
| Callahan                   | Gross       | Owens                          | Thomas                         |
| Camp                       | Grouby      | Phillips                       | Torbert                        |
| Casey                      | Guthrie     | Pierce                         | Turner                         |
| Cates                      | Hankins     | Powell                         | Turnham                        |
| Chambers                   | Hawkins     |                                | —62                            |

## Nays:

|          |                               |              |                              |
|----------|-------------------------------|--------------|------------------------------|
| Messrs.: | Hanby                         | McCorquodale | Self                         |
| Avery    | Harris                        | Murphy       | Smith <sup>(St. Clair)</sup> |
| Barnett  | Johnson <sup>(Hardaway)</sup> | Oakley       | Speaks                       |
| Brewer   | Long <sup>(Lauderdale)</sup>  | Ramey        | Taylor                       |
| Ferguson | Long <sup>(Perry)</sup>       |              | —17                          |

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Nettles to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 831, was adopted.

And the bill:

H. 831. To provide for grants in aid for educational purposes and for the administration and enforcement of the Act.

Was taken up.

Mr. Nettles offered the following amendment to the bill, H. 831:

## AMENDMENT TO H. B. 831

In Section 6, page 2, after the sentence ending "minimum school program.", insert "And the city or county board of education, as the case may be, shall likewise allocate city or county funds in proportion to state funds allocated in the same manner in which state funds are allocated under this program as herein designated.";

Also, in Section 7, page 2, add at the end thereof the following: For the purpose of allocating the minimum program fund or other state contribution to the local boards of education, the daily attendance of pupils attending private non-denominational schools and receiving assistance under the provisions of this Act shall be counted as if they were attending public schools within the district.

And the amendment was adopted.

Yeas 89; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cornett     | Hawkins                        | Powell                         |
| Adams <sup>(Houston)</sup> | Daniel      | Hearn                          | Pruitt                         |
| Albea                      | Dickson     | Ingram                         | Ramey                          |
| Ashworth                   | Dodd        | Jenkins                        | Rast                           |
| Avery                      | Edwards     | Johnson <sup>(Hardaway)</sup>  | Ray                            |
| Bailey                     | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Rogers                         |
| Bassett                    | Franklin    | Jones <sup>(Monroe)</sup>      | Rozelle                        |
| Bevill                     | Gilmer      | Lee                            | Salter                         |
| Bishop                     | Glass       | Locke                          | Self                           |
| Boyd                       | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Sessions                       |
| Brannan                    | Goodwyn     | Long <sup>(Perry)</sup>        | Shumate                        |
| Branyon                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>     |
| Brewer                     | Grant       | McCorquodale                   | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Gross       | McLendon <sup>(Bullock)</sup>  | Solomon                        |
| Brooks                     | Grouby      | Martin                         | Steagall                       |
| Callahan                   | Guthrie     | Merrill                        | Sullivan                       |
| Camp                       | Hain        | Nettles                        | Taylor                         |
| Casey                      | Hanby       | Oakley                         | Thomas                         |
| Cates                      | Hankins     | Owens                          | Torbert                        |
| Chambers                   | Hardy       | Phillips                       | Turner                         |
| Cook                       | Harvey      | Pierce                         | Turnham                        |
| Copeland                   |             |                                |                                |

—89

And said bill, H. 831, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker                | Casey       | Gordon                         | Jones <sup>(Monroe)</sup>     |
| Adams <sup>(Houston)</sup> | Cates       | Grant                          | Lee                           |
| Albea                      | Chambers    | Gross                          | Locke                         |
| Avery                      | Cook        | Guthrie                        | Long <sup>(Lauderdale)</sup>  |
| Bailey                     | Copeland    | Hain                           | Long <sup>(Perry)</sup>       |
| Barnett                    | Cornett     | Hanby                          | McClendon <sup>(Chamb)</sup>  |
| Bassett                    | Daniel      | Hankins                        | McCorquodale                  |
| Bevill                     | Dickson     | Hardy                          | McLendon <sup>(Bullock)</sup> |
| Bishop                     | Dodd        | Harvey                         | Martin                        |
| Boyd                       | Edwards     | Hawkins                        | Merrill                       |
| Brannan                    | Faulk       | Hearn                          | Nettles                       |
| Branyon                    | Ferguson    | Ingram                         | Nichols                       |
| Broadfoot                  | Franklin    | Jenkins                        | Oakley                        |
| Brooks                     | Gilmer      | Johnson <sup>(Hardaway)</sup>  | Owens                         |
| Callahan                   | Glass       | Johnson <sup>(J. T. Tom)</sup> | Phillips                      |
| Camp                       | Goldthwaite | Johnston <sup>(Leonard)</sup>  | Pierce                        |

|                                |          |                              |         |
|--------------------------------|----------|------------------------------|---------|
| Powell                         | Rogers   | Smith <sup>(Russell)</sup>   | Taylor  |
| Pruitt                         | Rozelle  | Smith <sup>(St. Clair)</sup> | Thomas  |
| Ramey                          | Salter   | Solomon                      | Torbert |
| Rast                           | Self     | Steagall                     | Turner  |
| Ray                            | Sessions | Sullivan                     | Turnham |
| Reynolds <sup>(Chambers)</sup> | Shumate  |                              |         |

—86

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Pierce to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 827, was adopted.

And the bill:

H. 827. To amend Section 695, Title 51, Code of Alabama 1940, in relation to an apportionment of the license taxes payable by certain common carriers of passengers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 7.

## Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Edwards     | Jenkins                        | Ray                            |
| Adams <sup>(Houston)</sup> | Faulk       | Johnson <sup>(Hardaway)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Albea                      | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Roberts                        |
| Bailey                     | Franklin    | Johnston <sup>(Leonard)</sup>  | Rogers                         |
| Bassett                    | Gilmer      | Lee                            | Rozelle                        |
| Bevill                     | Glass       | Locke                          | Self                           |
| Boyd                       | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Sessions                       |
| Brannan                    | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Shumate                        |
| Branyon                    | Gordon      | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Gross       | Murphy                         | Solomon                        |
| Broadfoot                  | Hain        | Nettles                        | Steagall                       |
| Brooks                     | Hankins     | Oakley                         | Taylor                         |
| Camp                       | Harvey      | Phillips                       | Thomas                         |
| Casey                      | Hawkins     | Pierce                         | Torbert                        |
| Chambers                   | Hearn       | Powell                         | Trimmier                       |
| Cornett                    | Hocklander  | Pruitt                         | Turner                         |
| Daniel                     | Ingram      | Rast                           | Turnham                        |
| Dodd                       |             |                                |                                |

—69

## Nays:

|          |          |         |                           |
|----------|----------|---------|---------------------------|
| Messrs.: | Callahan | Guthrie | Jones <sup>(Monroe)</sup> |
| Barnett  | Copeland | Hanby   | Martin                    |

—7

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Goodwyn to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 984, was adopted.

And the bill:

H. 984. To amend further Section 152 of Title 41, Code of Alabama 1940, which relates to the salaries and compensation payable to certain officers and employees of the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dickson     | Hocklander                     | Pruitt                         |
| Adams <sup>(Houston)</sup> | Dodd        | Ingram                         | Rast                           |
| Avery                      | Edwards     | Jenkins                        | Ray                            |
| Bailey                     | Faulk       | Johnson <sup>(Hardaway)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Roberts                        |
| Bassett                    | Franklin    | Johnston <sup>(Leonard)</sup>  | Rogers                         |
| Bevill                     | Gilmer      | Lee                            | Rozelle                        |
| Bishop                     | Glass       | Locke                          | Salter                         |
| Boyd                       | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Self                           |
| Brannan                    | Goodwyn     | Long <sup>(Perry)</sup>        | Sessions                       |
| Branyon                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Shumate                        |
| Brewer                     | Grant       | McCorquodale                   | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Gross       | McLendon <sup>(Bullock)</sup>  | Solomon                        |
| Brooks                     | Grouby      | Merrill                        | Steagall                       |
| Callahan                   | Guthrie     | Murphy                         | Sullivan                       |
| Camp                       | Hain        | Nettles                        | Taylor                         |
| Casey                      | Hanby       | Oakley                         | Thomas                         |
| Chambers                   | Hankins     | Owens                          | Torbert                        |
| Cook                       | Harvey      | Phillips                       | Trimmier                       |
| Copeland                   | Hawkins     | Pierce                         | Turner                         |
| Cornett                    | Hearn       | Powell                         | Turnham                        |
| Daniel                     |             |                                |                                |

—85

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Goodwyn to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 733, was adopted.

And the bill:

H. 733. To amend further Section 361 of Title 17, Code of Alabama 1940, in relation to single shot voting for the nomination or election of electors for president and vice president of the United States.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

**Yeas:**

|                            |           |             |                               |
|----------------------------|-----------|-------------|-------------------------------|
| Mr. Speaker                | Branyon   | Dickson     | Gross                         |
| Adams <sup>(Houston)</sup> | Brewer    | Dodd        | Grouby                        |
| Albea                      | Broadfoot | Edwards     | Hain                          |
| Ashworth                   | Brooks    | Faulk       | Hanby                         |
| Avery                      | Callahan  | Ferguson    | Hankins                       |
| Bailey                     | Camp      | Franklin    | Harvey                        |
| Barnett                    | Casey     | Gilmer      | Hawkins                       |
| Bassett                    | Cates     | Glass       | Hearn                         |
| Bevill                     | Chambers  | Goldthwaite | Hocklander                    |
| Bishop                     | Copeland  | Goodwyn     | Ingram                        |
| Boyd                       | Cornett   | Gordon      | Jenkins                       |
| Brannan                    | Daniel    | Grant       | Johnson <sup>(Hardaway)</sup> |

|                     |          |                     |                   |
|---------------------|----------|---------------------|-------------------|
| Johnson (J. T. Tom) | Morrow   | Rast                | Shumate           |
| Johnston (Leonard)  | Nettles  | Ray                 | Smith (St. Clair) |
| Jones (Monroe)      | Oakley   | Reynolds (Chambers) | Solomon           |
| Lee                 | Phillips | Roberts             | Sullivan          |
| Long (Lauderdale)   | Pierce   | Rogers              | Taylor            |
| Long (Perry)        | Powell   | Rozelle             | Thomas            |
| McClendon (Chamb)   | Pruitt   | Self                | Trimmier          |
| McCorquodale        | Ramey    | Sessions            | Turner            |
| Merrill             |          |                     |                   |

—81

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Boyd to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 1010, was adopted.

And the bill:

H. 1010. For the relief of L. B. Kilpatrick, contractor,: To make an appropriation of State Highway Departments funds to compensate such contractor for certain construction work done on Alabama Highway Projects, S-522 (2) Shelby County, \$16,323.51; Coffee County S-886, S-887, S-888, S-889, \$3,419.03. Total \$19,742.54.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

## Yeas:

|                 |            |                     |                     |
|-----------------|------------|---------------------|---------------------|
| Mr. Speaker     | Cornett    | Ingram              | Oakley              |
| Adams (Houston) | Daniel     | Jenkins             | Phillips            |
| Ashworth        | Dickson    | Johnson (Hardaway)  | Pierce              |
| Avery           | Dodd       | Johnson (J. T. Tom) | Powell              |
| Bailey          | Edwards    | Johnston (Leonard)  | Ramey               |
| Barnett         | Faulk      | Jones (Monroe)      | Rast                |
| Bassett         | Ferguson   | Lee                 | Ray                 |
| Bevill          | Franklin   | Locke               | Reynolds (Chambers) |
| Bishop          | Gilmer     | Long (Lauderdale)   | Roberts             |
| Boyd            | Glass      | Long (Perry)        | Rogers              |
| Brannan         | Gordon     | McClendon (Chamb)   | Rozelle             |
| Branyon         | Grant      | McCorquodale        | Salter              |
| Brewer          | Grouby     | McLendon (Bullock)  | Self                |
| Broadfoot       | Guthrie    | Martin              | Sessions            |
| Brooks          | Hanby      | Meade               | Smith (St. Clair)   |
| Callahan        | Hankins    | Merrill             | Solomon             |
| Camp            | Harvey     | Morrow              | Taylor              |
| Casey           | Hawkins    | Murphy              | Thomas              |
| Cates           | Hearn      | Nettles             | Trimmier            |
| Chambers        | Hocklander | Nichols             | Turner              |

—80

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Camp to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 302, was adopted.

And the bill:

H. 302. To make an appropriation for the relief of Leroy Lackey Company, Inc.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|                            |          |                               |                                |
|----------------------------|----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Casey    | Guthrie                       | Powell                         |
| Adams <sup>(Houston)</sup> | Cates    | Hankins                       | Rast                           |
| Ashworth                   | Chambers | Hawkins                       | Ray                            |
| Avery                      | Cornett  | Hearn                         | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Daniel   | Hocklander                    | Rogers                         |
| Barnett                    | Dickson  | Ingram                        | Rozelle                        |
| Bassett                    | Dodd     | Jenkins                       | Self                           |
| Bevill                     | Edwards  | Johnson <sup>(Hardaway)</sup> | Sessions                       |
| Bishop                     | Faulk    | Locke                         | Shumate                        |
| Boyd                       | Ferguson | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup>   |
| Brannan                    | Franklin | Morrow                        | Solomon                        |
| Branyon                    | Gilmer   | Murphy                        | Speaks                         |
| Brewer                     | Glass    | Nettles                       | Taylor                         |
| Broadfoot                  | Gordon   | Nichols                       | Thomas                         |
| Brooks                     | Grant    | Oakley                        | Trimmier                       |
| Callahan                   | Gross    | Phillips                      | Turner                         |
| Camp                       | Grouby   | Pierce                        | Turnham                        |

—68

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Nichols to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 752, was adopted.

And the bill:

H. 752. To make additional appropriations to the State Department of Education for each of the fiscal years ending September 30, 1960, and September 30, 1961.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

**Yeas:**

|                            |          |                                |                                |
|----------------------------|----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Camp     | Hain                           | McClendon <sup>(Chamb)</sup>   |
| Adams <sup>(Houston)</sup> | Casey    | Hankins                        | McLendon <sup>(Bullock)</sup>  |
| Albea                      | Cates    | Hardy                          | Martin                         |
| Ashworth                   | Chambers | Harvey                         | Merrill                        |
| Avery                      | Cornett  | Hawkins                        | Morrow                         |
| Bailey                     | Daniel   | Hearn                          | Murphy                         |
| Barnett                    | Dickson  | Hocklander                     | Nettles                        |
| Bassett                    | Dodd     | Ingram                         | Nichols                        |
| Bevill                     | Faulk    | Jenkins                        | Oakley                         |
| Bishop                     | Ferguson | Johnson <sup>(Hardaway)</sup>  | Phillips                       |
| Boyd                       | Franklin | Johnson <sup>(J. T. Tom)</sup> | Pierce                         |
| Brannan                    | Gilmer   | Johnston <sup>(Leonard)</sup>  | Powell                         |
| Branyon                    | Glass    | Jones <sup>(Monroe)</sup>      | Pruitt                         |
| Brewer                     | Gordon   | Lee                            | Ramey                          |
| Broadfoot                  | Grant    | Locke                          | Rast                           |
| Brooks                     | Grouby   | Long <sup>(Lauderdale)</sup>   | Ray                            |
| Callahan                   | Guthrie  | Long <sup>(Perry)</sup>        | Reynolds <sup>(Chambers)</sup> |



|         |                              |          |          |
|---------|------------------------------|----------|----------|
| Roberts | Sessions                     | Solomon  | Thomas   |
| Rogers  | Shumate                      | Speaks   | Trimmier |
| Rozelle | Smith <sup>(Russell)</sup>   | Steagall | Turner   |
| Salter  | Smith <sup>(St. Clair)</sup> | Taylor   | Turnham  |
| Self    |                              |          |          |

—85

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Johnson (J. T. Tom) to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 799, was adopted.

And the bill:

H. 799. To provide an allowance to each official court reporter of the circuit courts in the Fifth Judicial Circuit payable by the counties composing said circuit to reimburse him for expenses incurred in the performance of his official duties.

Was taken us.

Mr. Rogers offered the following amendment to the bill, H. 799:

## AMENDMENT TO H. B. 799

In Section 1, strike out the last sentence thereof and insert "The allowance herein provided for shall be paid monthly from the general funds of the several counties composing the Fifth Judicial Circuit, proportionately, on the basis of the value of the property in such counties as assessed for state taxation for the preceding tax year."

And the amendment was lost.

Yeas 51; Nays 0.

## Yeas:

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cates       | Hardy                         | Nichols                        |
| Adams <sup>(Houston)</sup> | Chambers    | Harris                        | Pierce                         |
| Ashworth                   | Cook        | Hearn                         | Pruitt                         |
| Barnett                    | Daniel      | Hocklander                    | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Dickson     | Ingram                        | Roberts                        |
| Bevill                     | Faulk       | Jenkins                       | Rogers                         |
| Bishop                     | Ferguson    | Johnson <sup>(Hardaway)</sup> | Rozelle                        |
| Boyd                       | Gilmer      | Jones <sup>(Monroe)</sup>     | Sessions                       |
| Brannan                    | Goldthwaite | Long <sup>(Lauderdale)</sup>  | Shumate                        |
| Broadfoot                  | Grant       | Long <sup>(Perry)</sup>       | Solomon                        |
| Brooks                     | Gross       | McClendon <sup>(Chamb)</sup>  | Steagall                       |
| Callahan                   | Guthrie     | McLendon <sup>(Bullock)</sup> | Turnham                        |
| Casey                      | Hain        | Nettles                       |                                |

—51

Mr. Jenkins moved to postpone further consideration of the bill, H. 799, until the next legislative day without losing its place on the Calendar.

Mr. Turnham moved to lay on the table the motion of Mr. Jenkins to postpone further consideration of the bill, H. 799, until the next legislative day without losing its place on the Calendar.

## MOTION TO ADJOURN LOST

The motion of Mr. Martin that the House adjourn until Wednesday, November 4, 1959, at twelve o'clock, noon, was lost.

Yeas 24; Nays 54.

**Yeas:**

|           |                              |                                |          |
|-----------|------------------------------|--------------------------------|----------|
| Messrs.:  | Goldthwaite                  | McCorquodale                   | Self     |
| Branyon   | Gross                        | Martin                         | Shumate  |
| Broadfoot | Jenkins                      | Murphy                         | Steagall |
| Brooks    | Jones <sup>(Monroe)</sup>    | Phillips                       | Taylor   |
| Cook      | Lee                          | Ramey                          | Thomas   |
| Daniel    | Long <sup>(Lauderdale)</sup> | Reynolds <sup>(Chambers)</sup> | Trimmier |
| Dickson   |                              |                                |          |

—24

**Nays:**

|                            |            |                                |                            |
|----------------------------|------------|--------------------------------|----------------------------|
| Mr. Speaker                | Dodd       | Johnson <sup>(Hardaway)</sup>  | Pruitt                     |
| Adams <sup>(Houston)</sup> | Edwards    | Johnson <sup>(J. T. Tom)</sup> | Rast                       |
| Albea                      | Ferguson   | Locke                          | Roberts                    |
| Ashworth                   | Franklin   | Long <sup>(Perry)</sup>        | Rogers                     |
| Bailey                     | Gilmer     | McLendon <sup>(Bullock)</sup>  | Rozelle                    |
| Barnett                    | Goodwyn    | Meade                          | Salter                     |
| Bassett                    | Gordon     | Morrow                         | Sessions                   |
| Bevill                     | Grouby     | Nettles                        | Smith <sup>(Russell)</sup> |
| Boyd                       | Guthrie    | Nichols                        | Solomon                    |
| Brewer                     | Hain       | Oakley                         | Speaks                     |
| Callahan                   | Harvey     | Oden                           | Torbert                    |
| Camp                       | Hawkins    | Pierce                         | Turner                     |
| Casey                      | Hocklander | Powell                         | Turnham                    |
| Cates                      | Ingram     |                                |                            |

—54

## CONSIDERATION OF H. 799 RESUMED

The motion of Mr. Turnham to lay on the table the motion of Mr. Jenkins to postpone further consideration of the bill, H. 799, until the next legislative day without losing its place on the Calendar, was lost.

Yeas 7; Nays 2.

**Yeas:**

|             |                                |                                |         |
|-------------|--------------------------------|--------------------------------|---------|
| Mr. Speaker | Goodwyn                        | Reynolds <sup>(Chambers)</sup> | Turnham |
| Callahan    | Johnson <sup>(J. T. Tom)</sup> | Torbert                        |         |

—7

**Nays:** Messrs. Harris and Jenkins —2

The question was then on the motion of Mr. Jenkins to postpone further consideration of the bill, H. 799, until the next legislative day without losing its place on the Calendar, and said motion was lost.

Yeas 3; Nays 6.

**Yeas:** Messrs. Harris, Jenkins and Long (Lauderdale) —3**Nays:**

|             |                                |        |         |
|-------------|--------------------------------|--------|---------|
| Mr. Speaker | Goodwyn                        | Rogers | Turnham |
| Callahan    | Reynolds <sup>(Chambers)</sup> |        |         |

—6

Mr. Torbert offered the following amendment to the bill, H. 799:

## AMENDMENT TO H. B. 799

In Section 1, strike out the last sentence thereof and insert "The allowance herein provided for shall be paid monthly from the general

funds of the several counties composing the Fifth Judicial Circuit, proportionately, on the basis of value of the property in such counties as assessed for state taxation for the preceding tax year."

And the amendment was adopted.

Yeas 69; Nays 0.

**Yeas:**

|                            |            |                                |                                |
|----------------------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cook       | Jenkins                        | Pierce                         |
| Adams <sup>(Houston)</sup> | Cornett    | Johnson <sup>(Hardaway)</sup>  | Powell                         |
| Albea                      | Daniel     | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Ashworth                   | Dickson    | Jones <sup>(Monroe)</sup>      | Ray                            |
| Avery                      | Dodd       | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Faulk      | Locke                          | Rogers                         |
| Barnett                    | Franklin   | Long <sup>(Perry)</sup>        | Rozelle                        |
| Bassett                    | Gilmer     | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Bishop                     | Glass      | McCorquodale                   | Solomon                        |
| Boyd                       | Goodwyn    | McLendon <sup>(Bullock)</sup>  | Speaks                         |
| Brannan                    | Grant      | Martin                         | Steagall                       |
| Branyon                    | Hain       | Merrill                        | Taylor                         |
| Brooks                     | Hardy      | Murphy                         | Thomas                         |
| Callahan                   | Harris     | Nettles                        | Torbert                        |
| Camp                       | Hearn      | Nichols                        | Trimmier                       |
| Casey                      | Hocklander | Oakley                         | Turner                         |
| Cates                      | Ingram     | Phillips                       | Turnham                        |
| Chambers                   |            |                                |                                |

—69

Mr. Turnham offered the following amendment to the bill, H. 799, as amended:

**AMENDMENT TO H. B. 799**

Amend H. B. 799 by striking the words and figures of "\$800" and substitute in lieu thereof "\$400."

And the amendment was adopted.

Yeas 77; Nays 1.

**Yeas:**

|                            |                               |                                |                                |
|----------------------------|-------------------------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel                        | Johnson <sup>(J. T. Tom)</sup> | Powell                         |
| Adams <sup>(Houston)</sup> | Dickson                       | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Albea                      | Dodd                          | Jones <sup>(Monroe)</sup>      | Ray                            |
| Ashworth                   | Faulk                         | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Avery                      | Ferguson                      | Locke                          | Roberts                        |
| Bailey                     | Franklin                      | Long <sup>(Lauderdale)</sup>   | Rogers                         |
| Barnett                    | Gilmer                        | Long <sup>(Perry)</sup>        | Rozelle                        |
| Bassett                    | Glass                         | McClendon <sup>(Chamb)</sup>   | Salter                         |
| Bevill                     | Gordon                        | McCorquodale                   | Self                           |
| Bishop                     | Grant                         | McLendon <sup>(Bullock)</sup>  | Sessions                       |
| Boyd                       | Hain                          | Martin                         | Shumate                        |
| Brannan                    | Hankins                       | Merrill                        | Solomon                        |
| Branyon                    | Hardy                         | Murphy                         | Speaks                         |
| Brooks                     | Harris                        | Nettles                        | Steagall                       |
| Callahan                   | Hearn                         | Nichols                        | Taylor                         |
| Camp                       | Hocklander                    | Oakley                         | Thomas                         |
| Casey                      | Ingram                        | Owens                          | Trimmier                       |
| Chambers                   | Jenkins                       | Phillips                       | Turner                         |
| Cook                       | Johnson <sup>(Hardaway)</sup> | Pierce                         | Turnham                        |
| Cornett                    |                               |                                |                                |

—77

**Nay:** Mr. Goodwyn.

—1

And said bill, H. 799, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

**Yeas:**

|                            |            |                                |                                |
|----------------------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dickson    | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Adams <sup>(Houston)</sup> | Dodd       | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Albea                      | Faulk      | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Ashworth                   | Ferguson   | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Avery                      | Franklin   | Lee                            | Roberts                        |
| Bailey                     | Gilchrist  | Locke                          | Rogers                         |
| Barnett                    | Gilmer     | Long <sup>(Lauderdale)</sup>   | Rozelle                        |
| Bassett                    | Glass      | Long <sup>(Perry)</sup>        | Salter                         |
| Bishop                     | Goodwyn    | McClendon <sup>(Chamb)</sup>   | Self                           |
| Boyd                       | Gordon     | McCorquodale                   | Shumate                        |
| Brannan                    | Grant      | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>     |
| Branyon                    | Gross      | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Grouby     | Murphy                         | Solomon                        |
| Brooks                     | Hain       | Nettles                        | Speaks                         |
| Callahan                   | Hankins    | Nichols                        | Steagall                       |
| Camp                       | Hardy      | Oakley                         | Taylor                         |
| Casey                      | Harris     | Owens                          | Thomas                         |
| Cates                      | Hawkins    | Phillips                       | Torbert                        |
| Chambers                   | Hearn      | Pierce                         | Trimmier                       |
| Cook                       | Hocklander | Powell                         | Turner                         |
| Cornett                    | Ingram     | Pruitt                         | Turnham                        |
| Daniel                     | Jenkins    |                                |                                |

—86

**MOTION TO SUSPEND RULES LOST**

The motion of Mr. Johnson (J. T. Tom) to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 369, was lost.

Yeas 42; Nays 28.

**Yeas:**

|                            |                               |                                |                              |
|----------------------------|-------------------------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cates                         | Johnson <sup>(J. T. Tom)</sup> | Rogers                       |
| Adams <sup>(Houston)</sup> | Dodd                          | Johnston <sup>(Leonard)</sup>  | Rozelle                      |
| Albea                      | Ferguson                      | Locke                          | Shumate                      |
| Ashworth                   | Franklin                      | Long <sup>(Lauderdale)</sup>   | Smith <sup>(Russell)</sup>   |
| Barnett                    | Gilchrist                     | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup> |
| Bevill                     | Gordon                        | McClendon <sup>(Chamb)</sup>   | Solomon                      |
| Brannan                    | Hain                          | McLendon <sup>(Bullock)</sup>  | Speaks                       |
| Brewer                     | Hawkins                       | Morrow                         | Sullivan                     |
| Callahan                   | Hocklander                    | Rast                           | Taylor                       |
| Camp                       | Jenkins                       | Reynolds <sup>(Chambers)</sup> | Turner                       |
| Casey                      | Johnson <sup>(Hardaway)</sup> |                                |                              |

—42

**Nays:**

|           |             |         |          |
|-----------|-------------|---------|----------|
| Messrs.:  | Goldthwaite | Martin  | Ray      |
| Avery     | Goodwyn     | Merrill | Roberts  |
| Bailey    | Grant       | Oden    | Salter   |
| Bishop    | Guthrie     | Owens   | Self     |
| Boyd      | Hankins     | Pierce  | Steagall |
| Broadfoot | Harris      | Powell  | Thomas   |
| Cook      | Ingram      | Ramey   | Turnham  |
| Daniel    |             |         |          |

—28

## MOTION TO SUSPEND RULES LOST

The motion of Mr. Johnson (J. T. Tom) to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 1008, was lost.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Hocklander to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 342, was adopted.

And the bill:

H. 342. To amend Section 1 of Act No. 455, 1945 General Acts of Alabama, page 689, approved July 6, 1945, entitled an Act "To authorize the Department of State Docks and Terminals of the State of Alabama to carry fire and casualty and public liability insurance of all kinds and to pay the premiums thereon and to fix the liability in connection therewith and to authorize suits directly against the insurance carriers on any such policies and to repeal all laws, or parts of laws, in conflict herewith."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

## Yeas:

|                 |            |                    |                     |
|-----------------|------------|--------------------|---------------------|
| Mr. Speaker     | Cornett    | Johnson (Hardaway) | Pruitt              |
| Adams (Houston) | Daniel     | Johnston (Leonard) | Rast                |
| Albea           | Dodd       | Jones (Covington)  | Ray                 |
| Ashworth        | Faulk      | Jones (Monroe)     | Reynolds (Chambers) |
| Avery           | Ferguson   | Lee                | Roberts             |
| Bailey          | Gilmer     | Locke              | Rogers              |
| Barnett         | Glass      | Long (Lauderdale)  | Rozelle             |
| Bevill          | Goodwyn    | Long (Perry)       | Self                |
| Bishop          | Gordon     | McClendon (Chamb)  | Sessions            |
| Boyd            | Grant      | McLendon (Bullock) | Shumate             |
| Brannan         | Gross      | Merrill            | Smith (Russell)     |
| Branyon         | Hain       | Morrow             | Speaks              |
| Brewer          | Hanby      | Murphy             | Steagall            |
| Brooks          | Hankins    | Nichols            | Sullivan            |
| Callahan        | Hardy      | Oakley             | Thomas              |
| Camp            | Harvey     | Owens              | Torbert             |
| Casey           | Hearn      | Phillips           | Trimmier            |
| Cates           | Hocklander | Pierce             | Turner              |
| Chambers        | Ingram     | Powell             | Turnham             |
| Cook            | Jenkins    |                    |                     |

—78

The motion of Mr. Hocklander to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 343, was lost.

Yeas 20; Nays 20.

## Yeas:

|                 |         |            |         |
|-----------------|---------|------------|---------|
| Mr. Speaker     | Boyd    | Hain       | Pruitt  |
| Adams (Houston) | Casey   | Hocklander | Rogers  |
| Ashworth        | Faulk   | Ingram     | Torbert |
| Bailey          | Gross   | Nichols    | Turner  |
| Bassett         | Guthrie | Pierce     | Turnham |

—20

**Nays:**

|           |         |                               |         |
|-----------|---------|-------------------------------|---------|
| Messrs.:  | Cates   | Johnston <sup>(Leonard)</sup> | Powell  |
| Avery     | Hankins | Long <sup>(Lauderdale)</sup>  | Roberts |
| Barnett   | Harris  | Long <sup>(Perry)</sup>       | Self    |
| Bishop    | Harvey  | Martin                        | Shumate |
| Branyon   | Hearn   | Murphy                        | Speaks  |
| Broadfoot |         |                               |         |

—20

**MOTION TO SUSPEND RULES LOST**

The motion of Mr. Oden to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 683, H. 684, H. 685 and H. 686, was lost.

Yeas 55; Nays 20.

**Yeas:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker                | Cook      | Ingram                        | Pruitt                     |
| Adams <sup>(Houston)</sup> | Cornett   | Jenkins                       | Rast                       |
| Albea                      | Dodd      | Jones <sup>(Covington)</sup>  | Ray                        |
| Bevill                     | Edwards   | McClendon <sup>(Chamb)</sup>  | Roberts                    |
| Bishop                     | Faulk     | McLendon <sup>(Bullock)</sup> | Rogers                     |
| Brannan                    | Franklin  | Merrill                       | Salter                     |
| Brewer                     | Gilchrist | Morrow                        | Sessions                   |
| Broadfoot                  | Glass     | Nettles                       | Smith <sup>(Russell)</sup> |
| Cabiness                   | Goodwyn   | Nichols                       | Solomon                    |
| Callahan                   | Gordon    | Oakley                        | Taylor                     |
| Camp                       | Guthrie   | Oden                          | Torbert                    |
| Casey                      | Hankins   | Owens                         | Turner                     |
| Cates                      | Hardy     | Phillips                      | Turnham                    |
| Chambers                   | Hawkins   | Powell                        |                            |

—55

**Nays:**

|          |          |                               |          |
|----------|----------|-------------------------------|----------|
| Messrs.: | Brooks   | Johnson <sup>(Hardaway)</sup> | Pierce   |
| Avery    | Dickson  | Jones <sup>(Monroe)</sup>     | Ramey    |
| Barnett  | Ferguson | Long <sup>(Lauderdale)</sup>  | Self     |
| Bassett  | Hanby    | Long <sup>(Perry)</sup>       | Speaks   |
| Boyd     | Harris   | Murphy                        | Trimmier |
| Branyon  |          |                               |          |

—20

**MOTION TO SUSPEND RULES**

Mr. Gilchrist moved to suspend the rules in order for the House to receive the Report of the Committee on Conference on the disagreement of the two Houses on the Senate substitute for the bill, H. 102.

**PROTEST**

Mr. Reynolds (Chambers) entered the following Protest:

WHEREAS House Rule 41 provides that "No committee shall sit during the sitting of the House without special leave"; and

WHEREAS this rule has been violated by the Committee of Conference appointed to reconcile the differences between the two Houses concerning H. B. 102, in that meetings of said committee have been held and conducted while the House was in session and no special leave to do so has been given by the House; now therefore,

I object to the filing of the report of said Committee; I object to the reading of the committee's report, if the same is filed; and I object to the adoption of the report; all on the grounds above stated.

The above protest was read at length by the Clerk and inserted in the Journal.

### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Gilchrist to suspend the rules in order for the House to receive the Report of the Committee on Conference on the disagreement of the two Houses on the Senate substitute for the bill, H. 102, was adopted.

Yeas 89; Nays 3.

#### Yeas:

|                 |            |                     |                   |
|-----------------|------------|---------------------|-------------------|
| Mr. Speaker     | Edwards    | Jenkins             | Powell            |
| Adams (Houston) | Faulk      | Johnson (Hardaway)  | Pruitt            |
| Albea           | Ferguson   | Johnson (J. T. Tom) | Ramey             |
| Ashworth        | Gilchrist  | Johnston (Leonard)  | Rast              |
| Avery           | Gilmer     | Jones (Covington)   | Ray               |
| Bailey          | Glass      | Jones (Monroe)      | Roberts           |
| Barnett         | Goodwyn    | Lee                 | Rogers            |
| Bassett         | Gordon     | Locke               | Rozelle           |
| Bevill          | Grant      | Long (Perry)        | Salter            |
| Bishop          | Gross      | McClendon (Chamb)   | Self              |
| Boyd            | Grouby     | McLendon (Bullock)  | Sessions          |
| Brannan         | Guthrie    | Martin              | Smith (Russell)   |
| Branyon         | Hain       | Merrill             | Smith (St. Clair) |
| Brewer          | Hanby      | Morrow              | Solomon           |
| Camp            | Hankins    | Murphy              | Speaks            |
| Casey           | Hardy      | Nettles             | Steagall          |
| Cates           | Harris     | Nichols             | Sullivan          |
| Chambers        | Harvey     | Oakley              | Thomas            |
| Cook            | Hawkins    | Oden                | Torbert           |
| Copeland        | Hearn      | Owens               | Trimmier          |
| Cornett         | Hocklander | Phillips            | Turner            |
| Daniel          | Ingram     | Pierce              | Turnham           |
| Dodd            |            |                     |                   |

—89

**Nays:** Messrs. Reynolds (Chambers), Shumate and Taylor

—3

### REPORT OF CONFERENCE COMMITTEE

#### TO THE SENATE

#### TO THE HOUSE OF REPRESENTATIVES

We, your Conference Committee, appointed on the disagreement of the two houses on the Senate amendment to House Bill 102 beg leave to report as follows:

1. We recommend that the Senate recede from its amendment to the bill.
2. We further recommend that the Senate and the House adopt the following substitute for the bill:

#### SUBSTITUTE FOR H. B. 102

#### A BILL TO BE ENTITLED AN ACT

Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and cor-

portions engaged in the business of lending money in amounts of three hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Legislative Intent. The Legislature finds as facts and determines that:

1. There exists among citizens of this state a widespread demand for small loans. The scope and intensity of this demand have been increased progressively by many social and economic forces.

2. The expense of making and collecting small loans, which are usually made on comparatively unsubstantial security to wage earners, salaried employees and other persons of relatively low incomes is necessarily high in relation to the amounts lent.

3. Such loans cannot be made profitably under the limitations imposed by existing laws relating to interest and usury. These limitations have tended to exclude lawful enterprises from the small loan field. Since the demand for small loans cannot be legislated out of existence, many small borrowers have been left to the mercy of those willing to bear the opprobrium and risk the penalties of usury for a large profit.

4. Interest charges are often disguised by the use of subterfuges to evade the usury law. These subterfuges are so complicated and technical that the usual borrower of small sums is defenseless even if he is aware of the usurious nature of the transaction and of his legal rights.

5. As a result, borrowers of small sums are being exploited, to the injury of the borrower, his dependents, and the general public. Charges are generally exorbitant in relation to those necessary to the conduct of a legitimate small loan business; trickery and fraud are common; and oppressive collection practices are prevalent.

6. These evils characterize and distinguish loans of three hundred dollars (\$300) or less. Legislation to control this class of loans is necessary to protect the public welfare.

7. It is the intent of the legislature in enacting this law to bring under public supervision those engaged in the business of making such loans, to eliminate practices that facilitate abuse of borrowers, to establish a system of regulation for the purpose of insuring honest and efficient small loan service and of stimulating competitive reductions in charges, to allow lenders who meet the conditions of this Act a rate of charge sufficiently high to permit a business profit, and to provide the administrative machinery necessary for effective enforcement.

Section 2. Definitions. The following words and terms when used in this Act shall have the following meanings unless the context clearly requires a different meaning. The meaning ascribed to the singular form shall apply also to the plural.

"Person" shall include individuals, co-partnerships, associations, trusts, corporations, and any other legal entities.

"License" shall mean a license, issued under the authority of this Act, to make loans in accordance with the provisions of this Act at a single place of business.



"Licensee" shall mean a person to whom one or more licenses have been issued.

"Supervisor" shall mean the Supervisor of the Bureau of Loans of the State Banking Department.

"Bureau" shall mean the Bureau of Loans of the State Banking Department.

"Cash Advance" means the amount of cash or its equivalent that the borrower actually receives or is paid at his direction or on his behalf.

Section 3. Scope (a) No person shall engage in the business of lending in amounts of three hundred dollars (\$300) or less and contract for, exact, or receive, directly or indirectly, on or in connection with any such loan, any charges whether for interest, insurance, compensation, consideration, or expense, which in the aggregate are greater than the interest that the lender would be permitted by law to charge for a loan of money if he were not a licensee under this Act, except as provided in and authorized by this Act, and without first having obtained a license from the supervisor. For the purpose of this section a loan shall be deemed to be in the amount of three hundred dollars (\$300) or less if the net amount or value advance to or on behalf of the borrower, after deducting all payments for interest, expenses, and charges of any nature taken substantially contemporaneously with the making of the loan, does not exceed three hundred dollars (\$300).

(b) Exemptions. This Act shall not apply to any person doing business under the authority of, and as permitted by, any law of this State or of the United States relating to Banks, Savings Banks, Trust Companies, Savings or Building and Loan Associations, Credit Unions as defined by law nor to any lawful, bona fide pawnbroking business nor shall this Act apply to any person making loans to their tenants engaged in agriculture, nor to loans by agricultural suppliers to persons whose principal business is farming, nor shall it apply to agricultural credit corporations or associations organized under an Act of the Congress of the United States, nor shall it apply to the business of financing the purchase of motor vehicles, refrigerators or other personal property, nor shall this apply to loans insured or guaranteed by the United States or any of its Agencies.

(c) Evasions. The provisions of subsection (a) of this section shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever including, but not thereby limiting the generality of the foregoing: the loan, forbearance, use, or sale of credit (as guarantor, surety, endorser, co-maker, or otherwise), money, insurance, goods, or things in action; the use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided and the real or pretended negotiation, arrangement, or procurement of a loan through any use of activity of a third person, whether real or fictitious.

(d) Penalty. Whoever violates or participates in the violation of any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500) nor less than one hundred dollars (\$100), or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court. Any contract of loan in the making or collection of which any act shall have been done which

violates this section shall be void and the lender shall have no right to collect, receive, or retain any principal, interest, or charges whatsoever.

Section 4. Application and Fee. Application for a license shall be in writing, under oath, and in the form prescribed by the supervisor. The application shall give the approximate location where the business is to be conducted and shall contain such further relevant information as the supervisor may require, including the names and addresses of the partners, officers, directors, or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by Section 5 of this Act. Provided, however, that such application shall contain a statement made by the applicant under oath that he is not at the time of making the application a member of the National Association for the Advancement of Colored People or of the Communist party or any front thereof and that he has not prior to making said application contributed funds to any such organization and that he has never been a member of any such organization. At the time of making such application, the applicant shall pay to the supervisor the sum of one hundred dollars (\$100) as a fee for investigating the application. All licensees under this Act shall pay an annual license of two hundred dollars (\$200) which shall be due on October 1 of each year and shall be for one year ending September 30 following, and shall be delinquent on the first day of November of each year. And there shall be a penalty of ten percent (10%) added to such license upon delinquency and collected by the bureau. If any applicant licensed under this Act for the first time shall commence business after the first day of April in any year, the amount of the license shall be one-half of the amount of a full year's license. The amount of the license (and penalties if any) shall be paid to the supervisor of the bureau of loans, who shall remit the same to the treasurer of the State of Alabama, as provided by law. The license herein provided for shall be in addition to all other licenses now or hereafter provided for by law, and shall be in addition to the tax provided for by Chapter 18, Title 51, Code of Alabama (1940) as amended; and the amount of the license levied by this section shall not be credited upon or deducted from, in whole or in part, the tax levied by said Chapter 18, as amended, as to the current state tax year or as to any prior or subsequent state tax year. No refunds for the current or any prior or subsequent state tax year or any portion of the tax levied by said Chapter 18, as amended, shall be made on the ground that the license levied by this section was not credited upon or deducted from the tax levied by said Chapter 18, as amended; and no suit or action shall lie to enforce any claim for such refund.

Section 5. (a) Investigation of Application. Upon the filing of such application and the payment of such fees, the supervisor shall investigate the facts concerning the application and the requirements provided for in subsection (b) of this section. The supervisor shall grant or deny such application for a license within ninety days from the filing thereof with the required information and fees unless the period is extended by written agreement between the applicant and the supervisor.

(b) Issuance of License. If the supervisor shall find that the liquid assets, financial responsibility, experience, character, the general fitness of the applicant are such as to warrant the belief that the business will be operated lawfully, honestly, fairly, and efficiently, within the purposes of this Act, and that allowing such applicant to engage in the business would promote the convenience and advantage of the community in which the business of the applicant is to be conducted, he shall thereupon enter an order granting such application, and file his findings with the bureau, and forthwith issue and deliver a license to the applicant.

(c) Denial of License. If the supervisor shall not so find, he shall notify the applicant in writing who may request a hearing on the application. The request for a hearing must be within thirty (30) days of the rejection with the hearing to be held within thirty (30) days of the date of the request. After such hearing, or, if no hearing is demanded, the supervisor may deny such application by written order, accompanied by his findings of fact, and shall deliver a copy of such order and findings to the applicant. The investigation fee shall be retained by the supervisor while the license fee shall be returned to the applicant.

Section 6. (a) Posting of License. Each license shall state the address at which the business is to be conducted and shall state fully the name of the licensee, and if the licensee is a copartnership or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Each license shall be kept conspicuously posted in the licensed place of business and shall not be transferable or assignable.

(b) Continuing License. Each license shall remain in full force and effect until surrendered, revoked, or suspended as hereinafter provided.

Section 7. (a) Place of Business. Not more than one place of business shall be maintained under the same license, but the supervisor may issue additional licenses to the same licensee upon his compliance with all the provisions of this Act governing the issuance of the first or original license.

(b) Removal. No change in the place of business of a licensee to a location outside of the original municipality shall be permitted under the same license. When a licensee wishes to change his place of business within the same municipality, he shall give written notice thereof to the supervisor who shall investigate the facts, and if he shall find the proposed location is reasonably accessible to borrowers under existing loan contracts, he shall enter an order permitting the change and shall amend the license accordingly. If the supervisor shall not so find he shall enter an order denying the licensee such permission in the manner specified in and subject to the provisions of Section 5 (c) of this Act.

(c) Residence of Borrower. Nothing in this Act shall be construed to restrict the loans of any licensee to residents of the community in which the licensed place of business is situated.

Section 8. (a) Revocation of License. The supervisor shall, upon ten days' written notice to the licensee stating the contemplated action and in general the grounds therefor, and upon reasonable opportunity to be heard, revoke any license issued hereunder if he finds that:

1. The licensee has failed to pay the annual license fee; or that
2. The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provisions of this Act or any regulation or order lawfully made pursuant to and within the authority of this Act; or that
3. Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for such license, clearly would have justified the supervisor in refusing originally to issue such license, except the license shall not be revoked because of convenience and advantage; or that
4. The licensee is found guilty by the supervisor of using unreasonable collection tactics.

(b) **Suspension of License.** If the supervisor finds that probable cause for revocation of any license exists and that enforcement of the Act requires immediate suspension of such license pending investigation, he may, upon three days' written notice and a hearing, enter an order suspending such license for a period not exceeding thirty days.

(c) **Records and Notice.** Whenever the supervisor shall revoke or suspend a license issued pursuant to this Act, he shall enter an order to that effect and forthwith notify the licensee of the revocation or suspension. Within five days after the entry of such an order he shall file with the bureau his findings and a summary of the evidence supporting them, and he shall forthwith deliver a copy thereof to the licensee.

(d) **Surrender of License.** Any licensee may surrender any license by delivering it to the supervisor with written notice of its surrender, but such surrender shall not affect his civil or criminal liability for acts committed prior thereto.

(e) **Pre-Existing Contracts.** No revocation, suspension or surrender of any license shall impair or affect the obligation of any pre-existing contract between the licensee and any borrower.

(f) **Reinstatement of License.** The supervisor may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which clearly would have justified the supervisor in refusing originally to issue such license under this Act.

(g) **Complaints of Violation Investigated.** The supervisor shall, upon sworn complaint of any borrower, investigate or cause to be investigated any alleged violation of this Act.

**Section 9. (a) Annual Examinations of Licensees.** At least once each year and at such other time as may be deemed necessary by the supervisor of the bureau of loans an examination shall be made of the place of business of each licensee and of the loans, transactions, books, papers and records of such licensee so far as they pertain to the business licensed under this Act. As cost of examination the licensee shall pay to the bureau of loans under such rules and regulations as may be reasonably prescribed by the supervisor thereof with the approval of the superintendent of banks an examining fee of fifty dollars (\$50) per day or any part thereof for each examiner and in addition thereto ten dollars (\$10) per day per examiner as per diem; provided, however, that no licensee whose business is free from willful violations of this Act shall be required to pay more than a total sum of four hundred dollars (\$400) in any twelve (12) month period as examiners fees; provided, further, that all fees collected by the bureau of loans under the terms of this section shall be paid into a special fund to be set up by the State Treasury; the special fund shall be used to pay the salaries of the officials and employees and the expenses of the bureau of loans, and all moneys deposited therein are hereby appropriated for that purpose; provided, however, nothing herein shall be construed to mean that all salaries of the officials and employees and expenses of operating the bureau of loans shall come from the special fund.

(b) **Investigations.** For the purpose of discovering violations of this Act or of securing information lawfully required hereunder, the supervisor or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers, and records used therein, of (1) any licensee, (2) any other person engaged in the business described in Section 3 (a) of this Act or participating in such business as principal, agent, broker, or otherwise, and (3) any per-

son who the supervisor had reasonable cause to believe is violating or is about to violate any provision of this Act, whether or not such person shall claim to be within the authority or beyond the scope of this Act. For purposes of this section, any person who shall advertise for, solicit, or hold himself out as willing to make loan transactions in the amount or of the value of three hundred dollars (\$300) or less shall be presumed to be engaged in the business described in Section 3 (a) of this Act.

(c) Access to Records: Witnesses. For the purposes of this section, the supervisor or his duly authorized representatives shall have and be given free access to the offices and places of business, files, safes, and vaults of all such persons, and shall have authority to require the attendance of any person and to examine him under oath relative to such loans or such business or to the subject matter of any examination, investigation, or hearing.

(d) Cease and Desist Orders: Injunctions; Receivers. Whenever the supervisor has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this Act, he may in addition to all actions provided for in this Act, and in addition to all other remedies that he may have at law or in equity, and without prejudice thereto enter an order requiring such person to desist or to refrain from such violation; and an action may be brought on the relation of the Attorney General or the supervisor to enjoin such person from engaging in or continuing such violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding such preliminary or final injunction as may be deemed proper. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which such action is brought shall have power and jurisdiction to impound, and to appoint a receiver for the property and business of the defendant, including books, papers, documents, and records pertaining thereto or so much thereof as the court may deem reasonably necessary to prevent violations of this Act through or by means of the use of said property and business. Such receiver, when appointed and qualified, shall have such powers and duties as to custody, collection, administration, winding up, and liquidation of such property and business as shall from time to time be conferred upon him by the court.

Section 10. (a) Books and Records. Each licensee shall keep and use in his business such books, accounts, and records as will enable the supervisor to determine whether such licensee is complying with the provisions of this Act and with the orders and regulations lawfully made by the supervisor hereunder. Each licensee shall preserve such books, accounts, and records for at least two years after making the final entry on any loan recorded therein.

(b) Annual Reports. (1) Each licensee shall annually, on or before the first day of May, file a report with the supervisor as to each licensed place of business under this Act, covering the preceding calendar year. This report shall include the following information, all reported in accordance with sound and generally accepted accounting practice;

(a) Balance sheets at the beginning and end of the period.

(b) A statement of income and expense for the period.

(c) A reconciliation of surplus or net earning with the balance sheets.

(d) A schedule of assets used and useful in the business.

(e) An analysis of charges, sizes of loans and types of security on loans and an analysis of delinquent accounts.

(f) An analysis of suits, repossessions and sales of chattels.

(g) The type of business organization and if the licensee is a corporation, the principal officers and the resident agent, the partners, if the licensee is a partnership or, the owner, if a sole proprietorship.

(2) If the licensee conducts other business or is affiliated with other licensees under this Act, or, if any other situation exists under which allocations are necessary, the licensee shall make such allocation according to appropriate and reasonable methods.

(3) If the licensee is affiliated with other licensees under this Act, a composite report may be filed on behalf of all affiliated licensees within the State of Alabama, but such composite report shall not be required by the supervisor.

(4) Such report shall be made under oath and shall be in the form prescribed by the supervisor who shall make and publish annually an analysis and recapitulation of such reports.

Section 11. (a) Rules, Regulations and Orders. The supervisor shall have authority to make reasonable rules, regulations and orders for the administration and enforcement of this Act, in addition hereto and not inconsistent herewith. Such regulation or order shall be referenced to the section or sections of the Act which set forth the legislative standard which it interprets or to which it applies. Every regulation shall be promulgated by an order, and any ruling, demand, requirement, or similar administrative act may be promulgated by an order. Every order shall be in writing, shall state its effective date and the date of its promulgation, and shall be entered in an indexed permanent book which shall be a public record. A copy of every order promulgating a regulation and of every other order containing a requirement of general application shall be mailed to each licensee at least ten days before the effective date thereof. The failure of a licensee to receive a copy of the regulations shall not exempt him from the duty of compliance with the valid regulations lawfully issued.

(b) Certified copies of Official Documents. On application of any person and payment of the costs thereof, the supervisor shall furnish, under his seal and signed by him or his deputy, a certified copy of any license, regulation, or order. In any court or proceeding such copy shall be prima facie evidence of the fact of the issuance of such license, regulation or order.

Section 12. (a) Advertising. No licensee or other person subject to this Act shall advertise, display, distribute, or broadcast or cause to permit to be advertised, displayed, distributed, or broadcast, in any manner whatsoever, any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for loans in the amount or of the value of three hundred dollars (\$300) or less. The supervisor may require that charges or rates of charge, if stated by a licensee, be stated fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers. The supervisor may permit or require licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by him to prevent an erroneous impression as to the scope or degree of protections provided by this Act.

(b) **Schedule of Charges.** Each licensee shall prominently display in each licensed place of business a full and accurate schedule of the rates of charge upon all classes of loans currently to be made by him.

**Section 13. (a) Other Business in Same Office.** No licensee shall conduct the business of making loans under this Act within any office, suite, room or place of business in which any other business is solicited or engaged in or in association or conjunction with any other business until three days' written notice of an intention so to do has been given the supervisor. Upon receipt of written notification, the supervisor may investigate the facts and, if he finds that the character of the licensee and the nature of the other business warrant belief that such conduct of business would conceal violation or evasion of this Act or of regulations lawfully made hereunder, he shall enter an order directing the licensee to discontinue said other business. The order shall be entered in the manner specified in and subject to the provisions of Section 5 (c) of this Act.

(b) **Business Confined to Licensed Office.** No licensee shall conduct the business of making loans provided for by this Act under any name, or at any place of business within this state, other than that stated in the license. Nothing herein shall prevent the making of loans by mail nor prohibit accommodations to individual borrowers when necessitated by sickness or other emergency situations.

(c) **Liens on Real Estate.** No licensee shall take a lien upon real estate as security for any loan made under this Act, except such lien as is created by law through the rendition or recording of a judgment.

**Section 14. (1) Maximum Rates of Interest and Charge.** Every licensee hereunder may contract for and receive interest on any loan of money not exceeding three hundred dollars (\$300) an amount at a rate not exceeding 3% a month on that part of the unpaid principal balance not in excess of two hundred dollars (\$200), two per cent a month on that part of the unpaid principal balance in excess of two hundred dollars (\$200) but not exceeding three hundred dollars (\$300).

(2) **Charges on Loans of Seventy-five Dollars (\$75) or Less.** On a cash advance of seventy-five dollars (\$75) or less a licensee may charge, in lieu of charges specified in subsection (1) of this section, not in excess of one dollar (\$1) for each five dollars (\$5) of cash advanced to the borrower, up to the amount of seventy-five dollars (\$75); and a period of at least fifteen (15) days must be allowed for the repayment of each five dollars (\$5) of the cash advanced, such charges cannot be assessed by any subterfuge or device on any loan over seventy-five dollars (\$75) or on any balance of seventy-five dollars (\$75) or less when the original cash advanced was greater than seventy-five dollars (\$75).

(3) (a) **Method of Computing Charges .** Interest or charges on loans made under this Act shall not be paid, deducted, discounted or received in advance or compounded but the rate of charge authorized by this Section may be precomputed as provided in Paragraph B of this sub-section. For the purpose of this Section one month shall be that period of time from any date in a month to a corresponding date in the next month and if there is not such corresponding date then to the next day of the next month and a day shall be considered 1/30 of a month when computation is made for a fraction of a month.

(b) When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges or interest combined, the charges or interest may be precomputed at

the agreed monthly or periodic rate not in excess of that provided for in sub-section 1 or 2 of this Section on scheduled unpaid principal balances according to the terms of the contract and added to the principal of the loan. Every payment may be applied to the combined total of principal and precomputed charge until the contract is fully paid. The acceptance or payment of charges on loans made under the provisions of this sub-section shall not be deemed to constitute payment, deduction or receipt thereof in advance nor compounding under Paragraph 1 above.

(4) (a) Refund. When any loan contract is paid in full by cash, a new loan, renewal or otherwise, one month or more before the final installment date, the licensee shall refund or credit the borrower with that portion of the total charges which shall be due the borrower as determined by schedules prepared under the rule of 78ths or sum of the digits principle as follows: The amount of the refund or credit shall be as great a proportion of the total charges originally contracted for as the sum of the periodic time balances of the contract scheduled to follow the date of pre-payment bears to the sum of all the periodic time balances of the contract, both sums to be determined according to the payment schedule originally contracted for.

(B) If the loan contract is not prepaid in full but becomes partially prepaid in an amount equal to three or more installments, the licensee shall reduce the balance due by the amount that would be required to be refunded for prepayment in full on the date of such partial prepayment and compute charges as payments are made thereafter in the manner prescribed in Paragraph 1 of sub-section 3 hereof or the licensee may with the consent of the borrower reschedule the remaining installments and precompute charges as prescribed in Paragraph 2 of sub-section 3 hereof.

(5) Default or Extension Charges. If the contract so provides, the additional charge for any installment past due fifteen (15) or more days, whether by reason of default or extension agreement, may be three per cent (3%) of the installment past due and said amount may be charged once and no more. It is the intent of this sub-section that if the payment date of all wholly unpaid installments is deferred or extended one or more full months and the contract so provides the licensee may charge and collect a deferment or default charge only on the installment which is delinquent at the date the contract is extended or deferred.

(6) In addition to the general authority granted to him by Section 11 (a) of this Act, the Supervisor shall have power and authority to make such rules and regulations as he may deem necessary or advisable to insure that rebates, default charges and deferment charges are so computed, paid to, or collected from borrowers that the total charges collected by licensees under Paragraph B of subsection (3) hereof are substantially equivalent to charges authorized to be collected by licensees under paragraph (1) or (2) of this subsection.

(7) Recording Fees. The licensee may collect from the borrower the actual fees paid a public official, or agency of the State, for filing, recording or releasing any instrument securing the loan.

(8) No Further Charge, No Splitting Contracts, Certain Contracts Void. No further or other charges shall be directly or indirectly contracted for or received by any licensee, including insurance premiums of any kind, except those specifically authorized by this Act. No licensee shall divide into separate parts any contract made for the purpose of or with the effect of obtaining charges in excess of those au-



thorized by this Act. All balances due to a licensee from any person, as a borrower, or as an endorser, guarantor or surety for any borrower or otherwise, or due from any husband or wife, jointly or severally, shall be considered a part of any loan being made by a licensee to such person for the purpose of computing charges. If any amount in excess of the charges permitted by this Act is charged, contracted for, or received, except as the result of an accidental and bona fide error of computation, the contract of loan shall be void and the licensee shall have no right to collect or receive any cash advance, charges or recompense whatsoever; and the licensee and the several members, officers, directors, agents and employees thereof who shall have participated in such violation, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500) and not less than one hundred dollars (\$100) or by imprisonment of not more than six months, or by both such fine and imprisonment, in the discretion of the court. Any borrower may recover the full amount of principal and charges paid by him on any contract made in violation of this section, together with a reasonable attorney fee, by action at law or in equity brought within twelve months from the date of the last payment of principal or charges on such contract.

(9) Installment Payment, Contract Period. No licensee shall enter into any contract of loan under this Act in which the borrower agrees to make any scheduled repayment of the cash advance more than twenty-five (25) calendar months from the date of making such contract of loan. Every loan contract shall require payment of the cash advance and charges in installments which shall be payable at approximately equal periodic intervals except that payment dates may be omitted to accommodate borrowers with seasonal incomes. No installment contracted for shall be substantially larger than any preceding installment.

(10) Interest as provided in this Act shall not accrue or be recovered or charged on any loan made under this Act for any longer than six months after the due date of the final installment of principal or interest. After the expiration of said six months period interest may be charged at a rate not to exceed eight per cent per annum.

(11) No licensee shall induce or permit any person, or any husband and wife jointly or severally, to become obligated directly or contingently, or both, under more than one contract of loan at the same time, for the purpose of obtaining a higher rate of charge than would otherwise be permitted by this section. And it shall be unlawful for any licensee to evade, or attempt to evade this section by inducing a customer to borrow from another loan company in which he has a pecuniary interest or with whom he has an arrangement for exchange of customers.

Section 15. (a) Requirements for Making and Payment of Loans. Every licensee shall:

1. At the time a loan is made deliver to the borrower or if there be two or more borrowers, to one of them a copy of the loan contract, or a written statement in the English language showing in clear and distinct terms:

(i) The name and address of the lender and one of the primary obligors on the loan;

(ii) The date of the loan contract;

(iii) Schedule of installments or description thereof;

- (iv) The cash advance;
- (v) The face amount of the note evidencing the loan;
- (vi) The amount collected or paid for insurance, if any;
- (vii) The amount collected or paid for filing or other fees allowed by this Act;
- (viii) The collateral or security for the loan.

2. Give to the person making any cash payment on account of any loan a receipt at the time such payment is made which receipt need only show the total amount of such cash payment. No receipt shall be required in the case of payments made by the borrower's check or money order, and the use of a coupon book system shall be deemed in compliance with this section.

3. Permit the payment to be made in advance in any amount on any contract of loan at any time during a licensee's regular business hours.

4. Upon repayment of the loan in full, mark plainly every obligation and security signed by any obligor with the word "Paid" or "Cancelled," and release any mortgage, restore any pledge, and cancel and return any note and any assignment given to the licensee.

(b) Confessions of Judgment; Incomplete Instruments. No licensee shall (1) take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for the borrower in a judicial proceedings; nor (a) take any note, promise to pay that does not disclose the total amount to be repaid, a schedule of payments or a description thereof, and the agreed rate or aggregate amount of charge, nor any instrument in which blanks are left to be filled in after execution.

5. Every loan contract shall provide for repayment of principal and charges at approximate equal periodic intervals of time of which shall be so arranged that no installment is substantially greater in amount than any preceding installment.

6. Any contract of loan in the making or collection of which any provision of this section shall have been violated, either knowingly or without the exercise of due care to prevent the same shall be void and the licensee shall have no right to collect, receive or retain any principal, charges or recompense whatsoever.

#### Section 16. Additional Security for Loans.

(1) On loans in amounts of one hundred dollars (\$100) or more, a licensee may accept as additional security for a loan, insurance written on the life of one of the principal obligors under the loan contract. Such insurance must be reasonably related to the hazard or risk of the loan and must not exceed the term of the loan or the approximate amount of the indebtedness at any time during the life thereof.

(2) The premium, or identifiable charge, collected by licensee or its officers, agents or employees on life insurance shall not exceed the lowest premium or identifiable charge for such insurance as filed with and approved by the insurance commissioner of the State of Alabama by a company licensed to do business in the State of Alabama and writing such insurance; provided, however, that in no event shall the premium or identifiable charge exceed 75c per annum for each \$100 of life insurance.

(3) Every insurance policy or certificate written in connection with the loan transaction shall provide for cancellation of the coverage and a refund of the unearned premium or identifiable charge upon the discharge of the loan obligation for which such insurance is security, without prejudice to any claim. Such refund shall be made under a formula filed by the insurer with the department of insurance except no refund of less than \$1.00 need be made.

(4) In accepting such insurance as security for the loan, the licensee, or an employee, may deduct the premiums or identifiable charge for such insurance from the proceeds of the loan and transmit them to the insurance company.

(5) Any gain or advantage in the form of commission or otherwise, to the licensee or to any employee, affiliate or associate of the licensee from such insurance of its sale shall not be considered an additional or further charge in connection with the loan.

(6) All such insurance shall be written by a company authorized to conduct business in this state and the licensee shall not require the purchase of such insurance from any agent or broker designated by the licensee, nor shall the licensee decline existing coverages which equal or exceed the standards of this section; provided further, that all other types of insurance are hereby specifically prohibited.

Section 16½. Loans of More Than Three Hundred Dollars (\$300). If a licensee makes a loan in excess of three hundred dollars (\$300), the charges authorized by this Act shall not apply to any part of the loan. The rates on the entire amount of the loan shall be governed by Section 60 or 61 of Title 9, Code of Alabama, 1940, as amended. The foregoing prohibition shall also apply to any licensee who permits any person, as borrower, or as endorser, guarantor, or surety for any borrower, or otherwise or any husband and wife jointly or severally, to owe directly or contingently, or both, to the licensee at any time a sum of more than three hundred dollars (\$300) for principal. The supervisor may suspend or revoke the license of any licensee who violates this section, in the manner prescribed by Section 8 of this Act, and the penalties provided for in Section 23 (c) of this Act shall apply to any person, firm or corporation violating this section.

Section 17. Loans Made Elsewhere. Any loans made outside this state in accordance with the law applicable to such loan in the state in which the loan was made may be collected in this state.

Section 18. Review. In addition to any other remedy he may have, any licensee and any person considering himself aggrieved by any act or order of the supervisor hereunder may, within thirty days from the entry of the order complained of, or within sixty days of the act complained of if there is no order, petition the circuit court of Montgomery County to review such act or order; provided such petition shall be docketed, heard and tried in the same manner as other extraordinary writs issued by the court and a copy of the petition and order setting the same for hearing shall be served on the supervisor, giving him such notice of the time and place of the hearing as may be directed by the court.

Section 19. Suits on Debts. In any suit filed on any debt or evidence of any indebtedness governed hereby in any court, the judge thereof shall not render any judgment by default, nil dicit or otherwise until he had heard the testimony of the licensee or of a representative of such licensee, and the judge must on his own motion interrogate such licensee or such other witness to determine whether there

has been any violation of the provisions of this Act and whether any charges have been contracted for, made or received in excess of the amount allowed under this Act. If it be made to appear that the provisions of this Act have been violated or that charges in excess of those allowed have been contracted for, made or received, then the suit shall be dismissed at the cost of the plaintiff. In any such suit the plaintiff must allege that he is a licensee under this Act, and if such plaintiff is subject to this Act and fails to allege in his complaint that he is a licensee hereunder, or if it is shown to the court that he is subject to this Act and is not a licensee then the court *ex mero motu* shall dismiss the suit at the cost of the plaintiff. No garnishment shall issue in such suit or in connection therewith until after judgment has been rendered.

**Section 20. Pre-Existing Contracts.** This Act or any part thereof may be modified, amended, or repealed so as to effect a cancellation or alteration of any license or right of a licensee hereunder, provided that such cancellation or alteration shall not impair or affect the obligation of any pre-existing lawful contract between any licensee and any borrower.

**Section 21. Status of Pre-Existing Licensees.** Any person having a license under Act No. 159, H. 233, approved June 23, 1945, (General Acts of Alabama, 1945, page 200), as amended, in force when this Act becomes effective, or had such a license in effect on September 30, 1959, shall be deemed to have a license under this Act for a period expiring six months after the effective date hereof, if not sooner revoked. Any such license so continued in effect under the provisions of this Act shall be subject to revocation during such six months' period as provided in Section 8 of this Act; except that such license may not be revoked nor shall an application for a new license be denied upon the ground that the convenience and advantage of such community will not be promoted by the operation therein of such business.

**Section 22. Records (a)** The supervisor shall cause to be kept on file in the bureau of loans, open to public inspection during business hours, an alphabetical listing of all licensees doing business in Alabama; and such list shall reveal the true ownership of the licensee companies. If the company is a corporation, the list shall indicate the name of the corporation, the address of the home office, and the names and addresses of its officers and directors.

(b) Except as provided in subsection (a) of this section, all applications, reports, and other papers and documents submitted by licensees to the supervisor or to the bureau shall be open to public inspection only upon approval of the supervisor; but the supervisor shall not deny any person access to such records when the disclosure thereof to such person is in the public interest.

**Section 23. (a) Repealer.** The provisions of Act No. 159, H. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), as amended, in conflict herewith are hereby repealed. And all other laws or parts of laws which conflict with this Act are also repealed. But such repeal shall not be considered an abolition of the bureau of loans, whose existence is hereby continued as a state agency, for the purpose of administering and enforcing this Act.

(b) **Status of Pre-Existing Obligations.** Nothing herein contained shall be so construed as to impair or affect the obligation of any contract of loan between any licensee under Act No. 159, H. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), as amended,

and any borrower which was entered into prior to the effective date of this Act.

(c) Any person, firm, corporation or association who shall wilfully violate any of the provisions of this Act for which a specific penalty is not herein specifically provided shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500), nor less than one hundred dollars (\$100), or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court.

Section 24. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of the Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 25. Citation of Act. This Act shall be known and may be cited as the "Alabama Small Loan Act."

Section 26. Effective Date. This Act shall become effective 60 days after its passage and approval by the Governor, or 60 days after its otherwise becoming a law.

Respectfully submitted,

VAUGHAN HILL ROBISON,  
Chairman.

DOUGLAS S. WEBB  
JOE W. GRAHAM  
Conferees on the Part of the Senate

VIRGIS M. ASHWORTH  
A. L. (PAT) BOYD  
BOB GILCHRIST,  
Vice Chairman  
Conferees on the Part of the House

PROTEST

Mr. Taylor entered the following Protest:

Mr. Speaker:

I request that the Journal of this House show that the conference committee reported action on H. B. 102 in violation of Rule 41 of this House in that said committee did not have permission of this House to meet and take action on this bill.

H. B. TAYLOR

The above Protest was read at length by the Clerk and inserted in the Journal.

#### CONSIDERATION OF REPORT OF THE COMMITTEE ON CONFERENCE

Mr. Gilchrist moved that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate substitute for the bill, H. 102, said report being set out in the above and foregoing Report of the Committee on Conference.

Mr. Reynolds (Chambers) offered as a substitute motion, a motion to postpone further consideration of the Report of the Committee on Conference on the disagreement of the two Houses on the Senate substitute for the bill, H. 102, until the next legislative day.

On motion of Mr. Gilchrist, the motion of Mr. Reynolds to postpone further consideration of the Report of the Committee on Conference on the disagreement of the two Houses on the Senate substitute for the bill, H. 102, until the next legislative day, was laid upon the table.

Yeas 62; Nays 18.

**Yeas:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Gilchrist | Johnson <sup>(Hardaway)</sup>  | Rogers                       |
| Adams <sup>(Houston)</sup> | Gilmer    | Johnson <sup>(J. T. Tom)</sup> | Rozelle                      |
| Albea                      | Glass     | Jones <sup>(Covington)</sup>   | Salter                       |
| Ashworth                   | Gordon    | Jones <sup>(Monroe)</sup>      | Self                         |
| Bailey                     | Grant     | Lee                            | Sessions                     |
| Bassett                    | Gross     | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Bishop                     | Grouby    | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Boyd                       | Hain      | Morrow                         | Solomon                      |
| Branyon                    | Hanby     | Owens                          | Speaks                       |
| Brewer                     | Hankins   | Phillips                       | Steagall                     |
| Casey                      | Hardy     | Pierce                         | Sullivan                     |
| Copeland                   | Harris    | Powell                         | Thomas                       |
| Cornett                    | Harvey    | Pruitt                         | Torbert                      |
| Dodd                       | Hawkins   | Rast                           | Turner                       |
| Faulk                      | Hearn     | Roberts                        | Turnham                      |
| Franklin                   | Ingram    |                                |                              |

—62

**Nays:**

|          |            |                               |                                |
|----------|------------|-------------------------------|--------------------------------|
| Messrs.: | Daniel     | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Avery    | Ferguson   | Locke                         | Reynolds <sup>(Chambers)</sup> |
| Barnett  | Guthrie    | Long <sup>(Lauderdale)</sup>  | Shumate                        |
| Bevill   | Hocklander | Long <sup>(Perry)</sup>       | Taylor                         |
| Callahan | Jenkins    | Murphy                        |                                |

—18

**MOTION TO ADJOURN LOST**

The motion of Mr. Shumate that the House adjourn until Wednesday, November 4, 1959, at one o'clock P.M. was lost.

Yeas 15; Nays 61.

**Yeas:**

|          |                              |                                |                              |
|----------|------------------------------|--------------------------------|------------------------------|
| Messrs.: | Guthrie                      | Ramey                          | Smith <sup>(St. Clair)</sup> |
| Barnett  | Hocklander                   | Reynolds <sup>(Chambers)</sup> | Steagall                     |
| Callahan | Long <sup>(Lauderdale)</sup> | Salter                         | Taylor                       |
| Camp     | Murphy                       | Shumate                        | Trimmier                     |

—15

**Nays:**

|                            |          |           |         |
|----------------------------|----------|-----------|---------|
| Mr. Speaker                | Boyd     | Daniel    | Gilmer  |
| Adams <sup>(Houston)</sup> | Brannan  | Dodd      | Glass   |
| Albea                      | Brewer   | Edwards   | Goodwyn |
| Ashworth                   | Casey    | Faulk     | Gordon  |
| Bailey                     | Cates    | Ferguson  | Grant   |
| Bevill                     | Copeland | Franklin  | Gross   |
| Bishop                     | Cornett  | Gilchrist | Grouby  |

|                    |                    |          |                 |
|--------------------|--------------------|----------|-----------------|
| Hain               | Jones (Monroe)     | Powell   | Smith (Russell) |
| Hanby              | Locke              | Pruitt   | Solomon         |
| Hardy              | Long (Perry)       | Rast     | Speaks          |
| Harvey             | McClendon (Chamb)  | Roberts  | Sullivan        |
| Hawkins            | McLendon (Bullock) | Rogers   | Thomas          |
| Hearn              | Martin             | Rozelle  | Torbert         |
| Ingram             | Merrill            | Self     | Turner          |
| Johnson (Hardaway) | Pierce             | Sessions | Turnham         |
| Jones (Covington)  |                    |          |                 |

—61

## CONFERENCE COMMITTEE REPORT ADOPTED

The question was then on the motion of Mr. Gilchrist that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate substitute for the bill, H. 102, and said motion was adopted.

Yeas 84; Nays 5.

**Yeas:**

|                 |            |                     |                   |
|-----------------|------------|---------------------|-------------------|
| Mr. Speaker     | Edwards    | Jenkins             | Powell            |
| Adams (Houston) | Faulk      | Johnson (Hardaway)  | Pruitt            |
| Albea           | Ferguson   | Johnson (J. T. Tom) | Ramey             |
| Ashworth        | Franklin   | Johnston (Leonard)  | Rast              |
| Avery           | Gilchrist  | Jones (Covington)   | Roberts           |
| Bailey          | Gilmer     | Jones (Monroe)      | Rogers            |
| Barnett         | Glass      | Lee                 | Rozelle           |
| Bassett         | Gordon     | Locke               | Salter            |
| Bevill          | Grant      | Long (Perry)        | Self              |
| Boyd            | Gross      | McClendon (Chamb)   | Sessions          |
| Brannan         | Grouby     | McLendon (Bullock)  | Smith (Russell)   |
| Branyon         | Hain       | Martin              | Smith (St. Clair) |
| Brewer          | Hanby      | Merrill             | Solomon           |
| Camp            | Hankins    | Morrow              | Speaks            |
| Casey           | Hardy      | Murphy              | Steagall          |
| Cates           | Harris     | Nettles             | Sullivan          |
| Cook            | Harvey     | Nichols             | Thomas            |
| Copeland        | Hawkins    | Oakley              | Torbert           |
| Cornett         | Hearn      | Owens               | Trimmier          |
| Daniel          | Hocklander | Phillips            | Turner            |
| Dodd            | Ingram     | Pierce              | Turnham           |

—84

**Nays:**

|          |                     |         |        |
|----------|---------------------|---------|--------|
| Messrs.: | Long (Lauderdale)   | Shumate | Taylor |
| Callahan | Reynolds (Chambers) |         |        |

—5

And said bill:

H. 102. Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of five hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 86; Nays 5.

**Yeas:**

|                            |            |                                |                              |
|----------------------------|------------|--------------------------------|------------------------------|
| Mr. Speaker                | Edwards    | Jenkins                        | Powell                       |
| Adams <sup>(Houston)</sup> | Faulk      | Johnson <sup>(Hardaway)</sup>  | Pruitt                       |
| Albea                      | Ferguson   | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Ashworth                   | Franklin   | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Avery                      | Gilchrist  | Jones <sup>(Covington)</sup>   | Roberts                      |
| Bailey                     | Gilmer     | Jones <sup>(Monroe)</sup>      | Rogers                       |
| Barnett                    | Glass      | Lee                            | Rozelle                      |
| Bassett                    | Gordon     | Locke                          | Salter                       |
| Bevill                     | Grant      | Long <sup>(Perry)</sup>        | Self                         |
| Bishop                     | Gross      | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Boyd                       | Grouby     | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Brannan                    | Guthrie    | Martin                         | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Hain       | Merrill                        | Solomon                      |
| Brewer                     | Hanby      | Morrow                         | Speaks                       |
| Camp                       | Hankins    | Murphy                         | Steagall                     |
| Casey                      | Hardy      | Nettles                        | Sullivan                     |
| Cates                      | Harris     | Nichols                        | Thomas                       |
| Cook                       | Harvey     | Oakley                         | Torbert                      |
| Copeland                   | Hawkins    | Owens                          | Trimmier                     |
| Cornett                    | Hearn      | Phillips                       | Turner                       |
| Daniel                     | Hocklander | Pierce                         | Turnham                      |
| Dodd                       | Ingram     |                                |                              |

—86

**Nays:**

|          |                                |         |        |
|----------|--------------------------------|---------|--------|
| Messrs.: | Long <sup>(Lauderdale)</sup>   | Shumate | Taylor |
| Callahan | Reynolds <sup>(Chambers)</sup> |         |        |

—5

**MOTION TO RECONSIDER TABLED**

On motion of Mr. Gilchrist, his motion to reconsider the vote by which the bill, H. 102, as amended by the Report of the Committee on Conference was passed, was laid upon the table.

Yeas 83; Nays 3.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Dodd      | Hocklander                    | Pruitt                       |
| Adams <sup>(Houston)</sup> | Edwards   | Ingram                        | Ramey                        |
| Albea                      | Faulk     | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Ashworth                   | Ferguson  | Johnston <sup>(Leonard)</sup> | Roberts                      |
| Avery                      | Franklin  | Jones <sup>(Covington)</sup>  | Rogers                       |
| Bailey                     | Gilchrist | Jones <sup>(Monroe)</sup>     | Rozelle                      |
| Barnett                    | Gilmer    | Lee                           | Salter                       |
| Bassett                    | Glass     | Locke                         | Self                         |
| Bevill                     | Gordon    | Long <sup>(Perry)</sup>       | Sessions                     |
| Bishop                     | Grant     | McClendon <sup>(Chamb)</sup>  | Smith <sup>(Russell)</sup>   |
| Boyd                       | Gross     | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Brannan                    | Grouby    | Martin                        | Solomon                      |
| Branyon                    | Guthrie   | Merrill                       | Speaks                       |
| Brewer                     | Hain      | Morrow                        | Steagall                     |
| Camp                       | Hanby     | Murphy                        | Sullivan                     |
| Casey                      | Hankins   | Nettles                       | Thomas                       |
| Cates                      | Hardy     | Oakley                        | Torbert                      |
| Cook                       | Harris    | Owens                         | Trimmier                     |
| Copeland                   | Harvey    | Phillips                      | Turner                       |
| Cornett                    | Hawkins   | Pierce                        | Turnham                      |
| Daniel                     | Hearn     | Powell                        |                              |

—83



**Nays:** Messrs. Reynolds (Chambers), Shumate and Taylor

—3

MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to House Bill No. 762.

Respectfully submitted,

JOSEPH G. ROBERTSON,  
Executive Secretary.

OCTOBER 30, 1959

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which this bill originated, House Bill No. 762, with suggested executive amendments as follows:

Amend House Bill No. 762 by striking therefrom the following from the caption of said bill:

"To authorize the sale and issuance of not exceeding \$3,000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of constructing and equipping a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to appropriate and pledge, as additional security therefor, so much as may be necessary for those portions of the state taxes on the sale of spirituous or vinous liquors and of the state license taxes on those selling, storing or receiving for distribution malt or brewed beverages that are required by law to be paid into the Alabama Special Mental Health Fund; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds thereof."

and substituting in lieu thereof the following:

"To authorize the sale and issuance of not exceeding \$3,000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of constructing and equipping a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to appropriate and pledge, as additional security therefor, so much as may be necessary of that portion of the state taxes on the sale of spirituous or vinous liquors that is required by law to be paid into the Alabama Special Mental Health Fund; to create a bond commission with authority to specify the details of and to

make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds thereof."

Amend House Bill 762 further by striking therefrom the following from Section 2 of said bill:

"There are hereby authorized to be issued not exceeding \$3,000,000 aggregate principal amount of bonds of the state, which shall be general obligations of the state for the "prompt and faithful payment of the principal of and interest on which the full faith and credit of the state are hereby irrevocably pledged. In addition thereto, there is hereby appropriated and hereby specially and irrevocably pledged, for payment of the principal of and interest on the bonds, pro rata and without priority of one over another by reason of prior issuance or otherwise, so much as may be necessary for said purpose of those portions of the state taxes on the sale of spirituous or vinuous liquors and of the state license taxes on those selling, storing or receiving for distribution malt or brewed beverages that are required by law on the date of the adoption of this act to be paid into the Alabama Special Mental Health Fund, being those portions of said taxes levied respectively by Act No. \_\_\_\_\_ and Act No. \_\_\_\_\_ adopted at the 1959 Regular Session of the Legislature of Alabama. The said special pledge shall create a charge on the said portions of the said taxes prior to all other charges or expenses for mental health purposes or other purposes."

and substituting in lieu thereof the following:

"There are hereby authorized to be issued not exceeding \$3,000,000 aggregate principal amount of bonds of the state, which shall be general obligations of the state for the prompt and faithful payment of the principal of and interest on which the full faith and credit of the state are hereby irrevocably pledged. In addition thereto, there is hereby appropriated and hereby specially and irrevocably pledged, for payment of the principal of and interest on the bonds, pro rata and without priority of one over another by reason of prior issuance or otherwise, so much as may be necessary for said purpose of that portion of the state taxes on the sale of spirituous or vinous liquors that is required by law on the date of the adoption of this act to be paid into the Alabama Special Mental Health Fund, being that portion of said taxes provided to be paid into said fund by Act No. 312, adopted 1959., Regular Session of Alabama. The said special pledge shall create a charge on the said portions of the said taxes prior to all other charges or expenses for mental health purposes or other purposes."

If the above suggested executive amendments are adopted my objections to the bill will be removed.

Respectfully,

JOHN PATTERSON,  
Governor.

#### GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 762, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 82; Nays 0.

**Yeas:**

|                            |            |                                |                                |
|----------------------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dodd       | Jenkins                        | Pruitt                         |
| Adams <sup>(Houston)</sup> | Edwards    | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Albea                      | Faulk      | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Ashworth                   | Ferguson   | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Avery                      | Franklin   | Jones <sup>(Covington)</sup>   | Roberts                        |
| Bailey                     | Gilchrist  | Jones <sup>(Monroe)</sup>      | Rogers                         |
| Barnett                    | Gilmer     | Lee                            | Rozelle                        |
| Bassett                    | Glass      | Locke                          | Self                           |
| Bevill                     | Gordon     | Long <sup>(Lauderdale)</sup>   | Sessions                       |
| Boyd                       | Grant      | Long <sup>(Perry)</sup>        | Shumate                        |
| Brannan                    | Gross      | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>     |
| Brewer                     | Guthrie    | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup>   |
| Callahan                   | Hain       | Martin                         | Solomon                        |
| Camp                       | Hanby      | Merrill                        | Speaks                         |
| Casey                      | Hardy      | Morrow                         | Steagall                       |
| Cates                      | Harris     | Murphy                         | Taylor                         |
| Chambers                   | Harvey     | Nettles                        | Thomas                         |
| Cook                       | Hawkins    | Phillips                       | Torbert                        |
| Copeland                   | Hearn      | Pierce                         | Trimmier                       |
| Cornett                    | Hocklander | Powell                         | Turner                         |
| Daniel                     | Ingram     |                                |                                |

—82

Which was a majority of the whole number elected to the House.

And said bill:

H. 762. To authorize the sale and issuance of not exceeding \$3,000,-000 principal amount of general obligation bonds of the State of Alabama for the purpose of constructing and equipping a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to appropriate and pledge, as additional security therefor, so much as may be necessary for those portions of the state taxes on the sale of spirituous or vinous liquors and of the state license taxes on those selling, storing or receiving for distribution malt or brewed beverages that are required by law to be paid into the Alabama Special Mental Health Fund; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds thereof.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 83; Nays 0.

**Yeas:**

|                            |          |           |         |
|----------------------------|----------|-----------|---------|
| Mr. Speaker                | Brannan  | Daniel    | Grant   |
| Adams <sup>(Houston)</sup> | Brewer   | Dodd      | Gross   |
| Albea                      | Callahan | Edwards   | Guthrie |
| Ashworth                   | Camp     | Faulk     | Hain    |
| Avery                      | Casey    | Ferguson  | Hanby   |
| Bailey                     | Cates    | Franklin  | Hardy   |
| Barnett                    | Chambers | Gilchrist | Harris  |
| Bassett                    | Cook     | Gilmer    | Harvey  |
| Bevill                     | Copeland | Glass     | Hawkins |
| Boyd                       | Cornett  | Gordon    | Hearn   |

|                                |                               |                                |          |
|--------------------------------|-------------------------------|--------------------------------|----------|
| Hocklander                     | McClendon <sup>(Chamb)</sup>  | Ramey                          | Solomon  |
| Ingram                         | McLendon <sup>(Bullock)</sup> | Rast                           | Speaks   |
| Johnson <sup>(Hardaway)</sup>  | Martin                        | Reynolds <sup>(Chambers)</sup> | Steagall |
| Johnson <sup>(J. T. Tom)</sup> | Merrill                       | Roberts                        | Sullivan |
| Johnston <sup>(Leonard)</sup>  | Morrow                        | Rogers                         | Taylor   |
| Jones <sup>(Covington)</sup>   | Murphy                        | Rozelle                        | Thomas   |
| Jones <sup>(Monroe)</sup>      | Nettles                       | Self                           | Torbert  |
| Lee                            | Phillips                      | Sessions                       | Trimmier |
| Locke                          | Pierce                        | Shumate                        | Turner   |
| Long <sup>(Lauderdale)</sup>   | Powell                        | Smith <sup>(Russell)</sup>     | Turnham  |
| Long <sup>(Perry)</sup>        | Pruitt                        | Smith <sup>(St. Clair)</sup>   |          |

—83

Which was a majority of the whole number elected to the House.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Ferguson to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 801, was adopted.

And the bill:

H. 801. Relating to State Educational Institutions: Proposing an amendment to the Constitution of Alabama authorizing certain State educational institutions to pledge certain existing revenues for the acquisition or improvement of facilities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

#### Yeas:

|                            |          |                               |                                |
|----------------------------|----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cornett  | Hawkins                       | Pruitt                         |
| Adams <sup>(Houston)</sup> | Daniel   | Hearn                         | Ramey                          |
| Albea                      | Dodd     | Johnson <sup>(Hardaway)</sup> | Rast                           |
| Ashworth                   | Edwards  | Johnston <sup>(Leonard)</sup> | Reynolds <sup>(Chambers)</sup> |
| Avery                      | Ferguson | Jones <sup>(Monroe)</sup>     | Rogers                         |
| Bailey                     | Franklin | Locke                         | Rozelle                        |
| Barnett                    | Gilmer   | Long <sup>(Lauderdale)</sup>  | Self                           |
| Bassett                    | Goodwyn  | Long <sup>(Perry)</sup>       | Sessions                       |
| Bevill                     | Gordon   | McClendon <sup>(Chamb)</sup>  | Smith <sup>(St. Clair)</sup>   |
| Boyd                       | Grant    | McLendon <sup>(Bullock)</sup> | Solomon                        |
| Brannan                    | Gross    | Martin                        | Speaks                         |
| Brewer                     | Grouby   | Merrill                       | Steagall                       |
| Callahan                   | Guthrie  | Morrow                        | Torbert                        |
| Camp                       | Hain     | Nettles                       | Trimmier                       |
| Casey                      | Hanby    | Owens                         | Turner                         |
| Cates                      | Hardy    | Pierce                        | Turnham                        |
| Copeland                   | Harris   |                               |                                |

—66

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Ferguson to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 802, was adopted.

And the bill:

H. 802. To authorize the state board of education and the boards of trustees of all state institutions to make investments of endowment funds and other funds held for investment in the same manner as the Teachers Retirement System of Alabama is authorized to make.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

**Yeas:**

|                            |          |                                |                                |
|----------------------------|----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel   | Hearn                          | Pruitt                         |
| Adams <sup>(Houston)</sup> | Dodd     | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Albea                      | Edwards  | Johnston <sup>(Leonard)</sup>  | Rast                           |
| Ashworth                   | Ferguson | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Avery                      | Franklin | Locke                          | Rogers                         |
| Bailey                     | Gilmer   | Long <sup>(Lauderdale)</sup>   | Rozelle                        |
| Barnett                    | Goodwyn  | Long <sup>(Perry)</sup>        | Self                           |
| Bassett                    | Gordon   | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Bevill                     | Grant    | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>     |
| Boyd                       | Gross    | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Brannan                    | Grouby   | Merrill                        | Solomon                        |
| Brewer                     | Guthrie  | Nettles                        | Speaks                         |
| Callahan                   | Hain     | Oakley                         | Steagall                       |
| Camp                       | Hanby    | Owens                          | Torbert                        |
| Casey                      | Hardy    | Pierce                         | Turner                         |
| Cates                      | Harris   | Powell                         | Turnham                        |
| Copeland                   | Hawkins  |                                |                                |

—66

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Harvey to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 931, was adopted.

And the bill:

H. 931 (with amendment): Relating to schools; to provide for a Committee on Courses of Study; to prescribe the qualification and compensation of its members; to define its duties; and to repeal Sections 404, 405, 406, 407 of Title 52, Code of Alabama 1940 as amended.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Education, said committee amendment being as follows:

**AMENDMENT TO H. B. 931**

Substitute the following for Section 1 of the bill:

Section 1. The State Board of Education on the recommendation of the State Superintendent of Education shall appoint a committee to be known as the Committee on Courses of Study to consist of nine members, one from each congressional district of the state, who at the time of their appointment shall be engaged in some phase of instructional work in state tax-supported public education in Alabama. The term of office of the members of said Committee shall be for a period of six years, and the members shall hold office until their successors shall be appointed. Provided, that of the first members appointed, three shall serve for two years, three shall serve for four years, and three shall serve for six years, all as designated by the State Board of Education. Vacancies shall be filled by the State Board of Education on the recommendation of the State Superintendent of Education and such appointees shall begin their terms of office immediately upon receiving notice of appointment and shall serve for the unex-

pired term. The term of office of the first members of said Committee shall begin on the first day of January, 1960. If the number of congressional districts in the state is reduced after this Act takes effect, a member of the Committee shall be appointed from each such district and the remaining members shall be appointed from the state at large. The State Superintendent of Education shall be ex officio chairman of the said Committee. The first meeting of each Committee on Courses of Study shall be held on the date and at the place to be determined by the State Superintendent of Education, at which time the Committee shall organize. Other necessary meetings may be held on dates to be determined by members of the said Committee, subject to the approval of the State Superintendent of Education.

And the amendment was adopted.

Yeas 65; Nays 0.

**Yeas:**

|                 |                    |                     |                     |
|-----------------|--------------------|---------------------|---------------------|
| Mr. Speaker     | Edwards            | Johnson (J. T. Tom) | Pierce              |
| Adams (Houston) | Ferguson           | Johnston (Leonard)  | Powell              |
| Albea           | Franklin           | Jones (Monroe)      | Pruitt              |
| Ashworth        | Gilmer             | Lee                 | Ramey               |
| Avery           | Grant              | Locke               | Rast                |
| Bailey          | Gross              | Long (Perry)        | Reynolds (Chambers) |
| Barnett         | Grouby             | McClendon (Chamb)   | Rogers              |
| Bassett         | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Bevill          | Hain               | Martin              | Sessions            |
| Boyd            | Hanby              | Merrill             | Smith (St. Clair)   |
| Brannan         | Hardy              | Morrow              | Solomon             |
| Camp            | Harris             | Murphy              | Speaks              |
| Casey           | Harvey             | Nettles             | Steagall            |
| Cates           | Hawkins            | Oakley              | Torbert             |
| Cornett         | Hearn              | Owens               | Turner              |
| Daniel          | Johnson (Hardaway) | Phillips            | Turnham             |
| Dodd            |                    |                     |                     |

—65

Mr. Harvey offered the following amendment to the bill, H. 931, as amended:

**AMENDMENT TO H. B. 931**

In Section 2, strike out "ten dollars" and insert "twenty dollars".

And the amendment was adopted.

Yeas 64; Nays 0.

**Yeas:**

|                 |          |                     |                    |
|-----------------|----------|---------------------|--------------------|
| Mr. Speaker     | Cates    | Hanby               | McClendon (Chamb)  |
| Adams (Houston) | Cornett  | Harris              | McLendon (Bullock) |
| Albea           | Daniel   | Harvey              | Martin             |
| Ashworth        | Dodd     | Hawkins             | Merrill            |
| Avery           | Edwards  | Hearn               | Morrow             |
| Bailey          | Ferguson | Johnson (Hardaway)  | Murphy             |
| Barnett         | Franklin | Johnson (J. T. Tom) | Nettles            |
| Bassett         | Grant    | Johnston (Leonard)  | Oakley             |
| Bevill          | Gross    | Jones (Monroe)      | Owens              |
| Brannan         | Grouby   | Lee                 | Phillips           |
| Camp            | Guthrie  | Locke               | Pierce             |
| Casey           | Hain     | Long (Perry)        | Powell             |

|                     |                 |                   |          |
|---------------------|-----------------|-------------------|----------|
| Pruitt              | Rogers          | Smith (St. Clair) | Torbert  |
| Ramey               | Rozelle         | Solomon           | Trimmier |
| Rast                | Sessions        | Speaks            | Turner   |
| Reynolds (Chambers) | Smith (Russell) | Steagall          | Turnham  |

—64

And said bill, H. 931, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

#### Yeas:

|                 |                    |                     |                     |
|-----------------|--------------------|---------------------|---------------------|
| Mr. Speaker     | Dodd               | Johnson (J. T. Tom) | Pruitt              |
| Adams (Houston) | Edwards            | Johnston (Leonard)  | Ramey               |
| Albea           | Ferguson           | Jones (Monroe)      | Rast                |
| Ashworth        | Franklin           | Lee                 | Reynolds (Chambers) |
| Avery           | Gilmer             | Locke               | Rogers              |
| Bailey          | Gordon             | Long (Lauderdale)   | Rozelle             |
| Barnett         | Grant              | Long (Perry)        | Sessions            |
| Bassett         | Gross              | McClendon (Chamb)   | Smith (Russell)     |
| Bevill          | Grouby             | McLendon (Bullock)  | Smith (St. Clair)   |
| Brannan         | Guthrie            | Martin              | Solomon             |
| Callahan        | Hain               | Merrill             | Speaks              |
| Camp            | Harris             | Morrow              | Steagall            |
| Casey           | Harvey             | Nettles             | Torbert             |
| Cates           | Hawkins            | Oakley              | Trimmier            |
| Cornett         | Hearn              | Pierce              | Turner              |
| Daniel          | Johnson (Hardaway) | Powell              | Turnham             |

—64

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Oakley to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 372, was adopted.

And the bill:

H. 372. To amend further the act approved July 7, 1945 (Act No. 412, S. 261, Gen. Acts 1945, p. 647) providing for the adoption, selection, purchase, and distribution of textbooks to be used in the tax-supported public schools of Alabama.

Was taken up.

Mr. Oakley offered the following amendment to the bill, H. 372:

#### AMENDMENT TO H. B. 372

In Section 1, strike out the first five sentences of the paragraph which begins with the words and figures "Section 2." and insert in lieu thereof the following:

"The State Textbook Committee shall be composed of fourteen members appointed by the State Board of Education upon the nomination of the State Superintendent of Education, who shall submit the names of two teachers from each of the several congressional districts in the state and the State Board of Education shall appoint one member from each such district to the Textbook Committee, who shall, at the time of appointment, be employed in the public schools of such district. In addition to the nine members thus appointed, the State

Board of Education, upon nomination of the State Superintendent of Education shall appoint five members from the state at large to the Textbook Committee. The term of office of the members of said Textbook Committee shall be for a period of one year beginning July 1, 1960, and the terms of office of their successors shall begin July 1 for the term of office to which appointed; except that appointees to fill vacancies shall begin their terms of office immediately after qualifying for such office and such vacancy shall be filled in the same manner as the appointment provided herein. All members of the State Textbook Committee at the time of their appointments and at all times while serving as members of said committee shall be engaged in some phase of instructional work in state, tax-supported public education in Alabama. Not less than twelve members of the committee shall be employed as classroom teachers at least six of whom shall be employed as classroom teachers in elementary grades and six members of the committee shall be employed as teachers in high school grades; and the other two members of the committee shall be selected without regard to classification in the school system."

And the amendment was adopted.

Yeas 64; Nays 0.

**Yeas:**

|                 |                    |                     |                   |
|-----------------|--------------------|---------------------|-------------------|
| Mr. Speaker     | Ferguson           | Johnson (J. T. Tom) | Phillips          |
| Adams (Houston) | Franklin           | Johnston (Leonard)  | Pierce            |
| Albea           | Gilmer             | Jones (Monroe)      | Powell            |
| Ashworth        | Gordon             | Lee                 | Pruitt            |
| Avery           | Grant              | Locke               | Rast              |
| Bailey          | Gross              | Long (Lauderdale)   | Rogers            |
| Barnett         | Grouby             | Long (Perry)        | Rozelle           |
| Bassett         | Guthrie            | McClendon (Chamb)   | Sessions          |
| Bevill          | Hain               | McLendon (Bullock)  | Smith (Russell)   |
| Brannan         | Hardy              | Martin              | Smith (St. Clair) |
| Camp            | Harris             | Merrill             | Solomon           |
| Casey           | Harvey             | Morrow              | Speaks            |
| Cates           | Hawkins            | Murphy              | Steagall          |
| Cornett         | Hearn              | Nettles             | Torbert           |
| Daniel          | Hocklander         | Oakley              | Trimmier          |
| Edwards         | Johnson (Hardaway) | Owens               | Turnham           |

—64

And said bill, H. 372, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

|                 |          |          |                     |
|-----------------|----------|----------|---------------------|
| Mr. Speaker     | Callahan | Franklin | Hawkins             |
| Adams (Houston) | Camp     | Gilmer   | Hearn               |
| Albea           | Casey    | Gordon   | Hocklander          |
| Ashworth        | Cates    | Grant    | Johnson (Hardaway)  |
| Avery           | Chambers | Gross    | Johnson (J. T. Tom) |
| Bailey          | Cornett  | Grouby   | Johnston (Leonard)  |
| Barnett         | Daniel   | Guthrie  | Lee                 |
| Bassett         | Dodd     | Hain     | Locke               |
| Bevill          | Edwards  | Harris   | Long (Lauderdale)   |
| Brannan         | Ferguson | Harvey   | Long (Perry)        |



|                               |          |                              |          |
|-------------------------------|----------|------------------------------|----------|
| McClendon <sup>(Chamb)</sup>  | Owens    | Rogers                       | Speaks   |
| McLendon <sup>(Bullock)</sup> | Phillips | Rozelle                      | Steagall |
| Martin                        | Pierce   | Sessions                     | Torbert  |
| Merrill                       | Powell   | Smith <sup>(Russell)</sup>   | Trimmier |
| Murphy                        | Pruitt   | Smith <sup>(St. Clair)</sup> | Turner   |
| Nettles                       | Rast     | Solomon                      | Turnham  |
| Oakley                        |          |                              |          |

—65

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and sends same herewith to the House without engrossment:

By Mr. Wyatt:

S. 425. To alter or rearrange the boundary lines of the city of Pell City, St. Clair County, Alabama, so as to include within the Corporate Limits of said City all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL NOTICE

Notice is hereby given that a bill, substantially as follows, will be introduced for enactment into law by the present Legislature of the State of Alabama.

## AN ACT

To alter or rearrange the boundaries lines of the city of Pell City, St. Clair County, Alabama, so as to include within the Corporate Limits of said City all territory now within such Corporate Limits, and also certain other territory in St. Clair county, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Pell City, St. Clair County, Alabama, be and the same are altered or rearranged so as to include within the Corporate Limits of said City all territory now within such corporate limits, and also other territory in St. Clair County, Alabama, described as follows: The South one-half of the Southeast Quarter; the South-east Quarter of the South-west Quarter and all that part of the Southwest Quarter of the Southwest Quarter lying East of the present Corporate Limit Line of the City of Pell City, all in Section 35, Township 16, South, Range 3, East, St. Clair County, Alabama; also, the Northeast Quarter of the Northeast Quarter, the South one-half of the Southeast Quarter and all that part of the Northeast Quarter of the Southeast Quarter lying South of the North right-of-way line of the Southern Railway; the South one-half of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter, all in Section 2, and also, the Southeast diagonal one-half of the Southeast Quarter of Section 3, all in Township 17, South, Range 3, East, St. Clair County, Alabama.

Section 2. That the boundaries as set out in Section 1, of this Act, be and the same are hereby established as the Corporate Limits of the City of Pell City, St. Clair County, Alabama, and all the territory included and embraced in said boundaries shall hereafter be and constitute the City of Pell City, St. Clair County, Alabama.

Section 3. This Act shall go into effect immediately upon the passage and approval by the Governor.

#### AFFIDAVIT OF PUBLISHER

STATE OF ALABAMA  
ST. CLAIR COUNTY

On this 6th day of Oct. 1959, personally appeared before me Ethel Blair, Notary Public, in and for the County and State aforesaid, E. R. Blair, who being duly sworn according to Law, declares that he is Publisher of the "St. Clair News-Aegis," a newspaper published in the city of Pell City, in the County of St. Clair, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in the "St. Clair News-Aegis" on the following dates: 8/6, 13, 20, 27, 1959. That a copy of said paper was furnished the ..... of the ..... Court.

E. R. BLAIR.

Subscribed and sworn to before me, this 6th day of Oct, A. D., 1959.

ETHEL BLAIR,  
Notary Public.

Also:

By Mr. Crawford:

S. 440. To provide for the establishment and operation of a public clinic in the municipality of Uniontown, Perry County.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

To whom it may concern:

Notice is hereby given in accordance with Section 106 of the Constitution that a bill for a local law, in substance as follows, will be introduced at the current session of the Legislature of Alabama, and application will be made for its enactment, to-wit:

To provide that the Perry County Hospital Board, a public corporation, and an agency of Perry County, with the approval of the court of county commissioners, board of revenue, or other like governing body of the county, may make expenditures of county hospital tax revenues for the purpose of constructing and equipping a clinic in Uniontown, such clinic to be leased or otherwise turned over to the Town of Uniontown for operation and maintenance by the town or by its duly authorized agents, representatives, or contractees.

#### PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF PERRY

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. M. Wallace, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Marion Times-Standard, a newspaper of general circulation published in Perry County, Alabama, and that the attached notice was published in said newspaper once

a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 1, Oct. 8, Oct. 15, and Oct. 22, all in the year 1959.

J. M. WALLACE

Sworn to and subscribed before me 22 day of Oct., 1959.

W. C. MOORE  
Notary Public.

Also:

By Mr. Crawford:

S. 441. To alter, rearrange, and extend the boundaries and corporate limits of the Town of Brent, Bibb County, Alabama, so as to annex certain territory to the Town.

With notice and proof thereto attached and herewith exhibited as follows:

### LEGAL NOTICE

STATE OF ALABAMA  
BIBB COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

### A BILL TO BE ENTITLED AN ACT

To alter, rearrange, and extend the boundaries and corporate limits of the Town of Brent, Bibb County, Alabama, so as to annex certain territory to the Town.

### Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Brent, Bibb County are hereby altered, rearranged and extended so as to include within the corporate limits of the town the following described territory, to-wit:

Beginning at a pipe monumenting the Southeast corner of the Northeast quarter of Section 34, Township 23 North, Range 9 East, St. Stephens Meridian, Bibb County, State of Alabama, and run thence Westerly with the half section line through said section 34 a distance of 3958 feet, more or less, to the Northeast corner of the Northwest quarter of the Southwest quarter of said section 34; thence run in Southwesterly direction, in a straight line, a distance of 4760 feet more or less, to the Northeast corner of the Northwest quarter of section 4, Township 22 North, Range 9 East, St. Stephens Meridian; thence run in a Southwesterly direction in a straight line a distance of 2905 feet, more or less, to the Southeast corner of the North half of the Northeast quarter of the Southeast quarter of Section 5, Township 22 North, Range 9 East; thence run in a Southerly direction with the East boundary of said section 5, a distance of 1980 feet, more or less, to a steel axle monumenting the Southeast corner of said section 5; thence run in a westerly direction with the South boundary of said section 5 a distance of 3100 feet, more or less, to the center line tangent of State Highway No. 5 as now located,

thence run in a Northwesterly direction, in a straight line, a distance of 2100 feet, more or less, to the Northwest corner of the South half of the Northeast quarter of the Southwest quarter of said section 5; thence run in a Northeasterly direction, in a straight line, a distance of 4665 feet, more or less, to a point on the South boundary of section 32, Township 23 North, Range 9 East and 660 feet West of the Southeast corner of said section 32; thence run in a Northeasterly direction, in a straight line, 6230 feet, more or less, to the Southwest corner of the Southeast quarter of section 28, Township 23 North, Range 9 East; thence run in a Northerly direction with the half section line through said section 28 a distance of 2640 feet, more or less, to the center thereof; thence run easterly with the half section line through said section 28 a distance of 1320 feet, more or less, to the Southwest corner of the East half of the Northeast quarter of said section 28; thence in a Northerly direction with the West boundary of the said East half of the Northeast quarter of said section 28, a distance of 2640 feet, more or less, to the Northwest corner thereof; thence run in an Easterly direction with the North boundary of said section 28 a distance of 1320 feet, more or less, to a pipe monumenting the Northeast corner of said section 28; thence run in a Southerly direction with the East boundary of said section 28, a distance of 1320 feet, more or less to the Northwest corner of the South half of the Northwest quarter of section 27 of said Township 23 North, Range 9 East; thence in an Easterly direction with the North boundary of the said South half of the Northwest quarter of said section 27 a distance of 2640 feet, more or less, to the Northeast corner thereof; Thence in a Southerly direction with the East boundary of the said South half of the Northwest quarter of the said section 27 to the Southeast corner thereof; thence run Easterly with the Half section line through said Section 27, a distance of 2640 feet, more or less, to the Southeast corner of the Northeast quarter of said section 27; thence run in a northerly direction with the West boundary of section 26, Township 23 North, Range 9 East, a distance of 458 feet, more or less, to a concrete post monumenting a Southwest corner of lands now owned by Virgis M. Ashworth; thence South 72 degrees and 17 minutes East with the line of the lands of the said Virgis M. Ashworth, a distance of 648.3 feet, more or less, to a concrete post; thence South 19 degrees and 50 minutes East with the line of the land of the said Virgis M. Ashworth, a distance of 290 feet, more or less, to a point in U. S. Highway No. 82 and State Highway No. 5 and on the East-West half section line through said section 26; thence Easterly with the said half section line through said section 26, a distance of 579.7 feet to a point in the said U. S. Highway No. 82 and State Highway No. 5 and 18.4 feet North of the center line thereof and said point being 3932 feet West from the Southeast corner of the Northeast quarter of said section 26; thence South 00 degrees and 32 minutes West a distance of 1197 feet to a point marked by a steel rod; thence Northwesterly, in a straight line, a distance of 1259 feet, more or less, to a concrete post marking a corner of lands now owned by Jessie Dean Young and Mary Young; thence South approximately one degree West a distance of 1788 feet, more or less, to a pipe marking the Southeast corner of section 27, Township 23 North, Range 9 East and which said pipe is 24.5 feet South of the centerline of the Gulf, Mobile and Ohio Rail Road center line tangent; thence run southerly with the East boundary of section 34, Township 23 North, Range 9 East a distance of 2641.6 feet, more or less, to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 10-1, 10-8, 10-15, and 10-22, all in the year 1959.

J. W. OAKLEY, SR.

Sworn to and subscribed before me October 22, 1959.

MARVIN HUETT  
Notary PublicJ. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 425. Local Legislation No. 1
- S. 440. Local Legislation No. 1
- S. 441. Local Legislation No. 1

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and sends same herewith to the House without engrossment:

By Mr. Jones:

S. 428. To alter, rearrange and describe the boundary lines and corporate limits of the city of Alexander City, Tallapoosa County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

## TO ALL WHOM IT MAY CONCERN:

Notice is hereby given that the following local bill will be introduced in the regular session of the Legislature of Alabama at the first opportunity:

## AN ACT

To alter, rearrange and describe the boundary lines and corporate limits of the city of Alexander City, Tallapoosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this act the boundary line and corporate limits of Alexander City, Tallapoosa County, Alabama are extended, altered and rearranged so as to include in the corporate limits of the City of Alexander City, Tallapoosa County, Alabama all the property within the following described boundary, to-wit: Begin at the southwest corner of Section 12, T/S 22 N. Range 21 E Tallapoosa County, Alabama; thence run east along the southern boundary of said section to the southeast corner of said section; thence north along the east boundary line of said Section 12, and Section 1, T/S 22 N, Range 21 E to a point where said section line intersects the north property line of the Central of Georgia Railroad; thence run in northwesterly direction along said right of way line to a point 10 feet south of the northern boundary line of Section 2, T/S 22 N Range 21 E; thence west to a point 10 feet west of the west right of way line of the Central of Georgia Railroad; thence run northwest paralleling the western right of way line of said railroad to a point in the center of Sixth Street, Alexander City, Alabama; thence run in a westerly direction along the center line of Maple street a distance of 517 feet to the intersection with the center line of Iris Avenue; thence westerly along the center line of Iris Avenue a distance of 1164 feet to the intersection with the center line of Pine Street; thence northeasterly along the center of Pine Street to intersection with center line of Lakeland Avenue; thence run in a northeasterly direction 796 feet to iron corner on the west right of way line of the Central of Georgia Railroad; thence run in a southeasterly direction along the west property line of said railroad to a point where the said west right of way line intersects the northern boundary line of section 2, T/S 22 N, Range 21E; thence east along the northern boundary of said section 2 a distance of 500 ft. to a corner; thence S. 710 ft. to a point which is 10 ft. N. of the easterly property line of the Central of Georgia Railroad right of way; thence run in a southeasterly direction paralleling the right of way of the Central of Georgia Railroad to a point on the eastern boundary of Section 1, T/S 22N, Range 21 E; thence N. along the east boundary of said section 1 to the NE corner of said section; thence W. along the N. boundary of said section 1 to the NW corner of the NE quarter of Section 1, T/S 22N, Range 21E; thence N. along the half section line of section 36, T/S 23 N, Range 21 E; to the NW corner of the SE $\frac{1}{4}$  of said section; thence E. 1320 ft.; thence N. along the forty line 2640 ft. to the N. side of said section; thence W. 660 ft.; thence N. 1320 ft; thence W. 660 ft. to the NW corner of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  section 25, T/S 23 N, Range 21 East; thence N. along the half section line to the NW corner of the NE quarter of Section 24, T/S 23N, Range 21 E; thence W. along the N. Boundaries of Sections 24 & 23 to the NW corner of Section 23 T/S 23N, Range 21 E; thence S. along the W. boundary of said section 23 to the SW corner of the NW quarter of said section 23; thence W. along the half section line of Sections 22, 21, 20, & 19, T/S 23 N, Range 21 E. to the NW corner of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 19, T/S 23 N, Range 21 E; thence due S. through Sections 19, 30, & 31 T/S 23N, Range 21 E. and Sections 6 & 7 T/S 22N, Range 21 E. to the SW corner of the NE quarter of NE quarter of Section 7, T/S 22N, Range 21E; thence E along said forty line to where the same intersects the W. right of way line of Ala. Highway No. 22, known as the Rockford Road; thence run in a northeasterly direction along the said right of way line of Alabama Highway 22 to the point where the same intersects the center line of Old Russell Road; thence NE along the said Highway right of way 1080 ft. to a point; thence in a northwesterly direction paralleling Mira Road, & 150 ft. from the center line thereof, to a point 10 ft. south of southwestern right of way line of the Central of Georgia Railroad; thence run northwesterly parallel with said railroad right of way to

a point on the center line of Mira Road, formerly U. S. 241 By-Pass road, thence run SW at right angles to the said railroad right of way a distance of 500 ft. to a point; thence run in a northwesterly direction parallel with the right of way of the Central of Georgia railroad a distance of 4800 feet to a point; thence make a 90 degree turn to the right and run 510 feet to a point on the western right of way line of the Central of Georgia Railroad; thence run in southerly direction following the west and south right of way line of the Central of Georgia Railroad to a point where the same intersects the center line of Elkahatchee Street; thence South 30 degrees 19' East along center of Elkahatchee Street a distance of 183.55 feet thence continuing along the center line of Elkahatchee Street South 22 degrees 35' East 133.4 feet and South 10 Degrees 10' East 90.2 feet and South 5 degrees 4' East 1408.6 feet and South 6 degrees 10' East 860 feet to a corner; thence run South 87 degrees 11' West a distance of 702.4 feet to a point; thence South 85 degrees 16' West 546.6 feet to a point; thence South 87 degrees 44' West 643.87 feet to a point; thence North 86 degrees 52' West a distance of 188.22 feet to a point and the center of the New (1959) Russell Road; thence South 51 degrees 07' West along said road a distance of 981.27 feet to a point; thence south 88 degrees 2' West a distance of 1061.65 feet to the intersection of New Russell Road with Old Highway 241 By-Pass; thence South 6 degrees 31' East a distance of 191.2 feet to the east right of way line of U. S. Highway 280 By-Pass; thence North 49 degrees 15' West along said By-Pass 579.9 feet to its intersection with the South right of way line of Alabama Highway No. 22; thence in a southwesterly direction along the right of way of said Highway 22 to its intersection with the south boundary line of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 7, T/S 22 N, Range 21 East; thence run east along said forty line and across Section 8, 9, and 10 to the Southwest corner of the Northwest quarter of the Northwest quarter of Section 11, T/S 22 N, Range 21 East; thence South along the West boundary of Section 11, T/S 22 N, Range 21 E to the southwest corner of said section; thence run east along the southern boundary of said section 11 to the point of beginning.

Section 2. That all laws and parts of laws, both general, special and local in conflict with this Act, be and the same are hereby repealed.

Section 3. That this Act shall go into effect immediately upon its approval by the Governor.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA

#### COUNTY OF TALLAPOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. C. Henderson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Alexander City Outlook, a newspaper of general circulation published in Tallapoosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 11, Sept. 18, Sept. 25, and October 2, all in the year 1959.

J. C. HENDERSON

Sworn to and subscribed before me 3 of October, 1959.

T. C. WOLSONCROFT,  
Notary Public

My commission expires May 14, 1963.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 428. Local Legislation No. 1

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and sends same herewith to the House without engrossment:

By Mr. Haltom:

S. 429. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

#### LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Florence be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of the City of Florence all of the following additional adjacent territory in Lauderdale County, Alabama, situated, to-wit:

A tract or parcel of land situated in Lauderdale County, Alabama, more particularly described as follows: Beginning at a point where the center line of Cloyd Boulevard intersects the center line of Hermitage Drive (formerly known as Jackson Highway); run thence Northwardly along said Highway for a distance of 852 feet to a point; run thence Westwardly at right angles to said Drive for a distance of 417 feet to a point; run thence to the right at right angles for a distance of 215 feet to a point; run thence to the left with a deflection angle of 83 degrees and 16 minutes for a distance of 300 feet to a point; run thence to the



left with a deflection angle of 34 degrees and 17 minutes for a distance of 1,465 feet to a point; run thence to the left with a deflection angle of 91 degrees and 30 minutes for a distance of 828 feet to a point; run thence to the left at right angles for a distance of 162 feet to a point; run thence to the right with a deflection angle of 80 degrees and 00 minutes for a distance of 200 feet to a point; run thence to the left with a deflection angle of 32 degrees for a distance of 208 feet to a point; run thence to the right with a deflection angle of 17 degrees and 00 minutes for a distance of 100 feet to a point; run thence to the left at a deflection angle of 24 degrees and 42 minutes for a distance of 100 feet to a point; run thence to the left with a deflection angle of 49 degrees and 02 minutes for a distance of 120 feet to a point; run thence at a right deflection angle of 57 degrees and 00 minutes for a distance of 155 feet to a point; run thence at a right deflection angle of 27 degrees and 30 minutes for a distance of 150 feet to a point; run thence left with a deflection angle of 31 degrees and 38 minutes for a distance of 480 feet to the center line of Hermitage Drive; run thence Northwardly along Hermitage Drive for a distance of approximately 665 feet to the point of beginning.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. H. Bowling, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the The Florence Times, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 15, September 22, September 29, and October 6, all in the year 1959.

D. H. BOWLING,  
Advertising Manager.

Sworn to and subscribed before me October 12, 1959.

JAMES C. STUTTS,  
Notary Public State-At-Large.

My Commission Expires June 29, 1963.

Also:

By Mr. Caffey:

S. 434. To require the tax collector of Mobile County to charge and collect the same fees, and to deduct from taxes collected by him the same commissions that are prescribed by the general law as compensation for tax assessors and tax collectors and to pay all such fees and commissions into the county treasury of Mobile County; and to repeal Act No. 241, H. 401 and Act No. 242, H. 473 of 1935 (Local Acts of Alabama of 1935, pages 139 and 141, respectively) and Section 1 of Act No. 191, H. 634 of 1955 (Acts of Alabama of 1955, page 476).

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL NOTICE

STATE OF ALABAMA,  
COUNTY OF MOBILE.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To require the tax collector of Mobile County to charge and collect the same fees, and to deduct from taxes collected by him the same commissions that are prescribed by the general law as compensation for tax assessors and tax collectors and to pay all such fees and commissions into the county treasury of Mobile County; and to repeal Act No. 241, H. 401 and Act No. 242, H. 473 of 1935 (Local Acts of Alabama of 1935, pages 139 and 141, respectively) and Section 1 of Act No. 191, H. 634 of 1955 (Acts of Alabama of 1955, page 476).

Be It Enacted by the Legislature of Alabama:

Section 1. The tax collector of Mobile County shall, in the manner prescribed by the general law, charge and collect all fees and compute and deduct from the taxes collected by him all commissions which tax collectors are authorized and directed by the general law to charge and collect, or compute and withhold, by reason of any official act or for the performance of any service directly or indirectly connected with the offices of tax assessor and tax collector, and he shall pay all such fees and commissions collected by him into the county treasury of Mobile County.

Section 2, Act No. 241, H. 401, approved August 15, 1935 (Local Acts of Alabama of 1935, page 139); Act No. 242, H. 473 approved August 15, 1935 (Local Acts of Alabama of 1935, page 141); and Section 1 of Act No. 191, H. 634, approved July 29, 1955 (Acts of Alabama of 1955, page 476) are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared William F. Egan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Office Manager of the Mobile Press Register, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper of Sept 27th, Oct 4th, Oct 11th, and Oct 18th, all in the year 1959.

WILLIAM F. EGAN.

Sworn to and subscribed before me October 20th, 1959.

ALVIN A. JOHNSON,  
Notary Public.

Also:

By Mr. Farmer:

S. 439. To further regulate the office of Circuit Solicitor of the 20th Judicial Circuit of Alabama; creating special funds for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in each county of said Circuit and to provide for supplies, books, fixtures and facilities for use by or in the Office of Circuit Judge, Circuit Solicitor or in the Court room of each county in said Circuit.

With notice and proof thereto attached and herewith exhibited as follows:

#### PROOF OF PUBLICATION

##### A BILL TO BE ENTITLED AN ACT

A bill to be entitled an act to further regulate the office of circuit Solicitor of the 20th Judicial Circuit of Alabama; creating special funds for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in each county of said Circuit and to provide for supplies, books, fixtures and facilities for use by or in the Office of Circuit Judge, Circuit Solicitor or in the Courtroom of each county in said Circuit.

#### Be It Enacted by the Legislature of Alabama:

Section 1: All Solicitor's fees imposed by the Circuit Court and hereafter collected in the Twentieth Judicial Circuit of Alabama, under the provisions of Section 85 of Title 11, Code of Alabama, 1940, as amended, shall be paid into the County Treasury of the County where the fee is imposed to be used and expended as provided in Section Two hereof.

Section 2: The Circuit Solicitor and the Circuit Judge of the Twentieth Judicial Circuit are hereby authorized to requisition expenditures against said fund of the respective Counties composing said Circuit for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in the Court House of each County in said Circuit; and also for supplies, books, fixtures and facilities for use by or in the office of Circuit Judge, Circuit Solicitor or in the Courtroom of each county in said circuit.

Section 3: The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4: All laws and parts of laws in conflict herewith are hereby repealed.

Section 5: This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA  
HENRY COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. Edward Dodd, who is known to me and who, being by me first duly sworn, deposes and says: That he is the Publisher of The Abbeville Herald, a newspaper published at Abbeville, in Henry County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: Sept. 24, Oct. 1-8-15, 1959, in The Abbeville Herald, which said The Abbeville Herald has a general circulation in the County in which it is published, and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

J. EDWARD DODD

Sworn to and subscribed before me on this 21st day of October, 1959.

FORREST L. ADAMS  
Notary Public

PROOF OF PUBLICATION

AN ACT

A bill to be entitled an act to further regulate the office of Circuit Solicitor of the 20th Judicial Circuit of Alabama; creating special funds for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in each county of said Circuit and to provide for supplies, books, fixtures, and facilities for us by or in the office of Circuit Judge, Circuit Solicitor or in the Courtroom of each county in said Circuit.

**Be It Enacted by the Legislature of Alabama:**

Section 1: All Solicitors' fees imposed by the Circuit Court and hereafter collected in the Twentieth Judicial Circuit of Alabama, under the provisions of Section 85 of Title 11, Code of Alabama, 1940, as amended, shall be paid into the County Treasury of the County where the fee is imposed to be used and expended as provided in Section Two hereof.

Section 2: The Circuit Solicitor and the Circuit Judge of the Twentieth Judicial Circuit are hereby authorized to requisition expenditures against said fund of the respective Counties composing said Circuit for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in the Court House of each County in said Circuit, and also for supplies, books, fixtures and facilities for use by or in the office of Circuit Judge, Circuit Solicitor or in the Courtroom of each county in said circuit.

Section 3: The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4: All laws and parts of laws in conflict herewith are hereby repealed.

Section 5: This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA,  
HOUSTON COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared Carl W. Goggins who is known to me and who, being by me first duly sworn, deposes and says: That he is Editor-Manager of The Houston Herald, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: September 25, October 2, 9, 16, 1959; in The Houston Herald, which said The Houston Herald has a general circulation in the County in which it is published, and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

CARL W. GOGGINS.

Sworn to and subscribed before me on this 21st day of October, 1959.

JAMES L. ACREE,  
Notary Public.

(Commission expires 11-3-61)

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 429. Local Legislation No. 1

S. 434. Local Legislation No. 1

S. 439. Local Legislation No. 1

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 838. To amend Section 2 of an act approved June 3, 1953, establishing a board of revenue for Hale County (Act No. 61, H. 209, Acts of Alabama 1953, Vol. I, p. 89) so as to provide for the election of members of the board of revenue by districts.

Also:

H. 693. To amend further Section 5 of Act No. 222, H. 317, approved February 27, 1879 (Acts of Alabama, 1878, p. 248), entitled "An Act To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue," by providing further for the compensation of the chairman and members of the board of revenue.

Also:

H. 605. Relating to Macon County; regulating further the practice of cosmetology in Macon County.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 72. To provide for and regulate the selection and impaneling of alternate jurors for the trial of any civil case triable by a jury in all courts in all counties having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Murphy the House concurred in and adopted the Senate amendment to the bill, H. 72, said Senate amendment being as follows:

#### AMENDMENT TO H. B. 72

In Section 3, line 6, strike therefrom the word "jury" and insert in lieu thereof the word "juror".

Yeas 65; Nays 0.

#### Yeas:

|                 |          |                     |                     |
|-----------------|----------|---------------------|---------------------|
| Mr. Speaker     | Daniel   | Hearn               | Owens               |
| Adams (Houston) | Dodd     | Johnson (Hardaway)  | Phillips            |
| Albea           | Edwards  | Johnson (J. T. Tom) | Pierce              |
| Ashworth        | Ferguson | Johnston (Leonard)  | Powell              |
| Avery           | Franklin | Lee                 | Rast                |
| Bailey          | Gilmer   | Locke               | Reynolds (Chambers) |
| Barnett         | Gordon   | Long (Lauderdale)   | Rogers              |
| Bevill          | Grant    | Long (Perry)        | Rozelle             |
| Brannan         | Gross    | McClendon (Chamb)   | Smith (St. Clair)   |
| Brewer          | Grouby   | McLendon (Bullock)  | Solomon             |
| Callahan        | Guthrie  | Merrill             | Speaks              |
| Camp            | Hain     | Morrow              | Steagall            |
| Casey           | Hanby    | Murphy              | Torbert             |
| Cates           | Hardy    | Nettles             | Trimmier            |
| Chambers        | Harris   | Nichols             | Turner              |
| Cook            | Hawkins  | Oakley              | Turnham             |
| Cornett         |          |                     |                     |

—65

And said bill, H. 72, as amended by the Senate amendment, was again read at length and passed.

Yeas 63; Nays 0.

**Yeas:**

|                            |          |                                |                                |
|----------------------------|----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel   | Hearn                          | Pierce                         |
| Adams <sup>(Houston)</sup> | Dodd     | Johnson <sup>(Hardaway)</sup>  | Powell                         |
| Albea                      | Edwards  | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Ashworth                   | Ferguson | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Avery                      | Franklin | Jones <sup>(Covington)</sup>   | Rogers                         |
| Bailey                     | Gilmer   | Lee                            | Rozelle                        |
| Barnett                    | Gordon   | Locke                          | Sessions                       |
| Bevill                     | Grant    | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup>   |
| Brannan                    | Gross    | McClendon <sup>(Chamb)</sup>   | Solomon                        |
| Brewer                     | Grouby   | McLendon <sup>(Bullock)</sup>  | Speaks                         |
| Camp                       | Guthrie  | Merrill                        | Steagall                       |
| Casey                      | Hain     | Morrow                         | Torbert                        |
| Cates                      | Hanby    | Murphy                         | Trimmier                       |
| Chambers                   | Hardy    | Nettles                        | Turner                         |
| Cook                       | Harris   | Owens                          | Turnham                        |
| Cornett                    | Hawkins  | Phillips                       |                                |

—63

**MESSAGE FROM THE SENATE****Mr. Speaker:**

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 73. Relating to judicial procedure, and to provide for and regulate the selecting and impaneling of juries and alternate jurors in all criminal and quasi-criminal cases in the circuit courts in counties having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

J. E. SPEIGHT,  
Secretary.

**SENATE MESSAGE**

On motion of Mr. Murphy the House concurred in and adopted the Senate amendment to the bill, H. 73, said Senate amendment being as follows:

Amend H. B. 73 as follows:

In Section 2, line 12, strike the words "until two jurors remain" and substitute therefor the following words: "until twelve jurors remain."

In Section 4, line 9, strike the words "twenty-four jurors" and substitute therefor "thirty jurors."

In Section 8, line 7, insert a comma following the word "defendant".

In Section 10 (b), line 3, insert the word "for" between the words "order" and the word "an".

Yeas 59; Nays 0.

**Yeas:**

|                            |          |         |          |
|----------------------------|----------|---------|----------|
| Mr. Speaker                | Ashworth | Barnett | Camp     |
| Adams <sup>(Houston)</sup> | Avery    | Bevill  | Cates    |
| Albea                      | Bailey   | Brannan | Chambers |

|          |                     |                    |                   |
|----------|---------------------|--------------------|-------------------|
| Cornett  | Hain                | McLendon (Bullock) | Rogers            |
| Daniel   | Hanby               | Merrill            | Rozelle           |
| Dodd     | Hardy               | Morrow             | Sessions          |
| Edwards  | Harris              | Murphy             | Smith (St. Clair) |
| Ferguson | Hawkins             | Nettles            | Solomon           |
| Franklin | Hearn               | Oakley             | Speaks            |
| Gilmer   | Johnson (Hardaway)  | Owens              | Steagall          |
| Gordon   | Johnson (J. T. Tom) | Phillips           | Torbert           |
| Grant    | Johnston (Leonard)  | Pierce             | Trimmier          |
| Gross    | Lee                 | Powell             | Turner            |
| Grouby   | Locke               | Rast               | Turnham           |
| Guthrie  | Long (Perry)        | Roberts            |                   |

—59

And said bill, H. 73, as amended by the Senate amendment, was again read at length and passed.

Yeas 60; Nays 0.

#### Yeas:

|                 |          |                     |                   |
|-----------------|----------|---------------------|-------------------|
| Mr. Speaker     | Edwards  | Johnson (Hardaway)  | Pierce            |
| Adams (Houston) | Ferguson | Johnson (J. T. Tom) | Powell            |
| Albea           | Gilmer   | Johnston (Leonard)  | Rast              |
| Ashworth        | Glass    | Lee                 | Roberts           |
| Avery           | Gordon   | Locke               | Rogers            |
| Bailey          | Grant    | Long (Perry)        | Rozelle           |
| Barnett         | Gross    | McClendon (Chamb)   | Sessions          |
| Bevill          | Grouby   | McLendon (Bullock)  | Smith (St. Clair) |
| Brannan         | Guthrie  | Merrill             | Solomon           |
| Cates           | Hain     | Morrow              | Speaks            |
| Chambers        | Hanby    | Murphy              | Steagall          |
| Cook            | Hardy    | Nettles             | Torbert           |
| Cornett         | Harris   | Oakley              | Trimmier          |
| Daniel          | Hawkins  | Owens               | Turner            |
| Dodd            | Hearn    | Phillips            | Turnham           |

—60

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration.

By Mr. Dumas:

S. J. R. 38. RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members are deeply indebted to Hon. Tom Johnson, of Tallapoosa, and his genial brother, Harold, for the princely entertainment provided at their farm in Tallapoosa County on Wednesday, October 28. We extend our cordial thanks to these friendly and hospitable gentlemen, and express our great pleasure for a delightful diversion and recreation.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Smith (Russell) the rules were suspended and the House concurred in and adopted the S. J. R. 38 set out in the above and foregoing Message from the Senate.



## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Cates to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 1079, was adopted.

And the bill:

H. 1079 (with amendment): To establish a Law and Equity Court for Shelby County, Alabama: to define its jurisdiction and powers; to provide for its officers and appointment, election, terms of office, powers, duties and compensation; to provide a Court Reporter for said Court, whenever needed, and to fix and prescribe his duties and compensation; to provide that said Court shall be open at all times for the trial of causes and the transaction of business; to provide the rules and procedure of said Court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court and the Juvenile Court of Shelby County, Alabama; and to give the said Court juvenile and domestic jurisdiction; and to abolish the County Court of Shelby County, Alabama.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1079 by adding after the word "Court" in line one of Section 23 the following words: "and Justices of the Peace".

Amend the bill by striking from line 2 of Section 32 the following words: "passage and approval" and inserting in lieu thereof the words "effective date".

Amend the bill by striking therefrom Section 34 and inserting in lieu thereof the following: "Section 34. This Act shall in no way affect the present authority and jurisdiction of Municipal Courts".

And the amendment was adopted.

Yeas 66; Nays 0.

## Yeas:

|                 |                    |                     |                   |
|-----------------|--------------------|---------------------|-------------------|
| Mr. Speaker     | Ferguson           | Johnson (J. T. Tom) | Powell            |
| Adams (Houston) | Franklin           | Johnston (Leonard)  | Rast              |
| Albea           | Gilmer             | Lee                 | Roberts           |
| Ashworth        | Glass              | Locke               | Rogers            |
| Avery           | Gordon             | Long (Lauderdale)   | Rozelle           |
| Barnett         | Grant              | Long (Perry)        | Sessions          |
| Bevill          | Gross              | McClendon (Chamb)   | Shumate           |
| Brannan         | Grouby             | McLendon (Bullock)  | Smith (Russell)   |
| Camp            | Guthrie            | Merrill             | Smith (St. Clair) |
| Casey           | Hain               | Morrow              | Solomon           |
| Cates           | Hanby              | Murphy              | Speaks            |
| Chambers        | Hardy              | Nettles             | Steagall          |
| Cook            | Harris             | Oakley              | Torbert           |
| Cornett         | Hawkins            | Owens               | Trimmier          |
| Daniel          | Hearn              | Phillips            | Turner            |
| Dodd            | Hocklander         | Pierce              | Turnham           |
| Edwards         | Johnson (Hardaway) |                     |                   |

And said bill, H. 1079, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

|                 |                    |                     |                     |
|-----------------|--------------------|---------------------|---------------------|
| Mr. Speaker     | Franklin           | Johnson (J. T. Tom) | Powell              |
| Adams (Houston) | Gilmer             | Johnston (Leonard)  | Reynolds (Chambers) |
| Albea           | Glass              | Lee                 | Roberts             |
| Ashworth        | Gordon             | Locke               | Rogers              |
| Avery           | Grant              | Long (Lauderdale)   | Rozelle             |
| Bailey          | Gross              | Long (Perry)        | Sessions            |
| Barnett         | Grouby             | McClendon (Chamb)   | Shumate             |
| Bevill          | Guthrie            | McLendon (Bullock)  | Smith (Russell)     |
| Brannan         | Hain               | Merrill             | Smith (St. Clair)   |
| Camp            | Hanby              | Morrow              | Solomon             |
| Casey           | Hardy              | Murphy              | Speaks              |
| Cates           | Harris             | Nettles             | Steagall            |
| Chambers        | Hawkins            | Oakley              | Torbert             |
| Cornett         | Hearn              | Owens               | Trimmier            |
| Dodd            | Hocklander         | Phillips            | Turner              |
| Edwards         | Johnson (Hardaway) | Pierce              | Turnham             |
| Ferguson        |                    |                     |                     |

—65

**MOTION TO ADJOURN LOST**

The motion of Mr. Torbert that the House adjourn until Wednesday, November 4, 1959, at one o'clock P.M. was lost.

Yeas 16; Nays 47.

**Yeas:**

|          |                   |          |          |
|----------|-------------------|----------|----------|
| Messrs.: | Grant             | Nichols  | Solomon  |
| Brannan  | Jones (Covington) | Owens    | Steagall |
| Camp     | Lee               | Phillips | Torbert  |
| Chambers | Merrill           | Rogers   | Turnham  |
| Glass    |                   |          |          |

—16

**Nays:**

|                 |          |                     |                     |
|-----------------|----------|---------------------|---------------------|
| Mr. Speaker     | Cornett  | Hawkins             | Nettles             |
| Adams (Houston) | Daniel   | Hearn               | Oakley              |
| Albea           | Dodd     | Hocklander          | Pierce              |
| Ashworth        | Edwards  | Johnson (Hardaway)  | Powell              |
| Avery           | Ferguson | Johnson (J. T. Tom) | Rast                |
| Bailey          | Franklin | Johnston (Leonard)  | Reynolds (Chambers) |
| Barnett         | Gilmer   | Locke               | Roberts             |
| Bevill          | Gordon   | Long (Perry)        | Rozelle             |
| Callahan        | Gross    | McClendon (Chamb)   | Sessions            |
| Casey           | Guthrie  | McLendon (Bullock)  | Speaks              |
| Cates           | Hanby    | Morrow              | Turner              |
| Copeland        | Harris   | Murphy              |                     |

—47

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Adams (Houston) to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 839, was adopted.

Yeas 44; Nays 11.

**Yeas:**

|                            |                           |                               |                            |
|----------------------------|---------------------------|-------------------------------|----------------------------|
| Mr. Speaker                | Franklin                  | Locke                         | Rast                       |
| Adams <sup>(Houston)</sup> | Gilmer                    | Long <sup>(Perry)</sup>       | Roberts                    |
| Albea                      | Gordon                    | McClendon <sup>(Chamb)</sup>  | Rogers                     |
| Bailey                     | Grant                     | McLendon <sup>(Bullock)</sup> | Rozelle                    |
| Bevill                     | Guthrie                   | Morrow                        | Sessions                   |
| Brannan                    | Hain                      | Murphy                        | Smith <sup>(Russell)</sup> |
| Casey                      | Hanby                     | Nettles                       | Solomon                    |
| Chambers                   | Hardy                     | Oakley                        | Torbert                    |
| Cornett                    | Harris                    | Phillips                      | Trimmier                   |
| Daniel                     | Hocklander                | Pierce                        | Turner                     |
| Edwards                    | Jones <sup>(Monroe)</sup> | Powell                        | Turnham                    |

—44

**Nays:**

|          |             |                                |                                |
|----------|-------------|--------------------------------|--------------------------------|
| Messrs.: | Camp        | Johnson <sup>(Hardaway)</sup>  | Long <sup>(Lauderdale)</sup>   |
| Avery    | Goldthwaite | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Barnett  | Gross       | Johnston <sup>(Leonard)</sup>  | Speaks                         |

—11

And the bill:

H. 839. To amend Sections 4 and 7 of Title 51, Code of Alabama 1940, which relate to applications for exemptions of factories, industries, and plants from ad valorem tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

**Yeas:**

|                            |            |                                |                                |
|----------------------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Edwards    | Johnson <sup>(Hardaway)</sup>  | Rast                           |
| Adams <sup>(Houston)</sup> | Ferguson   | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Albea                      | Franklin   | Johnston <sup>(Leonard)</sup>  | Roberts                        |
| Ashworth                   | Gilmer     | Lee                            | Rogers                         |
| Avery                      | Gordon     | Locke                          | Rozelle                        |
| Bailey                     | Grant      | Long <sup>(Perry)</sup>        | Sessions                       |
| Barnett                    | Gross      | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>     |
| Bevill                     | Guthrie    | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup>   |
| Brannan                    | Hain       | Morrow                         | Solomon                        |
| Camp                       | Hanby      | Murphy                         | Speaks                         |
| Casey                      | Hardy      | Nettles                        | Steagall                       |
| Chambers                   | Harris     | Oakley                         | Torbert                        |
| Cook                       | Hawkins    | Phillips                       | Trimmier                       |
| Cornett                    | Hearn      | Pierce                         | Turner                         |
| Daniel                     | Hocklander | Powell                         | Turnham                        |

—60

**BILLS ON THIRD READING**

H. 1031. Providing further for the election and organization of the council in all cities having a population of not less than 14,000 nor more than 19,000, according to the last or any subsequent federal decennial census, and operating under the mayor-council form of government; providing for the election of councilmen by place and number; and prescribing additional qualifications for candidates seeking election to such council.

Was taken up.

Mr. Roberts offered the following amendment to the bill, H. 1031:

AMENDMENT OF H. B. 1031

Amend the bill by striking all of Section 4 and substituting the following in lieu thereof:

"Section 4. Any candidate who receives a majority of all votes cast for all candidates seeking election to the position for which he is a candidate shall be declared elected to that position. In the event no candidate receives a majority of all the votes cast for any one or more positions on the council then the council shall order a second or run-off election to be held, not more than thirty days thereafter, at which election the two candidates receiving the most and the second most votes, respectively, for each position to be filled shall be candidates, and the person receiving the highest number of votes for each office for which the run-off election is held shall be declared elected. A certificate of election shall be given by the council, or a majority of them to each of the persons elected. Such certificate shall entitle the person so certified to the possession of the office to which he was elected immediately upon the expiration of the term of incumbent of the office, as provided by law. In the event that all opposition to a candidate in the run-off election is withdrawn, then no second election need be held for such position and such candidate shall receive a certificate of election. In the event of a tie vote between two or more persons in such run-off election for the same position on the council, the currently serving council shall decide the election. A vote for a particular candidate by a majority of the total membership of such body shall be necessary to decide the election in his favor. On the first Monday in October after their election, the members of any council elected pursuant to this Act shall assemble and organize and choose a chairman or president of the council from among their own number."

And the amendment was adopted.

Yeas 64; Nays 0.

**Yeas:**

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Albea       | Ferguson           | Johnston (Leonard)  | Pierce              |
| Ashworth    | Franklin           | Lee                 | Powell              |
| Avery       | Gilmer             | Locke               | Pruitt              |
| Bailey      | Gordon             | Long (Lauderdale)   | Rast                |
| Barnett     | Grant              | Long (Perry)        | Reynolds (Chambers) |
| Brannan     | Gross              | McClendon (Chamb)   | Roberts             |
| Callahan    | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Camp        | Hain               | Meade               | Sessions            |
| Casey       | Hanby              | Merrill             | Smith (Russell)     |
| Cates       | Hardy              | Morrow              | Smith (St. Clair)   |
| Chambers    | Harris             | Murphy              | Solomon             |
| Cook        | Hawkins            | Nettles             | Speaks              |
| Copeland    | Hearn              | Nichols             | Steagall            |
| Cornett     | Hocklander         | Oakley              | Trimmier            |
| Daniel      | Johnson (Hardaway) | Owens               | Turner              |

—64

On motion of Mr. Roberts, further consideration of the bill, H. 1031, as amended, was postponed until the next legislative day.

And the bill:

H. 1065. To alter, rearrange, and extend the boundaries and corporate limits of the Town of Brent, Bibb County, Alabama, so as to annex certain territory to the Town.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Albea       | Ferguson           | Johnston (Leonard)  | Pierce              |
| Ashworth    | Franklin           | Lee                 | Powell              |
| Avery       | Gilmer             | Locke               | Pruitt              |
| Bailey      | Gordon             | Long (Lauderdale)   | Rast                |
| Barnett     | Grant              | Long (Perry)        | Reynolds (Chambers) |
| Brannan     | Gross              | McClendon (Chamb)   | Roberts             |
| Callahan    | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Camp        | Hain               | Meade               | Sessions            |
| Casey       | Hanby              | Merrill             | Smith (Russell)     |
| Cates       | Hardy              | Morrow              | Smith (St. Clair)   |
| Chambers    | Harris             | Murphy              | Solomon             |
| Cook        | Hawkins            | Nettles             | Speaks              |
| Copeland    | Hearn              | Nichols             | Steagall            |
| Cornett     | Hocklander         | Oakley              | Trimmier            |
| Daniel      | Johnson (Hardaway) | Owens               | Turner              |

—64

And the bill:

H. 1066. To amend Section 2 of Act No. 57, H. 54, approved February 7, 1956 (Acts of Alabama, Special Sessions 1956, p. 86), the act levying a one cent per gallon tax on gasoline, kerosene, and diesel fuel sold, distributed, stored, or used in Blount County, by exempting liquefied petroleum gas, butane, and propane, sold for heating, cooking, and lighting purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Albea       | Ferguson           | Johnston (Leonard)  | Pierce              |
| Ashworth    | Franklin           | Lee                 | Powell              |
| Avery       | Gilmer             | Locke               | Pruitt              |
| Bailey      | Gordon             | Long (Lauderdale)   | Rast                |
| Barnett     | Grant              | Long (Perry)        | Reynolds (Chambers) |
| Brannan     | Gross              | McClendon (Chamb)   | Roberts             |
| Callahan    | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Camp        | Hain               | Meade               | Sessions            |
| Casey       | Hanby              | Merrill             | Smith (Russell)     |
| Cates       | Hardy              | Morrow              | Smith (St. Clair)   |
| Chambers    | Harris             | Murphy              | Solomon             |
| Cook        | Hawkins            | Nettles             | Speaks              |
| Copeland    | Hearn              | Nichols             | Steagall            |
| Cornett     | Hocklander         | Oakley              | Trimmier            |
| Daniel      | Johnson (Hardaway) | Owens               | Turner              |

—64

And the bill:

H. 1067. Relating to counties having a population of not less than 75,000 nor more than 93,000 inhabitants; to authorize county governing bodies to provide for payment of expenses of certain county officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Albea       | Ferguson           | Johnston (Leonard)  | Pierce              |
| Ashworth    | Franklin           | Lee                 | Powell              |
| Avery       | Gilmer             | Locke               | Pruitt              |
| Bailey      | Gordon             | Long (Lauderdale)   | Rast                |
| Barnett     | Grant              | Long (Perry)        | Reynolds (Chambers) |
| Brannan     | Gross              | McClendon (Chamb)   | Roberts             |
| Callahan    | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Camp        | Hain               | Meade               | Sessions            |
| Casey       | Hanby              | Merrill             | Smith (Russell)     |
| Cates       | Hardy              | Morrow              | Smith (St. Clair)   |
| Chambers    | Harris             | Murphy              | Solomon             |
| Cook        | Hawkins            | Nettles             | Speaks              |
| Copeland    | Hearn              | Nichols             | Steagall            |
| Cornett     | Hocklander         | Oakley              | Trimmier            |
| Daniel      | Johnson (Hardaway) | Owens               | Turner              |

—64

And the bill:

H. 1069. To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Albea       | Ferguson           | Johnston (Leonard)  | Pierce              |
| Ashworth    | Franklin           | Lee                 | Powell              |
| Avery       | Gilmer             | Locke               | Pruitt              |
| Bailey      | Gordon             | Long (Lauderdale)   | Rast                |
| Barnett     | Grant              | Long (Perry)        | Reynolds (Chambers) |
| Brannan     | Gross              | McClendon (Chamb)   | Roberts             |
| Callahan    | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Camp        | Hain               | Meade               | Sessions            |
| Casey       | Hanby              | Merrill             | Smith (Russell)     |
| Cates       | Hardy              | Morrow              | Smith (St. Clair)   |
| Chambers    | Harris             | Murphy              | Solomon             |
| Cook        | Hawkins            | Nettles             | Speaks              |
| Copeland    | Hearn              | Nichols             | Steagall            |
| Cornett     | Hocklander         | Oakley              | Trimmier            |
| Daniel      | Johnson (Hardaway) | Owens               | Turner              |

—64

And the bill:

H. 1076. To amend Section Two of the Act approved March 23, 1955 (Act No. 8, H. 7, Acts of Alabama 1955, Page 114) relating to the office of Chief Clerk to the Register of the Circuit Court in Equity of Madison County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Albea       | Ferguson           | Johnston (Leonard)  | Pierce              |
| Ashworth    | Franklin           | Lee                 | Powell              |
| Avery       | Gilmer             | Locke               | Pruitt              |
| Bailey      | Gordon             | Long (Lauderdale)   | Rast                |
| Barnett     | Grant              | Long (Perry)        | Reynolds (Chambers) |
| Brannan     | Gross              | McClendon (Chamb)   | Roberts             |
| Callahan    | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Camp        | Hain               | Meade               | Sessions            |
| Casey       | Hanby              | Merrill             | Smith (Russell)     |
| Cates       | Hardy              | Morrow              | Smith (St. Clair)   |
| Chambers    | Harris             | Murphy              | Solomon             |
| Cook        | Hawkins            | Nettles             | Speaks              |
| Copeland    | Hearn              | Nichols             | Steagall            |
| Cornett     | Hocklander         | Oakley              | Trimmier            |
| Daniel      | Johnson (Hardaway) | Owens               | Turner              |

—64

And the bill:

H. 1077. To provide for the establishment and operation of a public clinic in the municipality of Uniontown, Perry County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Albea       | Ferguson           | Johnston (Leonard)  | Pierce              |
| Ashworth    | Franklin           | Lee                 | Powell              |
| Avery       | Gilmer             | Locke               | Pruitt              |
| Bailey      | Gordon             | Long (Lauderdale)   | Rast                |
| Barnett     | Grant              | Long (Perry)        | Reynolds (Chambers) |
| Brannan     | Gross              | McClendon (Chamb)   | Roberts             |
| Callahan    | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Camp        | Hain               | Meade               | Sessions            |
| Casey       | Hanby              | Merrill             | Smith (Russell)     |
| Cates       | Hardy              | Morrow              | Smith (St. Clair)   |
| Chambers    | Harris             | Murphy              | Solomon             |
| Cook        | Hawkins            | Nettles             | Speaks              |
| Copeland    | Hearn              | Nichols             | Steagall            |
| Cornett     | Hocklander         | Oakley              | Trimmier            |
| Daniel      | Johnson (Hardaway) | Owens               | Turner              |

—64

And the bill:

H. 1081. To alter or rearrange the boundary lines of the Town of Springville, St. Clair County, Alabama, so as to include within the Corporate Limits of said Town all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama.

Was taken up.

Mr. Smith (St. Clair) offered the following amendment to the bill, H. 1081:

#### AMENDMENT TO H. B. 1081

In Section 1, strike out the paragraph beginning with the word "Southwest" and ending with the word "Alabama" and insert in lieu thereof the following:

Southwest Quarter of Southwest Quarter of Section 31, Township 14, Range 2 East; Southeast diagonal Half of Southwest Quarter of Southeast Quarter, and the East Half of the Southeast Quarter of Section 30, Township 14, Range 2, East; Also, the Southwest Quarter of Section 29, in Township 14, Range 2 East, except that portion lying South of U. S. Highway No. 11; Also, East Half of the Northeast Quarter of the Northeast Quarter of Section 36, and the Southeast Quarter of the Southeast Quarter of Section 25, in Township 14, Range 1 East, and Also, The South Half of the Southwest Quarter of Section 30, Township 14, Range 2 East, all situated in St. Clair County, Alabama.

And the amendment was adopted.

Yeas 64; Nays 0.

#### Yeas:

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Albea       | Ferguson           | Johnston (Leonard)  | Pierce              |
| Ashworth    | Franklin           | Lee                 | Powell              |
| Avery       | Gilmer             | Locke               | Pruitt              |
| Bailey      | Gordon             | Long (Lauderdale)   | Rast                |
| Barnett     | Grant              | Long (Perry)        | Reynolds (Chambers) |
| Brannan     | Gross              | McClendon (Chamb)   | Roberts             |
| Callahan    | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Camp        | Hain               | Meade               | Sessions            |
| Casey       | Hanby              | Merrill             | Smith (Russell)     |
| Cates       | Hardy              | Morrow              | Smith (St. Clair)   |
| Chambers    | Harris             | Murphy              | Solomon             |
| Cook        | Hawkins            | Nettles             | Speaks              |
| Copeland    | Hearn              | Nichols             | Steagall            |
| Cornett     | Hocklander         | Oakley              | Trimmier            |
| Daniel      | Johnson (Hardaway) | Owens               | Turner              |

—64

And said bill, H. 1081, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

#### Yeas:

|             |          |         |          |
|-------------|----------|---------|----------|
| Mr. Speaker | Ashworth | Bailey  | Brannan  |
| Albea       | Avery    | Barnett | Callahan |



|          |                                |                               |                                |
|----------|--------------------------------|-------------------------------|--------------------------------|
| Camp     | Gross                          | Long <sup>(Lauderdale)</sup>  | Powell                         |
| Casey    | Guthrie                        | Long <sup>(Perry)</sup>       | Pruitt                         |
| Cates    | Hain                           | McClendon <sup>(Chamb)</sup>  | Rast                           |
| Chambers | Hanby                          | McLendon <sup>(Bullock)</sup> | Reynolds <sup>(Chambers)</sup> |
| Cook     | Hardy                          | Meade                         | Roberts                        |
| Copeland | Harris                         | Merrill                       | Rozelle                        |
| Cornett  | Hawkins                        | Morrow                        | Sessions                       |
| Daniel   | Hearn                          | Murphy                        | Smith <sup>(Russell)</sup>     |
| Edwards  | Hocklander                     | Nettles                       | Smith <sup>(St. Clair)</sup>   |
| Ferguson | Johnson <sup>(Hardaway)</sup>  | Nichols                       | Solomon                        |
| Franklin | Johnson <sup>(J. T. Tom)</sup> | Oakley                        | Speaks                         |
| Gilmer   | Johnston <sup>(Leonard)</sup>  | Owens                         | Steagall                       |
| Gordon   | Lee                            | Phillips                      | Trimmier                       |
| Grant    | Locke                          | Pierce                        | Turner                         |

—64

And the bill:

H. 1072. To alter and extend the boundaries of the City of Birmingham so as to include within the city limits of the City of Birmingham part of the territory located within Section 34, Township 16, Range 2 West; Section 35, Township 16 Range 2 West; Section 26, Township 16, Range 2 West; Section 23, Township 16, Range 2 West; Section 24, Township 16, Range 2 West; Section 13, Township 16, Range 2 West; Section 7, Township 16, Range 1 West; Section 6, Township 16, Range 1 West; Section 1, Township 16, Range 2 West; Section 12, Township 16, Range 2 West; Section 11, Township 16, Range 2 West; Section 14, Township 16, Range 2 West; Section 15, Township 16, Range 2 West; Section 22, Township 16, Range 2 West and Section 27, Township 16, Range 2, in Jefferson County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|             |                               |                                |                                |
|-------------|-------------------------------|--------------------------------|--------------------------------|
| Mr. Speaker | Edwards                       | Johnson <sup>(J. T. Tom)</sup> | Phillips                       |
| Albea       | Ferguson                      | Johnston <sup>(Leonard)</sup>  | Pierce                         |
| Ashworth    | Franklin                      | Lee                            | Powell                         |
| Avery       | Gilmer                        | Locke                          | Pruitt                         |
| Bailey      | Gordon                        | Long <sup>(Lauderdale)</sup>   | Rast                           |
| Barnett     | Grant                         | Long <sup>(Perry)</sup>        | Reynolds <sup>(Chambers)</sup> |
| Brannan     | Gross                         | McClendon <sup>(Chamb)</sup>   | Roberts                        |
| Callahan    | Guthrie                       | McLendon <sup>(Bullock)</sup>  | Rozelle                        |
| Camp        | Hain                          | Meade                          | Sessions                       |
| Casey       | Hanby                         | Merrill                        | Smith <sup>(Russell)</sup>     |
| Cates       | Hardy                         | Morrow                         | Smith <sup>(St. Clair)</sup>   |
| Chambers    | Harris                        | Murphy                         | Solomon                        |
| Cook        | Hawkins                       | Nettles                        | Speaks                         |
| Copeland    | Hearn                         | Nichols                        | Steagall                       |
| Cornett     | Hocklander                    | Oakley                         | Trimmier                       |
| Daniel      | Johnson <sup>(Hardaway)</sup> | Owens                          | Turner                         |

—64

And the bill:

H. 1071. To amend Act No. 737, S. 548, approved September 20, 1957, an act providing for the operation of the county board of equalization of each county having a population of not less than 80,000 nor

more than 94,000, according to the last or any subsequent federal decennial census (Acts of Alabama 1957, Vol. II, pp. 1158, 1159).

Was taken up.

Mr. Hanby offered the following amendment to the bill, H. 1071:

AMENDMENT TO H. B. 1071

In Section 1, and in the paragraph headed "Section 5.", add at the end thereof the following sentence:

Nothing in this Act shall be construed so as to limit the power of the Commissioner of Revenue to set aside final assessments.

And the amendment was adopted.

Yeas 64; Nays 0.

**Yeas:**

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Albea       | Ferguson           | Johnston (Leonard)  | Pierce              |
| Ashworth    | Franklin           | Lee                 | Powell              |
| Avery       | Gilmer             | Locke               | Pruitt              |
| Bailey      | Gordon             | Long (Lauderdale)   | Rast                |
| Barnett     | Grant              | Long (Perry)        | Reynolds (Chambers) |
| Brannan     | Gross              | McClendon (Chamb)   | Roberts             |
| Callahan    | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Camp        | Hain               | Meade               | Sessions            |
| Casey       | Hanby              | Merrill             | Smith (Russell)     |
| Cates       | Hardy              | Morrow              | Smith (St. Clair)   |
| Chambers    | Harris             | Murphy              | Solomon             |
| Cook        | Hawkins            | Nettles             | Speaks              |
| Copeland    | Hearn              | Nichols             | Steagall            |
| Cornett     | Hocklander         | Oakley              | Trimmier            |
| Daniel      | Johnson (Hardaway) | Owens               | Turner              |

—64

And said bill, H. 1071, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Albea       | Ferguson           | Johnston (Leonard)  | Pierce              |
| Ashworth    | Franklin           | Lee                 | Powell              |
| Avery       | Gilmer             | Locke               | Pruitt              |
| Bailey      | Gordon             | Long (Lauderdale)   | Rast                |
| Barnett     | Grant              | Long (Perry)        | Reynolds (Chambers) |
| Brannan     | Gross              | McClendon (Chamb)   | Roberts             |
| Callahan    | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Camp        | Hain               | Meade               | Sessions            |
| Casey       | Hanby              | Merrill             | Smith (Russell)     |
| Cates       | Hardy              | Morrow              | Smith (St. Clair)   |
| Chambers    | Harris             | Murphy              | Solomon             |
| Cook        | Hawkins            | Nettles             | Speaks              |
| Copeland    | Hearn              | Nichols             | Steagall            |
| Cornett     | Hocklander         | Oakley              | Trimmier            |
| Daniel      | Johnson (Hardaway) | Owens               | Turner              |

—64

And the bill:

H. 1075. To amend Sections 1, 2, 4, and 6 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama so that the scope of the license taxes levied in Limestone County by said Act No. 68 and the exemptions and other provisions applicable to said license taxes shall parallel, although at the rates herein specified, the scope of the state sales and use taxes levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and by Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said state sales and use taxes; so as to make subject to said license taxes, at the rates herein specified, the sale, use, storage and consumption of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding and manufacturing tangible personal property; and so as to increase the rate of said license taxes with respect to sale, use, storage or consumption of automobile vehicles, truck trailers and semi-trailers.

Was taken up.

Mr. Turner offered the following amendment to the bill, H. 1075:

#### AMENDMENT TO H. B. 1075

In Section 1, strike out the words and figures "(including the State of Alabama, the University of Alabama, Alabama Polytechnic Institute and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions)" and insert

"(not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores, but including the University of Alabama, Alabama Polytechnic Institute and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions)"

And the amendment was adopted.

Yeas 64; Nays 0.

#### Yeas:

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Albea       | Ferguson           | Johnston (Leonard)  | Pierce              |
| Ashworth    | Franklin           | Lee                 | Powell              |
| Avery       | Gilmer             | Locke               | Pruitt              |
| Bailey      | Gordon             | Long (Lauderdale)   | Rast                |
| Barnett     | Grant              | Long (Perry)        | Reynolds (Chambers) |
| Brannan     | Gross              | McClendon (Chamb)   | Roberts             |
| Callahan    | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Camp        | Hain               | Meade               | Sessions            |
| Casey       | Hanby              | Merrill             | Smith (Russell)     |
| Cates       | Hardy              | Morrow              | Smith (St. Clair)   |
| Chambers    | Harris             | Murphy              | Solomon             |
| Cook        | Hawkins            | Nettles             | Speaks              |
| Copeland    | Hearn              | Nichols             | Steagall            |
| Cornett     | Hocklander         | Oakley              | Trimmier            |
| Daniel      | Johnson (Hardaway) | Owens               | Turner              |

And said bill, H. 1075, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

**Yeas:**

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Edwards            | Johnson (J. T. Tom) | Phillips            |
| Albea       | Ferguson           | Johnston (Leonard)  | Pierce              |
| Ashworth    | Franklin           | Lee                 | Powell              |
| Avery       | Gilmer             | Locke               | Pruitt              |
| Bailey      | Gordon             | Long (Lauderdale)   | Rast                |
| Barnett     | Grant              | Long (Perry)        | Reynolds (Chambers) |
| Brannan     | Gross              | McClendon (Chamb)   | Roberts             |
| Callahan    | Guthrie            | McLendon (Bullock)  | Rozelle             |
| Camp        | Hain               | Meade               | Sessions            |
| Casey       | Hanby              | Merrill             | Smith (Russell)     |
| Cates       | Hardy              | Morrow              | Smith (St. Clair)   |
| Chambers    | Harris             | Murphy              | Solomon             |
| Cook        | Hawkins            | Nettles             | Speaks              |
| Copeland    | Hearn              | Nichols             | Steagall            |
| Cornett     | Hocklander         | Oakley              | Trimmier            |
| Daniel      | Johnson (Hardaway) | Owens               | Turner              |

—64

**CERTIFICATE OF CLERK**

To The House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:35 P.M. On October 30, 1959

H. 703

H. 803

H. 805

H. 806

H. J. R. 75

H. J. R. 76

H. J. R. 77

H. J. R. 78

H. J. R. 79

H. J. R. 80

H. J. R. 82

H. J. R. 83

H. J. R. 86

H. J. R. 87

OAKLEY MELTON, JR.,  
Clerk.

## ADJOURNMENT

On motion of Mr. Torbert, and in accordance with H. J. R. 71 heretofore adopted, the House adjourned until Wednesday, November 4, 1959, at one o'clock P.M.

## THIRTY-THIRD DAY

House of Representatives  
Montgomery, Alabama  
Wednesday, November 4, 1959

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by Dr. Henry L. Lyon, Pastor, Highland Avenue Baptist Church, Montgomery, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Dickson     | Jenkins             | Powell              |
| Adams (Houston) | Dodd        | Johnson (Hardaway)  | Pruitt              |
| Albea           | Edwards     | Johnson (J. T. Tom) | Ramey               |
| Ashworth        | Faulk       | Johnston (Leonard)  | Rast                |
| Avery           | Ferguson    | Jones (Covington)   | Ray                 |
| Bailey          | Franklin    | Jones (Monroe)      | Reynolds (Chambers) |
| Barnett         | Gilchrist   | Lee                 | Roberts             |
| Bassett         | Gilmer      | Locke               | Rogers              |
| Bevill          | Glass       | Long (Lauderdale)   | Rozelle             |
| Bishop          | Goldthwaite | Long (Perry)        | Salter              |
| Boyd            | Goodwyn     | McClendon (Chamb)   | Sessions            |
| Brannan         | Gordon      | McLendon (Bullock)  | Shumate             |
| Branyon         | Grant       | Martin              | Smith (Russell)     |
| Brewer          | Gross       | Meade               | Smith (St. Clair)   |
| Britton         | Grouby      | Merrill             | Solomon             |
| Broadfoot       | Guthrie     | Morrow              | Speaks              |
| Brooks          | Hain        | Murphy              | Stegall             |
| Cabiness        | Hanby       | Nettles             | Sullivan            |
| Callahan        | Hankins     | Nichols             | Taylor              |
| Camp            | Hardy       | Oakley              | Thomas              |
| Casey           | Harris      | Oden                | Torbert             |
| Cates           | Hawkins     | Owens               | Trimmier            |
| Chambers        | Hearn       | Perry               | Turner              |
| Cornett         | Hocklander  | Phillips            | Turnham             |
| Daniel          | Ingram      | Pierce              |                     |

—99

A quorum was present.

## LEAVES OF ABSENCE

On motion of Mr. Ashworth leaves of absence were granted to Messrs. Cook and McCorquodale because of personal illness.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirty-second legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the thirty-second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirty-second legislative day was approved.

## RESOLUTION

The following resolution was introduced:

By Mr. Nettles:

H. J. R. 89. WHEREAS, our friend and colleague, Joe McCorquodale, Jr., of Clarke County and his wife, Betty, were involved in an automobile accident on last Saturday night, and

WHEREAS, Representative and Mrs. McCorquodale are now confined to the Druid City Hospital in Tuscaloosa, now

THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING that the Legislature of Alabama expresses its concern over the welfare and condition of our colleague, Representative McCorquodale and his wife, Betty, and wishes both of them a speedy recovery and wants them to know that the members of this Legislature are thinking about them in their hour of suffering.

BE IT FURTHER RESOLVED that the Clerk of the House be directed to send a copy of this Resolution to Representative and Mrs. McCorquodale.

On motion of Mr. Nettles the rules were suspended and H. J. R. 89 was adopted.

## BILLS ON THIRD READING

## H. 973 POSTPONED

On motion of Mr. Broadfoot, consideration of the bill, H. 973, was postponed until the next legislative day.

Yeas 74; Nays 0.

## Yeas:

|                 |         |         |           |
|-----------------|---------|---------|-----------|
| Mr. Speaker     | Avery   | Bevill  | Branyon   |
| Adams (Houston) | Bailey  | Bishop  | Brewer    |
| Albea           | Barnett | Boyd    | Britton   |
| Ashworth        | Bassett | Brannan | Broadfoot |

|             |                               |                               |                              |
|-------------|-------------------------------|-------------------------------|------------------------------|
| Cabiness    | Gordon                        | Long <sup>(Perry)</sup>       | Rast                         |
| Callahan    | Grant                         | McLendon <sup>(Bullock)</sup> | Ray                          |
| Camp        | Gross                         | Martin                        | Rogers                       |
| Casey       | Grouby                        | Merrill                       | Sessions                     |
| Cornett     | Hain                          | Morrow                        | Shumate                      |
| Daniel      | Hankins                       | Murphy                        | Smith <sup>(Russell)</sup>   |
| Dickson     | Hardy                         | Nettles                       | Smith <sup>(St. Clair)</sup> |
| Dodd        | Harris                        | Oakley                        | Speaks                       |
| Edwards     | Hearn                         | Oden                          | Steagall                     |
| Faulk       | Hocklander                    | Perry                         | Sullivan                     |
| Ferguson    | Jenkins                       | Phillips                      | Taylor                       |
| Franklin    | Johnson <sup>(Hardaway)</sup> | Pierce                        | Thomas                       |
| Gilmer      | Johnston <sup>(Leonard)</sup> | Pruitt                        | Trimmier                     |
| Glass       | Locke                         | Ramey                         | Turnham                      |
| Goldthwaite | Long <sup>(Lauderdale)</sup>  |                               |                              |

—74

## H. 997 POSTPONED

On motion of Mr. Broadfoot, consideration of the bill, H. 997, was postponed until the next legislative day.

Yeas 61; Nays 1.

## Yeas:

|                            |                               |                               |                                |
|----------------------------|-------------------------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dodd                          | Johnston <sup>(Leonard)</sup> | Phillips                       |
| Adams <sup>(Houston)</sup> | Ferguson                      | Jones <sup>(Monroe)</sup>     | Pierce                         |
| Avery                      | Franklin                      | Locke                         | Pruitt                         |
| Bailey                     | Gilmer                        | Long <sup>(Lauderdale)</sup>  | Ramey                          |
| Barnett                    | Glass                         | McClendon <sup>(Chamb)</sup>  | Ray                            |
| Bassett                    | Goldthwaite                   | McLendon <sup>(Bullock)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Gordon                        | Martin                        | Rogers                         |
| Bishop                     | Grant                         | Merrill                       | Shumate                        |
| Brannan                    | Gross                         | Morrow                        | Smith <sup>(Russell)</sup>     |
| Branyon                    | Grouby                        | Murphy                        | Speaks                         |
| Britton                    | Hain                          | Nettles                       | Steagall                       |
| Broadfoot                  | Hardy                         | Nichols                       | Sullivan                       |
| Cabiness                   | Harris                        | Oakley                        | Taylor                         |
| Camp                       | Hearn                         | Oden                          | Thomas                         |
| Casey                      | Johnson <sup>(Hardaway)</sup> | Perry                         | Trimmier                       |
| Daniel                     |                               |                               |                                |

—61

Nay: Mr. Callahan

—1

And the bill:

S. 366. To provide an additional expense allowance to the judge of the Twenty-fifth Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 71; Nays 0.

## Yeas:

|                            |           |          |             |
|----------------------------|-----------|----------|-------------|
| Mr. Speaker                | Branyon   | Daniel   | Goldthwaite |
| Adams <sup>(Houston)</sup> | Brewer    | Dickson  | Gordon      |
| Ashworth                   | Britton   | Edwards  | Grant       |
| Barnett                    | Broadfoot | Faulk    | Gross       |
| Bassett                    | Brooks    | Ferguson | Grouby      |
| Bevill                     | Cabiness  | Franklin | Hain        |
| Bishop                     | Camp      | Gilmer   | Hanby       |
| Brannan                    | Cornett   | Glass    | Hankins     |

|                               |                               |        |                            |
|-------------------------------|-------------------------------|--------|----------------------------|
| Hardy                         | Long <sup>(Perry)</sup>       | Oakley | Salter                     |
| Harris                        | McClendon <sup>(Chamb)</sup>  | Oden   | Shumate                    |
| Hawkins                       | McLendon <sup>(Bullock)</sup> | Owens  | Smith <sup>(Russell)</sup> |
| Hearn                         | Martin                        | Perry  | Speaks                     |
| Hocklander                    | Meade                         | Pierce | Steagall                   |
| Johnson <sup>(Hardaway)</sup> | Merrill                       | Pruitt | Sullivan                   |
| Johnston <sup>(Leonard)</sup> | Morrow                        | Ramey  | Taylor                     |
| Lee                           | Murphy                        | Rast   | Thomas                     |
| Locke                         | Nettles                       | Ray    | Trimmier                   |
| Long <sup>(Lauderdale)</sup>  | Nichols                       | Rogers |                            |

—71

And the bill:

H. 1031. Providing further for the election and organization of the council in all cities having a population of not less than 14,000 nor more than 19,000, according to the last or any subsequent federal decennial census, and operating under the mayor-council form of government; providing for the election of councilmen by place and number; and prescribing additional qualifications for candidates seeking election to such council.

As amended, was again taken up.

And said bill, H. 1031, as amended, was again read at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Casey       | Hardy                          | Owens                        |
| Adams <sup>(Houston)</sup> | Cates       | Hawkins                        | Perry                        |
| Albea                      | Chambers    | Hearn                          | Phillips                     |
| Ashworth                   | Cornett     | Hocklander                     | Pierce                       |
| Avery                      | Daniel      | Ingram                         | Ramey                        |
| Bailey                     | Dickson     | Jenkins                        | Rast                         |
| Barnett                    | Dodd        | Johnson <sup>(Hardaway)</sup>  | Ray                          |
| Bassett                    | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Roberts                      |
| Bevill                     | Faulk       | Johnston <sup>(Leonard)</sup>  | Rogers                       |
| Bishop                     | Ferguson    | Jones <sup>(Monroe)</sup>      | Salter                       |
| Boyd                       | Glass       | Long <sup>(Lauderdale)</sup>   | Sessions                     |
| Brannan                    | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>   |
| Branyon                    | Gordon      | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Grant       | Merrill                        | Speaks                       |
| Britton                    | Gross       | Morrow                         | Steagall                     |
| Broadfoot                  | Grouby      | Murphy                         | Sullivan                     |
| Brooks                     | Hain        | Nettles                        | Taylor                       |
| Cabiness                   | Hanby       | Oakley                         | Thomas                       |
| Camp                       | Hankins     | Oden                           | Trimmier                     |

—76

#### POINT OF PERSONAL PRIVILEGE

Mr. Goldthwaite requested as a matter of personal privilege that the Journal show that he was temporarily out of the House when the Report of the Committee on Conference on the disagreement of the two Houses on the Senate substitute for the bill, H. 102, was adopted on the last legislative day. He requested that the Journal show that had he been present he would have voted "yea" on the adoption of the Report of the Committee on Conference and on the passage of the bill, H. 102, as amended by the Report of the Committee on Conference.



## BILLS ON THIRD READING RESUMED

H. 1032. To amend Act No. 476, H. 627, approved September 9, 1955, which creates the office of deputy circuit solicitor in the twenty-third judicial circuit and provides for the appointment, duties and compensation of such officer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Messrs.:        | Dickson     | Johnson (Hardaway)  | Perry             |
| Adams (Houston) | Dodd        | Johnson (J. T. Tom) | Phillips          |
| Albea           | Edwards     | Johnston (Leonard)  | Pierce            |
| Ashworth        | Faulk       | Jones (Covington)   | Ramey             |
| Avery           | Ferguson    | Jones (Monroe)      | Rast              |
| Bailey          | Franklin    | Locke               | Ray               |
| Barnett         | Gilmer      | Long (Lauderdale)   | Roberts           |
| Bassett         | Goldthwaite | Long (Perry)        | Rogers            |
| Bevill          | Gordon      | McClendon (Chamb)   | Rozelle           |
| Bishop          | Grant       | McLendon (Bullock)  | Sessions          |
| Brannan         | Gross       | Martin              | Shumate           |
| Branyon         | Guthrie     | Meade               | Smith (Russell)   |
| Brewer          | Hanby       | Merrill             | Smith (St. Clair) |
| Britton         | Hankins     | Morrow              | Speaks            |
| Broadfoot       | Hardy       | Murphy              | Steagall          |
| Cabiness        | Hawkins     | Nettles             | Sullivan          |
| Camp            | Hearn       | Nichols             | Taylor            |
| Chambers        | Hocklander  | Oakley              | Thomas            |
| Cornett         | Ingram      | Oden                | Trimmier          |
| Daniel          | Jenkins     |                     |                   |

—77

## S. 236 INDEFINITELY POSTPONED

On motion of Mr. Broadfoot, the bill, S. 236, was indefinitely postponed.

Yeas 53; Nays 0.

**Yeas:**

|           |             |                     |                     |
|-----------|-------------|---------------------|---------------------|
| Messrs.:  | Dodd        | Jenkins             | Nettles             |
| Albea     | Ferguson    | Johnson (J. T. Tom) | Oakley              |
| Barnett   | Franklin    | Johnston (Leonard)  | Oden                |
| Bishop    | Goldthwaite | Jones (Monroe)      | Perry               |
| Brannan   | Gordon      | Locke               | Phillips            |
| Branyon   | Grant       | Long (Lauderdale)   | Pierce              |
| Brewer    | Gross       | Long (Perry)        | Ray                 |
| Britton   | Grouby      | McClendon (Chamb)   | Reynolds (Chambers) |
| Broadfoot | Guthrie     | McLendon (Bullock)  | Sessions            |
| Cabiness  | Hain        | Martin              | Shumate             |
| Camp      | Hankins     | Meade               | Smith (Russell)     |
| Casey     | Hardy       | Merrill             | Thomas              |
| Cornett   | Hearn       | Murphy              | Trimmier            |
| Daniel    | Hocklander  |                     |                     |

—53

And the bill:

S. 270 (with amendment): To dissolve the municipal corporation of Daleville, Dale County, revoke its charter, and provide for the disposition of its property and payment of its debts.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

AMENDMENT TO S. B. 270

Strike Section 3 of the bill and substitute in lieu thereof the following:

"Section 3. The substantive provisions of this Act shall become operative only if approved by a majority of the qualified electors residing within the corporate limits of the town of Daleville on the date this Act became law and voting in a referendum to be held on a day designated by the judge of probate of Dale County, not less than thirty nor more than sixty days from the date on which this Act becomes law. Notice of the election shall be given by the probate judge of Dale County in a newspaper published in such county for three successive weeks before the election.

"The judge of probate, the circuit clerk, and the sheriff acting jointly may designate the voting places within the town, and shall appoint three inspectors of election and one returning officer for each voting place which inspectors shall manage the election at the respective voting places.

"The question submitted shall be: Shall Act No. ——— S. B. 270 of the 1959 Regular Session of the Legislature of Alabama which dissolves the municipal corporation of Daleville and revokes its charter be adopted? Each voter may furnish his own ballot and if he desires to vote for the adoption of said Act there shall be written or printed on such ballots the words "Yes." If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election at their respective voting places to the judge of probate and deliver the same to the returning officer, who must at once return the same to the judge of probate.

"The judge of probate, circuit clerk and sheriff of the county must canvass the returns as made by the inspectors, and if it appears that the majority of the votes cast at the election were in favor of adoption of the act the judge shall make and enter an order on the records of the probate court adjudging and decreeing the act adopted and dissolving the municipal corporation of Daleville. If it appears that a majority of the votes cast at the election are against adoption of the act the judge of probate shall make and enter an order on the records of the court adjudging and decreeing that a majority of the votes cast at such election were cast against adoption of the act and that such act shall have no further force and effect. Within ten days after ascertaining the results of the election the judge of probate shall certify the results thereof to the mayor of the town of Daleville and also to the Secretary of State of the State of Alabama.

"The result of such election may be contested by and qualified elector voting at the election as is provided by the general laws for contesting the election of justices of the peace, making the city the contestee.

"The town of Daleville shall pay all cost and expenses pertaining to the election and the notice thereof.

"If a majority of the votes cast in the election are 'Yes', the provisions of this Act shall become operative sixty days thereafter. If a majority are 'No' this Act shall have no further force or effect."

And the amendment was adopted.

Yeas 71; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Messrs.:                   | Cates       | Hardy                         | Nichols                      |
| Adams <sup>(Houston)</sup> | Chambers    | Hawkins                       | Oakley                       |
| Albea                      | Cornett     | Hearn                         | Oden                         |
| Avery                      | Daniel      | Hocklander                    | Perry                        |
| Bailey                     | Dickson     | Jenkins                       | Phillips                     |
| Barnett                    | Dodd        | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Bassett                    | Ferguson    | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Bevill                     | Franklin    | Jones <sup>(Monroe)</sup>     | Rast                         |
| Bishop                     | Gilmer      | Locke                         | Ray                          |
| Boyd                       | Glass       | Long <sup>(Lauderdale)</sup>  | Rogers                       |
| Brannan                    | Goldthwaite | Long <sup>(Perry)</sup>       | Rozelle                      |
| Branyon                    | Gordon      | McClendon <sup>(Chamb)</sup>  | Salter                       |
| Britton                    | Grant       | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Gross       | Martin                        | Speaks                       |
| Brooks                     | Grouby      | Merrill                       | Steagall                     |
| Cabiness                   | Guthrie     | Morrow                        | Taylor                       |
| Camp                       | Hain        | Murphy                        | Thomas                       |
| Casey                      | Hankins     | Nettles                       | Trimmier                     |

—71

And said bill, S. 270, as thus amended, was read a third time at length and passed.

Yeas 68; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Casey       | Hardy                         | Oakley                       |
| Adams <sup>(Houston)</sup> | Cates       | Hawkins                       | Oden                         |
| Albea                      | Chambers    | Hearn                         | Perry                        |
| Avery                      | Cornett     | Hocklander                    | Phillips                     |
| Bailey                     | Daniel      | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Barnett                    | Dickson     | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Bassett                    | Dodd        | Locke                         | Rast                         |
| Bevill                     | Edwards     | Long <sup>(Lauderdale)</sup>  | Ray                          |
| Bishop                     | Ferguson    | Long <sup>(Perry)</sup>       | Rogers                       |
| Boyd                       | Glass       | McClendon <sup>(Chamb)</sup>  | Rozelle                      |
| Brannan                    | Goldthwaite | McLendon <sup>(Bullock)</sup> | Salter                       |
| Branyon                    | Gordon      | Martin                        | Smith <sup>(St. Clair)</sup> |
| Britton                    | Grant       | Merrill                       | Speaks                       |
| Broadfoot                  | Grouby      | Morrow                        | Steagall                     |
| Brooks                     | Guthrie     | Murphy                        | Taylor                       |
| Cabiness                   | Hain        | Nettles                       | Thomas                       |
| Camp                       | Hankins     | Nichols                       | Trimmier                     |

—68

And the bill:

H. 1080. To provide for special meetings of the boards of education of all counties having a population of not less than 21,000 nor more than 22,000, according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

**Yeas:**

|                            |          |                               |          |
|----------------------------|----------|-------------------------------|----------|
| Messrs.:                   | Camp     | Hawkins                       | Oden     |
| Adams <sup>(Houston)</sup> | Casey    | Hocklander                    | Owens    |
| Albea                      | Cates    | Jenkins                       | Perry    |
| Ashworth                   | Chambers | Johnson <sup>(Hardaway)</sup> | Phillips |
| Bailey                     | Daniel   | Johnston <sup>(Leonard)</sup> | Pierce   |
| Barnett                    | Dickson  | Jones <sup>(Monroe)</sup>     | Pruitt   |
| Bassett                    | Dodd     | Locke                         | Ramey    |
| Bevill                     | Edwards  | Long <sup>(Perry)</sup>       | Rast     |
| Bishop                     | Ferguson | McClendon <sup>(Chamb)</sup>  | Ray      |
| Boyd                       | Gilmer   | McLendon <sup>(Bullock)</sup> | Rogers   |
| Brannan                    | Glass    | Martin                        | Salter   |
| Branyon                    | Grant    | Merrill                       | Sessions |
| Brewer                     | Grouby   | Murphy                        | Shumate  |
| Britton                    | Hain     | Nettles                       | Speaks   |
| Brooks                     | Hankins  | Nichols                       | Taylor   |
| Cabiness                   | Hardy    | Oakley                        | Trimmier |

—63

And the bill:

H. 873. To amend Section 15 of Act No. 75 adopted at the First Special Session of the Legislature of Alabama of 1959 pertaining to records of the proceedings of and resolutions and ordinances adopted by Boards of Commissioners in certain cities having the commission form of government.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

**Yeas:**

|                            |          |                               |                              |
|----------------------------|----------|-------------------------------|------------------------------|
| Mr. Speaker                | Camp     | Hardy                         | Nichols                      |
| Adams <sup>(Houston)</sup> | Cates    | Hawkins                       | Oakley                       |
| Albea                      | Chambers | Hocklander                    | Oden                         |
| Ashworth                   | Cornett  | Ingram                        | Perry                        |
| Bailey                     | Daniel   | Jenkins                       | Pierce                       |
| Barnett                    | Dickson  | Johnson <sup>(Hardaway)</sup> | Ramey                        |
| Bassett                    | Dodd     | Johnston <sup>(Leonard)</sup> | Rast                         |
| Bevill                     | Edwards  | Jones <sup>(Covington)</sup>  | Ray                          |
| Bishop                     | Ferguson | Locke                         | Rogers                       |
| Boyd                       | Gilmer   | Long <sup>(Lauderdale)</sup>  | Rozelle                      |
| Brannan                    | Glass    | Long <sup>(Perry)</sup>       | Salter                       |
| Branyon                    | Gordon   | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Brewer                     | Grant    | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Britton                    | Grouby   | Martin                        | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hain     | Merrill                       | Speaks                       |
| Brooks                     | Hanby    | Murphy                        | Taylor                       |
| Cabiness                   | Hankins  | Nettles                       | Trimmier                     |

—68

And the bill:

H. 719. Relating to the City of Mobile; to provide for a separate Mobile Urban Renewal Agency to plan or carry out any redevelopment

or urban renewal project in such municipality if the governing body of the municipality by resolution declares that there is need for such Agency; to provide the number, method of appointment and terms of office of the commissioners of said Mobile Urban Renewal Agency; to provide the powers of said Mobile Urban Renewal Agency; to provide that such Urban Renewal Agency shall not have authority to construct or operate any dwelling accommodations except that it may temporarily operate dwellings and real property acquired in a project area pending disposition; to provide that any existing municipal housing authority of said City shall not, after appointment of the Commissioners of said Mobile Urban Renewal Agency, have power to plan or carry out any redevelopment project or urban renewal project except as stated in this Act; to provide for the transfer of all assets and liabilities in connection with an existing project which is taken over by said Mobile Urban Renewal Agency; to supplement Title 25 of the Code of Alabama of 1940, relating to Housing as amended and supplemented by any Acts of the Legislature of Alabama heretofore enacted, including the following: Act No. 614 of the General Acts of 1939, approved July 10, 1940; Act No. 466 of the General Acts of 1943, approved July 7, 1943; Act No. 541 of the General Acts of 1943, approved July 7, 1943; Act No. 490 of the General Acts of 1949, approved August 30, 1949; Act No. 491 of the General Acts of 1949, approved August 30, 1949; Act No. 193 of the General Acts of 1951, approved July 9, 1951; Act No. 776 of the General Acts of 1951, approved September 11, 1951; Act No. 590 of the General Acts of 1953, approved September 11, 1953; Act No. 553, of the General Acts of 1955, approved September 9, 1955; Act No. 554 of the General Acts of 1955, approved September 9, 1955; to repeal any act or law inconsistent herewith; and to provide that if any portion of this act is held unconstitutional, such holding shall not affect the other parts thereof:

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

#### Yeas:

|                 |          |                    |                   |
|-----------------|----------|--------------------|-------------------|
| Mr. Speaker     | Chambers | Hardy              | Nichols           |
| Adams (Houston) | Cornett  | Hawkins            | Oakley            |
| Albea           | Daniel   | Hearn              | Oden              |
| Bailey          | Dickson  | Hocklander         | Perry             |
| Barnett         | Dodd     | Jenkins            | Phillips          |
| Bassett         | Edwards  | Johnson (Hardaway) | Pierce            |
| Bevill          | Ferguson | Johnston (Leonard) | Pruitt            |
| Bishop          | Gilmer   | Jones (Covington)  | Ramey             |
| Boyd            | Glass    | Locke              | Rast              |
| Brannan         | Gordon   | Long (Perry)       | Ray               |
| Branyon         | Grant    | McClendon (Chamb)  | Rogers            |
| Brewer          | Gross    | McLendon (Bullock) | Salter            |
| Britton         | Grouby   | Martin             | Sessions          |
| Brooks          | Guthrie  | Merrill            | Smith (St. Clair) |
| Cabiness        | Hain     | Morrow             | Speaks            |
| Camp            | Hanby    | Murphy             | Taylor            |
| Cates           | Hankins  | Nettles            | Trimmier          |

—68

#### H. 949 POSTPONED

On motion of Mr. Long (Lauderdale), consideration of the bill, H. 949, was postponed until the next legislative day.

Yeas 64; Nays 0.

**Yeas:**

|                            |          |                               |                              |
|----------------------------|----------|-------------------------------|------------------------------|
| Mr. Speaker                | Camp     | Hearn                         | Nettles                      |
| Adams <sup>(Houston)</sup> | Cates    | Hocklander                    | Nichols                      |
| Albea                      | Chambers | Ingram                        | Oakley                       |
| Bailey                     | Daniel   | Jenkins                       | Oden                         |
| Barnett                    | Dickson  | Johnson <sup>(Hardaway)</sup> | Phillips                     |
| Bassett                    | Dodd     | Johnston <sup>(Leonard)</sup> | Pierce                       |
| Bevill                     | Ferguson | Jones <sup>(Covington)</sup>  | Pruitt                       |
| Bishop                     | Gilmer   | Locke                         | Ramey                        |
| Boyd                       | Glass    | Long <sup>(Lauderdale)</sup>  | Rast                         |
| Brannan                    | Gordon   | Long <sup>(Perry)</sup>       | Ray                          |
| Branyon                    | Grant    | McClendon <sup>(Chamb)</sup>  | Rogers                       |
| Brewer                     | Gross    | McLendon <sup>(Bullock)</sup> | Salter                       |
| Britton                    | Grouby   | Martin                        | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hain     | Meade                         | Speaks                       |
| Brooks                     | Hankins  | Merrill                       | Taylor                       |
| Cabiness                   | Hardy    | Murphy                        | Trimmier                     |

—64

And the bill:

H. 1070. To provide for the compensation of special bailiffs in the circuit courts of all counties having a population of not less than 80,000 nor more than 94,000, according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

**Yeas:**

|             |           |                               |                              |
|-------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker | Cates     | Hain                          | Oden                         |
| Albea       | Cornett   | Hanby                         | Perry                        |
| Ashworth    | Daniel    | Hankins                       | Phillips                     |
| Bailey      | Dickson   | Hardy                         | Pierce                       |
| Barnett     | Dodd      | Hearn                         | Pruitt                       |
| Bassett     | Edwards   | Hocklander                    | Ramey                        |
| Bevill      | Faulk     | Jenkins                       | Rast                         |
| Bishop      | Ferguson  | Johnson <sup>(Hardaway)</sup> | Ray                          |
| Boyd        | Gilchrist | Jones <sup>(Covington)</sup>  | Rogers                       |
| Brannan     | Gilmer    | Locke                         | Salter                       |
| Branyon     | Gordon    | McClendon <sup>(Chamb)</sup>  | Smith <sup>(St. Clair)</sup> |
| Brewer      | Grant     | McLendon <sup>(Bullock)</sup> | Speaks                       |
| Britton     | Gross     | Merrill                       | Sullivan                     |
| Brooks      | Grouby    | Nettles                       | Taylor                       |
| Camp        | Guthrie   | Oakley                        |                              |

—59

**Nay:** Mr. Cabiness

—1

And the bill:

S. 286. Relating to municipalities having a population of not less than 40,000 nor more than 50,000, according to the last or any subsequent federal decennial census; providing optional forms of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt such an optional form of municipal government.

was taken up.

Messrs. Ferguson and Callahan offered the following substitute for the bill, S. 286:

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to municipalities having a population of not less than 40,000 nor more than 50,000, according to the last or any subsequent federal decennial census; providing optional forms of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt such an optional form of municipal government.

**Be It Enacted by the Legislature of Alabama:**

**Chapter 1**

Section 1. This act shall apply only to municipalities having a population of not less than 40,000 nor more than 50,000, according to the last or any subsequent federal decennial census. Any such city may retain the form of government under which it is presently operating or may adopt, upon proceeding in the manner provided in this act, one of the optional plans or forms of government provided herein.

Section 2. The legally qualified voters of any municipality to which this act is applicable may adopt any of the optional plans of this act upon petition and referendum, as hereinafter provided.

Section 3. Upon petition signed by ten per cent or more of the qualified voters of a municipality within the scope of this act, such petition to be addressed to the judge of probate of the county in which the municipality is situated, an election shall be held on the question of the adoption of such optional plan under this act as the petition may designate.

Section 4. The judge of probate shall examine the petition, and if he determines that the petition is signed by at least ten per cent of the qualified voters of the municipality, he shall certify such fact to the governing body of the municipality; and such governing body, immediately upon receipt of such certification, shall call such election to be held together with, and as part of, the next general or municipal election if one is to be held not less than seventy-five nor more than one hundred twenty days after the filing of the petition, and if a general or municipal election is not to be held within that time, a special election within such time. The question of adoption of an optional plan of government shall be submitted to the voters in the same manner as other public questions to be voted upon by the voters of a single municipality.

Section 5. No petition for submission of the question of adopting an optional plan of government pursuant to this act may be filed within two years after any other such petition has been duly filed, nor within five years after an optional plan of government hereunder shall have been adopted for the municipality.

Section 6. Whenever the legally qualified voters of any municipality to which this act applies, by a majority of those voting on the

question, vote in favor of adopting a change in their form of government pursuant to this act, the officers herein provided for such form of government shall be elected and the plan of government shall become effective as hereinafter provided.

## Chapter 2

Section 7. The form of government provided in this chapter of this act shall be known as the "mayor-council plan" and shall apply to any municipality the voters of which have adopted it pursuant to this act.

Section 8. Each municipality hereunder shall be governed by an elected council, an elected mayor, and such other officers and employees as may be duly appointed pursuant to law or ordinance.

Section 9. The council shall consist of five members, who shall be elected at large by the voters of the municipality; and, except as otherwise herein provided for the first council, the members of the council shall be elected at a regular municipal election to be held every four years in the month of September. Each councilman shall have been a citizen and resident of the municipality at least two years preceding his election.

Section 10. Members of the council shall serve for a term of four years, beginning at twelve o'clock noon on the first Monday of October next following their election, except as otherwise provided for those first elected. Five councilmen shall be elected at the first election following the adoption by the municipality of this plan, as provided in chapter 4 of this act. All councilmen elected at such first election shall serve from twelve o'clock noon on the first day the plan takes effect until twelve o'clock noon on the first Monday in October of the year in which regular municipal elections are held, and their successors are elected and qualified. Vacancies shall be filled for the remainder of the unexpired term at the next general election to be held not less than sixty days after the occurrence of the vacancy. Council may fill the vacancy temporarily by appointment to serve until the qualification of a person so elected. Councilmen shall be entitled to a compensation of twelve hundred dollars per annum each, payable in installments as the salaries of other municipal officers are paid.

Section 11. All legislative powers and other powers granted to cities and towns shall be exercised by the council, except those powers conferred on some officer by law or ordinance, and except as may otherwise be provided by this act or by other general laws.

Section 12. The council, in addition to such other powers and duties as may be conferred upon it by this act or otherwise by law, may:

(a) Consider and approve or decline to approve nominations for appointments to be made by the mayor;

(b) Require any municipal officer, in its discretion, to prepare and submit sworn statements regarding his official duties and the performance thereof, and otherwise to investigate the conduct of any department, office, or agency of the municipal government;

(c) Remove any municipal officer, other than the mayor or a member of council, for cause, upon notice and opportunity to be heard.

Section 13. The council shall appoint a municipal clerk, who shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions, and per-



form such other functions as may be required by law for municipal clerks generally. The municipal clerk shall, prior to his appointment, have been qualified by training or experience to perform the duties of the office.

Section 14. The executive power of the municipality shall be exercised by the mayor. The mayor shall be elected by the qualified voters of the municipality at the regular municipal election to be held every four years in the month of September, and shall serve for a term of four years beginning at twelve o'clock noon on the first Monday in October following his election. Vacancies in the office of mayor shall be filled in the same manner as vacancies in council. However, the mayor elected at the first election following the adoption of this plan shall serve from twelve o'clock noon on the first day the plan takes effect until twelve o'clock noon on the first Monday in October of the year in which regular municipal elections are held and his successor is elected and qualified. The mayor shall be entitled to compensations at the rate of ten thousand dollars per annum, payable in installments as the salaries of other municipal officers are paid.

Section 15. The mayor shall enforce the ordinances of the municipality and all laws applicable thereto. He shall annually address the council on the condition and requirements of the municipal government and shall from time to time make such recommendations for action by the council as he may deem in the public interest. He shall supervise all of the departments of the municipal government and shall require each department to make an annual and such other reports of its work as he may deem desirable.

Section 16. (a) The mayor shall nominate and appoint, with the advice and consent of the council, the judge of the municipal court, or recorder, and the department heads of the municipality other than the municipal clerk, and may remove at his pleasure the officers appointed by him.

(b) Ordinances adopted by the council shall be submitted to the mayor, and he shall within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council, by delivering it to the municipal clerk, together with a statement setting forth his objections thereto or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to council within ten days after it has been presented to him, or unless council upon reconsideration thereof on or after the next regular council meeting following its return by the mayor shall by a vote of four members resolve to override the mayor's veto.

(c) The mayor may attend all meetings of the council and preside as chairman and may take part in the sessions of council but shall have no vote except in the case of tie, in which case he may cast the deciding vote.

Section 17. The mayor shall designate the director of administration (or other municipal administrative official subject to the approval of the council) to act as mayor whenever the mayor shall be prevented by absence from the municipality, disability, or other cause from attending the duties of his office. During such time the person so designated by the mayor shall possess all the rights, powers, and duties of the mayor except to hire or dismiss departmental heads or other key officials. Whenever the mayor shall have been unable to attend the duties of his office for a period of sixty consecutive days for any of the above stated reasons, an acting mayor shall be appointed by the

council, and he shall succeed to all the rights, powers, and duties of the then acting mayor.

Section 18. The municipality shall have a department of administration and such other departments not exceeding nine in number as council may establish by ordinance. All of the functions, powers, and duties of the municipality shall be allocated and assigned among and within such departments. Each department shall be headed by a director or other officer appointed by the mayor with the advice and consent of the council. The department heads shall serve at the pleasure of the mayor.

Section 19. The department of administration shall be headed by a director who shall be known and designated as the director of administration. The director of administration shall be appointed as other department heads are appointed, and shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. He shall have, exercise, and discharge the functions, powers, and duties of the department. The department under the direction and supervision of the mayor shall:

(a) Assist in the preparation of the budget;

(b) Administer a centralized purchasing system; provided, all contracts of whatever nature for the purchase of materials, equipment, supplies, or other personal property involving more than 100 dollars or less than 2,000 dollars made by or on behalf of the municipality, shall be let by free and open bidding, on written sealed bids, to the lowest responsible bidder. Provided further that all purchases of 2,000 dollars or more shall be advertised for by publication three successive weeks before the date set for the letting, in a newspaper published in the city, and in any other manner and for such lengths of time as the council may determine. All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents relating to the award of the contract shall be retained and made a part of a permanent record or file and shall be open to public inspection;

(c) Be responsible for the development and administration of a sound personnel system; provided, all appointments and removals of officers and employees of the municipality shall be made in accordance with the provisions of the existing merit or civil service system law, if any, in effect in the municipality;

(d) Perform such other duties as council may prescribe.

Section 20. Council shall provide by ordinance for a municipal engineer who shall be qualified at least as a licensed professional engineer prior to his appointment, and shall serve either full or part time, or on a consulting basis. The municipal engineer shall supervise all work by or for the municipality of a technical or engineering nature. He shall as directed by council compile and compute any cost of all work and services of an engineering or technical nature paid for by the municipality whether charged to force account or by contract, and shall report thereon to council annually and at such other times as the mayor or council may require.

Section 21. The municipal budget shall be prepared by the mayor with the assistance of the director of administration. During the month of August, the mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear

before the mayor or director of administration at public hearings, which shall be held in that month, on the various requests.

Section 22. On or before the fifteenth day of September the mayor shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as may be prescribed by the council, and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. Council may increase or reduce any item or items in the mayor's budget by a vote of a majority of the council. The budget shall become effective on the ensuing first day of October.

Section 23. The council shall where practicable provide for the maintenance of a system of quarterly allotments for the operation of the budget. It shall be the duty of the officer or department administering any function of the municipality to report to the director of administration such financial statistics as the mayor or director of administration may require in the formulation of the budget.

Section 24. The council shall provide by ordinance for the exercise of a control function, in the management of the finances of the municipality, by some officer other than the director of administration. The control function shall include provision for an encumbrance system of budget operation, for expenditures only upon written requisition, for the pre-audit of all claims and demands against the municipality prior to payment, and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

### Chapter 3

Section 25. The form of government provided in this chapter of this act shall, be known as the "council-manager plan" and shall apply to any municipality the voters of which have adopted this plan pursuant to this act.

Section 26. Each municipality under this chapter shall be governed by an elected council, an appointed municipal manager, and such other officers and employees as may be duly appointed pursuant to law or ordinance.

Section 27. The municipal council shall consist of five members. Each councilman shall have been a citizen and resident of the municipality at least two years immediately preceeding his election.

Section 28. Except as otherwise herein provided for the first councilmen, members of the municipal council shall be elected at large by the voters of the municipality at a regular municipal election to be held every four years in the month of September.

Section 29. Members of the council shall serve for a term of four years, beginning on the first Monday in October next following their election, except as otherwise provided for those first elected. Five councilmen shall be elected at the first election following the adoption by the municipality of this plan, as provided in chapter 4 of this act. All councilmen elected at such first election shall serve from twelve o'clock noon on the first day the plan takes effect until twelve o'clock noon on the first Monday in October of the year in which regular municipal elections are held, and their successors are elected and qualified. Vacancies shall be filled by election for the remainder of the unexpired term at the next general election occurring not less than sixty days after the occurrence of the vacancy. Council may fill the vacancy temporarily by appointment to serve until the qualification of a person so

elected. Councilmen shall be entitled to a compensation of 1,200 dollars per annum each, payable in installments as the salaries of other municipal officers are paid.

Section 30. On the first Monday in October following their election, and, in the case of the first councilmen elected, on the day this plan takes effect, the members elected to the municipal council shall assemble at the usual place of meeting of the governing body of the municipality and organize and elect one of their number as mayor. The mayor shall be chosen by ballot by a majority vote of all members of the municipal council. If the members shall be unable, within five ballots to be taken within two days of said organization meeting to elect a mayor, then the member who in the election for members of the municipal council received the greatest number of votes shall be the mayor. Should such person decline to accept the office, then the person receiving the next highest vote shall be mayor and so on. The compensation of the mayor under this plan shall be \$2,400.00 dollars.

Section 31. The mayor shall preside at all meetings of the municipal council and shall have a voice and vote in its proceedings. All bonds, notes, contracts, and written obligations of the municipality shall be executed on its behalf by the mayor, or in the event of his inability to act, by such councilman as the municipal council shall designate to act as mayor during his absence or disability.

Section 32. All legislative powers and other powers granted to cities and towns shall be exercised by the council, except those powers conferred on some officer by law or ordinance, and except as otherwise provided herein.

Section 33. The municipal council shall appoint a municipal manager, a municipal clerk, and a municipal attorney. Any of such offices may be held by the same person. The council may provide for the appointment of other necessary officers and employees, and may create commissions and other bodies with advisory powers. All appointments and removals of personnel, except the municipal manager, shall be made in accordance with the provisions of such merit or civil service system law as may be applicable to such municipality.

Section 34. The municipal council shall continue or create, and determine and define the powers and duties of, such executive and administrative departments, boards, and officers in addition to those provided for herein, as it may deem necessary for the proper and efficient conduct of the affairs of the municipality. Any department, board, or office so created may at any time be abolished by the municipal council.

Section 35. It is the intention of this chapter of this act that the municipal council shall act in all matters as a body, and it is contrary to the intent of this chapter for any of its members to seek individually to influence the acts of the municipal manager, or any other officer, or to direct or request the appointment of any person to, or his removal from office; or to interfere in any way with the performance by such officers of their duties. The council and its members shall deal with the administrative service solely through the manager and shall not give orders to any subordinate of the manager, either publicly or privately. Nothing herein contained shall prevent the municipal council from appointing committees or commissioners of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to such committees or commissions such powers of inquiry as the municipal council may deem necessary. Any councilman violat-

ing the provisions of this section shall be disqualified to serve thereafter, and may be removed from his office by an appropriate proceeding brought in a court of competent jurisdiction.

Section 36. The municipal council shall as soon as possible after its organization appoint by a vote of a majority of all its members, a municipal manager at such salary and under such conditions as the municipal council by a majority vote may decide.

Section 37. The manager may designate a qualified administrative officer of the municipality to perform his duties during his temporary absence or disability. In the event of his failure to make such designation, the council may by resolution appoint an officer of the municipality to perform the duties of the manager during such absence or disability until he shall return or his disability shall cease.

Section 38. The municipal manager shall be chosen by the council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the municipality or state, but during his tenure of office he must reside inside the municipality.

Section 39. The municipal manager shall hold office for an indefinite term and may be removed by a majority vote of the council. At least thirty days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one is requested, and after full consideration, the council by a majority vote of its members may adopt a final resolution of removal. By a preliminary resolution the council may suspend the manager from duty, and shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next three calendar months following adoption of the preliminary resolution.

Section 40. The municipal manager shall:

(a) Be the chief executive and administrative official of the municipality;

(b) Execute all laws and ordinances applicable within the municipality;

(c) Appoint and remove all heads of administrative departments and all other officers, subordinates and assistants, for whose selection or removal no other method is provided in this chapter, supervise and control his appointees, and report all appointments or removals at the next meeting thereafter of the municipal council, provided that all such appointments and removals are made in accordance with any merit or civil service system law which may be applicable to the municipality;

(d) Negotiate contracts of the municipality subject to the approval of the municipal council, make recommendations concerning the nature and location of municipal improvements, and execute municipal improvements as determined by the municipal council; provided, all contracts of whatever nature for the purchase of materials, equipment, supplies, or other personal property involving more than 100 dollars or less than 2,000 dollars, made by or on behalf of the municipality, shall be let by free and open competitive bidding, on written sealed bids, to

the lowest responsible bidder. Provided further that all purchases of 2,000 dollars or more shall be advertised for by publication three successive weeks before the date set for the letting, in a newspaper published in the city, and in any other manner and for such lengths of time as the council may determine. All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents relating to the award of the contract shall be retained and made a part of a permanent record or file and shall be open to public inspection;

(e) See that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise, or other contract are faithfully kept and performed, and upon knowledge of any violation call the same to the attention of the municipal council;

(f) Attend all meetings of the municipal council with the right to take part in the discussions, but without the right to vote;

(g) Recommend to the municipal council for adoption such measures as he may deem necessary or expedient, and make reports to the council as requested by it, and at least once a year make an annual report of his work for the benefit of the council and the public;

(h) Investigate at any time the affairs of any officer or department of the municipality;

(i) Perform such other duties as may be required of the municipal manager by ordinance or resolution of the municipal council.

The municipal manager shall in all matters act under the direction and supervision of the municipal council.

Section 41. A municipal budget shall be prepared by the municipal manager. During the month of August in each year the municipal manager shall require the department heads to submit requests for appropriations for the ensuing budget year and to appear before him at public hearings, which shall be held during that month, on the various requests.

Section 42. On or before the fifteenth day of September the municipal manager shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as may be required by the council, and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. The council shall, where practicable, provide by ordinance for the operation of a system of quarterly allotments for the operation of the budget, and for the development and reporting of appropriate unit costs of budgeted expenditures. The budget shall become effective on the first day of October.

Section 43. In any act or ordinance a provision conferring the appointing power or other power upon the mayor or other executive officer of the municipality shall be construed as meaning the municipal manager in a municipality governed under this chapter of this act, and the appointments or the power exercised by the municipal manager in accordance with such provisions shall be classified and given the same force and effect as if executed by the official named therein.

Section 44. A municipal engineer shall supervise all work by or for the municipality of a technical or engineering nature. He shall as directed by council, compile and compute the unit cost of all

work and services of an engineering or technical nature paid for by the municipality, whether charged to force account or by contract, and shall report thereon annually and at such other times as the mayor or council may require.

#### Chapter 4

Section 45. A schedule of the installation of an optional plan adopted pursuant to this act shall, as provided herein, take the following course:

(a) An election to submit the question of adoption of an optional plan may be held at any time in accordance with the provisions of chapter 1 of this act;

(b) In the event of a favorable vote of the electors at the election, the judge of probate of the county in which the municipality is situated shall order an election to be held on the eighth Tuesday following such election for the election of the first officers under the adopted plan;

(c) An optional plan shall take effect in accordance with the further provisions of this act, at twelve o'clock noon on the date of expiration of the terms of office of incumbent councilmen or commissioners, or if the incumbents are holding staggered terms, on the expiration of the term which occurs first.

(d) The expense of all elections held hereunder shall be paid by the municipality conducting such elections.

Section 46. Upon the effective date of an optional form of government adopted pursuant to this act, the provisions of this act pertaining thereto shall become applicable to such municipality, and the existing form of government for such municipality shall be abolished. All ordinances and resolutions of the municipality to the extent that they are not inconsistent with the provisions of this act shall remain in full force and effect until modified or repealed as provided by law. All officers and employees of any municipality adopting an optional plan pursuant to this act, except those whose terms of office are abolished by the adoption of such optional plan, shall continue in office until otherwise provided by the municipal council.

Section 47. All actions and proceedings of a legislative, executive, or judicial character which are pending upon the effective date of an optional plan adopted pursuant to this act may continue, and the appropriate officer or employee under such optional plan shall be substituted for the officer or employee theretofore exercising or discharging the function, power, or duty involved in such action or proceeding.

Section 48. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 49. All laws or parts of laws which conflict with this act are repealed.

Section 50. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 76; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Chambers  | Hardy                         | Nichols                      |
| Adams <sup>(Houston)</sup> | Cornett   | Hawkins                       | Oakley                       |
| Albea                      | Daniel    | Hearn                         | Oden                         |
| Ashworth                   | Dickson   | Hocklander                    | Perry                        |
| Bailey                     | Dodd      | Ingram                        | Phillips                     |
| Barnett                    | Edwards   | Jenkins                       | Pierce                       |
| Bassett                    | Faulk     | Johnson <sup>(Hardaway)</sup> | Pruitt                       |
| Bevill                     | Ferguson  | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Bishop                     | Gilchrist | Jones <sup>(Monroe)</sup>     | Rast                         |
| Boyd                       | Gilmer    | Locke                         | Ray                          |
| Brannan                    | Glass     | Long <sup>(Lauderdale)</sup>  | Rogers                       |
| Branyon                    | Gordon    | Long <sup>(Perry)</sup>       | Rozelle                      |
| Britton                    | Grant     | McClendon <sup>(Chamb)</sup>  | Salter                       |
| Broadfoot                  | Gross     | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Grouby    | Martin                        | Speaks                       |
| Cabiness                   | Guthrie   | Merrill                       | Sullivan                     |
| Callahan                   | Hain      | Morrow                        | Taylor                       |
| Camp                       | Hanby     | Murphy                        | Thomas                       |
| Cates                      | Hankins   | Nettles                       | Trimmier                     |

—76

And said bill, S. 286, as thus amended, was read a third time at length and passed.

Yeas 66; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cates       | Hankins                        | Nettles                      |
| Adams <sup>(Houston)</sup> | Chambers    | Hardy                          | Oakley                       |
| Albea                      | Cornett     | Hearn                          | Oden                         |
| Ashworth                   | Daniel      | Hocklander                     | Owens                        |
| Avery                      | Dickson     | Ingram                         | Perry                        |
| Bailey                     | Dodd        | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Bishop                     | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Pruitt                       |
| Boyd                       | Gilchrist   | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Brannan                    | Gilmer      | Jones <sup>(Covington)</sup>   | Ray                          |
| Branyon                    | Glass       | Long <sup>(Lauderdale)</sup>   | Rogers                       |
| Brewer                     | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Rozelle                      |
| Britton                    | Gordon      | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Broadfoot                  | Grant       | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Gross       | Meade                          | Speaks                       |
| Cabiness                   | Grouby      | Merrill                        | Taylor                       |
| Callahan                   | Hain        | Murphy                         | Thomas                       |
| Camp                       | Hanby       |                                |                              |

—66

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Smith (St. Clair) to suspend the rules in order to allow all Standing Committees to report, was adopted.

**BILLS ON SECOND READING**

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1116. To make an additional appropriation for payment of expenses of the Legislature.



S. 414. Relating to schools; to provide for a state tenure commission to determine appeal cases under the teacher tenure law, to provide for the appointment of members and their compensation, and to define the jurisdiction of the commission.

S. 350. To make an appropriation from the state treasury for the relief of Hallie S. Chapman.

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1129. To protect and preserve basic trust and fiduciary purposes and interests inherent in the intent and understanding when property in Alabama shall have been subjected or devoted to local fraternal uses; to prevent impairment of such intent and to preserve the charitable or trust use intended, from subjection to uses, functions or rules subversive of such intent or inconsistent with social order, harmony and good will in the administration thereof as a result of or in the event of action by any higher or affiliate order or other authority affecting the administration or use of the property; and to provide for repayment of loans or grants made by the parent order (or its affiliated organization) to the local fraternity as those terms are herein defined; and to provide procedure for protection and preservation of such intent and the fraternal, charitable or educational use involved and said declaratory act to that end.

Mr. Oden, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 753. To provide for a finding by the Legislature that the regulation of the laundry and dry cleaning industry is in the public interest and is necessary for adequate and proper laundry and dry cleaning at all times in the state of Alabama in the interest of general health and well-being of the public generally; to create the Alabama State Board of Dry Cleaners and Launderers; to provide for the appointment and removal of its members; to define its powers and duties; to fix compensation of its members; to empower the Alabama State Board of Launderers and Dry Cleaners with power to employ necessary help and to fix their compensation; to make and enforce necessary rules and regulations for the enforcement of said law; to provide for a seal and certified copies of orders and records of the board; to provide for the holding of public hearings by the board; to provide for the licensing of any person from a corporation engaged in the business of cleaning, pressing, laundering, storage or dyeing in Alabama; to provide for the fixation and collection of license fees for launderers and cleaners; to provide for the regulation of transactions in Alabama by non-residents; to provide for regulation by the board of new establishments, itinerant and transit dry cleaners; to provide for the disposition of license fees collected by the board; to provide for the issuances of new licenses; to provide for the entry, inspection of investigators at the direction of the board in the enforcement of the law; to provide penalties and revocations of suspensions for violations of the law; to find average costs for services; to provide rule making power for the promulgation of rules and regulations of fair trade; to provide for review of any regulation or order of the board; to give the board power

to enforce its orders, rules and regulations; to establish the manner of taking effect of the Act.

S. 145. Relating to accounts of deceased persons in a Savings and Loan Association. To whom and how paid.

S. 149. Relating to definitions of savings and loan associations; amending Section 211, Title 5, Code of Alabama, 1940, and in clarification of Section 250, Title 5, Code of Alabama, 1940.

Mr. Hardy, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 119. To amend Section 12 of Title 35, Code of Alabama 1940, which relates to military leave for government employees.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 653. To amend Act No. 245, H. 343, approved June 26, 1945 (General Acts of Alabama, 1945, p. 367), which created the office of Commissioner of Licenses in counties having a population of not less than 140,000 nor more than 400,000 inhabitants, according to the last or any subsequent federal census, and which provided for his election, term, powers, duties, authority and compensation.

H. 1000. To propose and provide for the submission of an amendment to the Constitution of Alabama amending Amendment XVIII to said constitution, which pertains to Mobile County and the issuance of bonds and the levy of an ad valorem tax by said county for certain specified purposes.

The above bill was read a second time at length as required by the Constitution.

H. 1001. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County to issue its general obligation bonds not exceeding \$3,000,000 in principal amount for capital improvements in said county, including not exceeding \$1,000,000 principal amount for public school houses and not exceeding \$2,000,000 principal amount for public hospital buildings, said bonds to be secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said constitution, and authorizing the continued levy and collection of said tax for payment of bonds issued hereunder.

The above bill was read a second time at length as required by the Constitution.

H. 1112. Relating to Baldwin County: Authorizing the County Commissioners of Baldwin County, Alabama, to pay the salaries of additional deputy sheriffs, designate the fund out of which said salaries shall be paid. To prescribe their method of appointment and fix their duties.

H. 1113. To amend Section four (4) of an Act of the Legislature approved March 23, 1955, entitled: An Act; To establish in Mobile

County, Alabama the positions of Administrative Assistant to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama and Legal Stenographer to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama; to prescribe their duties; to fix their term of employment and to prescribe their compensation and provide for the payment of their compensation out of the General Fund of Mobile County, Alabama.

H. 1115. To amend further Section VIII of the act approved September 15, 1939, creating and establishing the Personnel Department of Mobile County (Act No. 470, H. 952, Local Acts 1939, p. 298); to provide for the qualifications, salary and duties of the Personnel Director, to provide for the retirement of the Personnel Director and to prescribe the terms and conditions of such retirement.

H. 1117. Relating to Mobile County: To amend further Section 3 of an Act approved June 23, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), entitled "An Act to place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer;" to provide further for the compensation of the chief clerk in the office of the sheriff.

H. 1118. Relating to Mobile County: To provide further for the distribution of fines and forfeitures in certain cases.

H. 1119. To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said city.

H. 1121. To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said City.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1122 (with amendment): To provide for and fix the compensation and duties of the Chief Assistant in the office of the Clerk of the Circuit Court of Mobile County, Alabama, in charge of the Criminal Division of said Circuit Court.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1123. To amend Section 2 of Act No. 261, H. 808, approved August 23, 1955, an act relating to the construction, maintenance and re-

pair of county roads and bridges in Cherokee County (Act 1955, Vol. I, p. 606), in relation to the authority of the county governing body to determine, subject to the approval of the state highway department, which new county roads and bridges are to be built within the county.

H. 1124. To provide for the compensation of the coroner of Cherokee County.

H. 1125. To authorize the court of county commissioners, board of revenue or other like governing body of Conecuh County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Conecuh County public highway and traffic fund.

H. 1130. To amend Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama entitled "An Act relating to Lawrence County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 25 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 25 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said State Use Tax; so as to adopt by reference certain provisions of the said Act No. 100 and the said Article 11, as so amended; so as to make subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject

to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

H. 1131. To amend Act No. 243, House Bill 685, approved August 13, 1957, (Acts of Alabama 1957, Page 308), Relating to Colbert County: To authorize the board of revenue, court of county commissioners, or like governing body of Colbert County to call an election in the county for the purpose of determining whether or not the county body may levy an additional county privilege or excise tax on tobacco products; prescribing the power, duties, and authority of the county governing body in the collection and enforcement of the tax, if imposed; prescribing the method or manner of evidencing the payment of the tax, if imposed, through the use of stamps, and allowing a discount for handling tobacco tax stamps; providing that the proceeds of the tax, if imposed, shall be used exclusively for the purpose of acquiring, constructing, equipping, enlarging, improving, maintaining, and operating a public hospital in the county; and prescribing penalties for violations of the Act.

H. 1132. To provide for the compensation of the county or deputy solicitor in all counties having a population of not less than 20,500 nor more than 20,830, according to the most recent federal decennial census.

H. 1134. To alter, rearrange and extend the boundaries of Dadeville, Tallapoosa County; repealing Section 2 of Act No. 286, H. B. 197, passed at the Session of 1878-1879, and approved January 16, 1879 (Acts of Alabama 1878, p. 328).

S. 425. To alter or rearrange the boundary lines of the city of Pell City, St. Clair County, Alabama, so as to include within the Corporate Limits of said City all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama.

S. 428. To alter, rearrange and describe the boundary lines and corporate limits of the City of Alexander City, Tallapoosa County, Alabama.

S. 434. To require the tax collector of Mobile County to charge and collect the same fees, and to deduct from taxes collected by him the same commissions that are prescribed by the general law as compensation for tax assessors and tax collectors and to pay all such fees and commissions into the county treasury of Mobile County; and to repeal Act No. 241, H. 401 and Act No. 242, H. 473 of 1935 (Local Acts of Alabama of 1935, pages 139 and 141, respectively) and Section 1 of Act No. 191, H. 634 of 1955 (Acts of Alabama of 1955, page 476).

S. 440. To provide for the establishment and operation of a public clinic in the municipality of Uniontown, Perry County.

S. 441. To alter, rearrange, and extend the boundaries and corporate limits of the Town of Brent, Bibb County, Alabama, so as to annex certain territory to the Town.

Mr. Perry, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1126. To alter and extend the boundaries of the City of Leeds, Alabama.

H. 1128. To Fix Compensation of Election Officials in Primary Elections, General Elections, and Special Elections held in Counties Which Now Have or Which May Hereafter Have a Population In Excess of 500,000 According to the Last or Any Subsequent Federal Decennial Census.

H. 1136. To establish an inferior court to be called the Intermediate Civil Court of Bessemer; to provide for the Judge, Clerks and other officers, their selection and duties; to provide for the jurisdiction, practice and procedure of said Court; to provide for the transfer of causes from said Court to the circuit court; and to provide for appeals from said Court and regulate the manner of taking same.

H. 1137. To establish an Inferior Court in Precinct 33 and all other precincts in Jefferson County, Alabama, lying within or partly within the City of Bessemer, in lieu of all Justices of the Peace in said precinct or precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory, said Court to be called The Bessemer Common Claims and Criminal Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and to fix the method of service of all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court, and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said court.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 800. To direct the State Comptroller to pay over to the board of trustees of the University of Alabama, for the benefit of the Medical College of Alabama, the unexpended balance of the appropriation made for payment of expenses of the Medical College Building Commission by section four of an act approved June 2, 1943 (Act No. 89, S. 35, General Acts 1943, p. 89).

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1135 (with substitute): For the relief of Sisk and Meade, contractors, of Centre, Alabama; making an appropriation of state highway department funds to compensate such contractors for certain construction work done on Alabama highway projects.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 72. To provide for and regulate the selection and impaneling of alternate jurors for the trial of any civil case triable by a jury in all courts in all counties having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

Also:

H. 73. Relating to judicial procedure, and to provide for and regulate the selecting and impaneling of juries and alternate jurors in all criminal and quasi-criminal cases in the circuit courts in counties having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census.

Also:

H. 605. Relating to Macon County; regulating further the practice of cosmetology in Macon County.

Also:

H. 693. To amend further Section 5 of Act No. 222, H. 317, approved February 27, 1879 (Acts of Alabama, 1878, p. 248), entitled "An Act To establish a board of revenue for Autauga county, and to define the powers and duties of said board of revenue," by providing further for the compensation of the chairman and members of the board of revenue.

Also:

H. 838. To amend Section 2 of an act approved June 3, 1953, establishing a board of revenue for Hale County (Act No. 61, H. 209, Acts of Alabama 1953, Vol. I, p. 89) so as to provide for the election of members of the board of revenue by districts.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## BILLS ON THIRD READING RESUMED

H. 1082. To alter, re-arrange and extend the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

**Yeas:**

|                            |                                |                               |                                |
|----------------------------|--------------------------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Edwards                        | Long <sup>(Perry)</sup>       | Ray                            |
| Adams <sup>(Houston)</sup> | Faulk                          | McClendon <sup>(Chamb)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Albea                      | Ferguson                       | McLendon <sup>(Bullock)</sup> | Roberts                        |
| Ashworth                   | Gilchrist                      | Martin                        | Rogers                         |
| Barnett                    | Glass                          | Meade                         | Rozelle                        |
| Bassett                    | Gordon                         | Merrill                       | Salter                         |
| Bishop                     | Grant                          | Morrow                        | Sessions                       |
| Brannan                    | Grouby                         | Nettles                       | Smith <sup>(Russell)</sup>     |
| Branyon                    | Guthrie                        | Nichols                       | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hankins                        | Oakley                        | Speaks                         |
| Brooks                     | Hawkins                        | Oden                          | Sullivan                       |
| Cabiness                   | Hocklander                     | Owens                         | Taylor                         |
| Chambers                   | Johnson <sup>(Hardaway)</sup>  | Perry                         | Thomas                         |
| Cornett                    | Johnson <sup>(J. T. Tom)</sup> | Pierce                        | Trimmier                       |
| Daniel                     | Johnston <sup>(Leonard)</sup>  | Ramey                         | Turnham                        |
| Dickson                    | Jones <sup>(Monroe)</sup>      | Rast                          |                                |

—63

And the bill:

H. 1083. To provide a salary for the Coroner of Blount County, and to describe the manner of payment thereof: and making this Act effective upon approval of the voters of the county voting at a referendum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dickson     | Hawkins                        | Oden                           |
| Adams <sup>(Houston)</sup> | Dodd        | Hearn                          | Owens                          |
| Albea                      | Edwards     | Hocklander                     | Perry                          |
| Ashworth                   | Faulk       | Johnson <sup>(Hardaway)</sup>  | Pierce                         |
| Bailey                     | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Barnett                    | Gilmer      | Johnston <sup>(Leonard)</sup>  | Rast                           |
| Bassett                    | Glass       | Jones <sup>(Monroe)</sup>      | Ray                            |
| Bishop                     | Goldthwaite | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Boyd                       | Gordon      | Long <sup>(Perry)</sup>        | Roberts                        |
| Brannan                    | Grant       | McClendon <sup>(Chamb)</sup>   | Rogers                         |
| Branyon                    | Gross       | McLendon <sup>(Bullock)</sup>  | Rozelle                        |
| Brewer                     | Grouby      | Martin                         | Sessions                       |
| Britton                    | Guthrie     | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hain        | Merrill                        | Speaks                         |
| Brooks                     | Hanby       | Morrow                         | Taylor                         |
| Cabiness                   | Hankins     | Nettles                        | Thomas                         |
| Chambers                   | Hardy       | Oakley                         | Trimmier                       |
| Daniel                     |             |                                |                                |

—69

And the bill:

H. 1084. Providing for the appointment of a Clerk or secretarial assistant for the County Solicitor of Blount County, and for the payment of the compensation of such clerk or assistant from the County



Treasury; and making this Act effective upon the approval of the voters of the County voting at a referendum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

**Yeas:**

|                 |          |                     |                     |
|-----------------|----------|---------------------|---------------------|
| Mr. Speaker     | Cornett  | Hawkins             | Oakley              |
| Adams (Houston) | Daniel   | Hearn               | Oden                |
| Albea           | Dickson  | Johnson (Hardaway)  | Owens               |
| Ashworth        | Dodd     | Johnson (J. T. Tom) | Perry               |
| Bailey          | Faulk    | Johnston (Leonard)  | Phillips            |
| Barnett         | Ferguson | Jones (Monroe)      | Pierce              |
| Bassett         | Gilmer   | Lee                 | Ramey               |
| Bevill          | Glass    | Locke               | Rast                |
| Bishop          | Gordon   | Long (Lauderdale)   | Ray                 |
| Boyd            | Grant    | Long (Perry)        | Reynolds (Chambers) |
| Brannan         | Gross    | McClendon (Chamb)   | Rogers              |
| Branyon         | Grouby   | McLendon (Bullock)  | Rozelle             |
| Brewer          | Guthrie  | Meade               | Sessions            |
| Britton         | Hain     | Merrill             | Smith (St. Clair)   |
| Broadfoot       | Hanby    | Morrow              | Taylor              |
| Brooks          | Hankins  | Murphy              | Thomas              |
| Cabiness        | Hardy    | Nettles             | Trimmier            |
| Chambers        | Harris   |                     |                     |

—70

And the bill:

H. 1085. To alter, rearrange, and extend the boundary line of the City of Cullman, in Cullman County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

**Yeas:**

|                 |           |                     |                     |
|-----------------|-----------|---------------------|---------------------|
| Mr. Speaker     | Daniel    | Harris              | Morrow              |
| Adams (Houston) | Dickson   | Hawkins             | Murphy              |
| Albea           | Dodd      | Hearn               | Oden                |
| Avery           | Edwards   | Hocklander          | Perry               |
| Bailey          | Faulk     | Ingram              | Phillips            |
| Barnett         | Ferguson  | Johnson (Hardaway)  | Pierce              |
| Bassett         | Gilchrist | Johnson (J. T. Tom) | Ramey               |
| Bevill          | Gilmer    | Johnston (Leonard)  | Rast                |
| Bishop          | Glass     | Jones (Covington)   | Ray                 |
| Boyd            | Gordon    | Jones (Monroe)      | Reynolds (Chambers) |
| Brannan         | Grant     | Lee                 | Rogers              |
| Branyon         | Gross     | Locke               | Rozelle             |
| Brewer          | Grouby    | Long (Lauderdale)   | Salter              |
| Britton         | Guthrie   | Long (Perry)        | Sessions            |
| Broadfoot       | Hain      | McClendon (Chamb)   | Smith (St. Clair)   |
| Brooks          | Hanby     | McLendon (Bullock)  | Taylor              |
| Camp            | Hankins   | Martin              | Thomas              |
| Chambers        | Hardy     | Merrill             | Trimmier            |

—72

And the bill:

H. 1086 (with amendment): To empower the county board of ed-

ucation of Marengo County to authorize the use of school buses for transporting persons to and from certain educational, civic and recreational functions, meetings, gatherings or encampments.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

#### AMENDMENT TO H. B. 1086

Substitute the following for Section 1 of the bill:

"Section 1. The county board of education of Marengo County may authorize the use of county school buses for the purpose of transporting persons to and from any encampment or educational, recreational, or civic function held, sponsored, or conducted by any farm demonstration or farm life club in the county whenever such use will not interfere with the principal use of such school buses; and may make such reasonable charge for the use of such school buses as in its opinion is necessary to reimburse the school funds for all necessary costs and expenses incurred by reason of such use. Whenever the board of education authorizes the use of school buses for any of the purposes enumerated herein, such buses shall be used only for the specific purpose which the board authorized and in strict conformity to any regulations or stipulations relative to such use as may be prescribed by the board."

And the amendment was adopted.

Yeas 71; Nays 0.

#### Yeas:

|                            |          |                                |                                |
|----------------------------|----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel   | Hawkins                        | Nettles                        |
| Adams <sup>(Houston)</sup> | Dickson  | Hearn                          | Oakley                         |
| Albea                      | Dodd     | Hocklander                     | Perry                          |
| Avery                      | Edwards  | Ingram                         | Phillips                       |
| Bailey                     | Faulk    | Jenkins                        | Pierce                         |
| Barnett                    | Ferguson | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Bassett                    | Gilmer   | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Bevill                     | Glass    | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Bishop                     | Gordon   | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Boyd                       | Grant    | Lee                            | Rogers                         |
| Brannan                    | Gross    | Locke                          | Rozelle                        |
| Branyon                    | Grouby   | Long <sup>(Lauderdale)</sup>   | Salter                         |
| Brewer                     | Guthrie  | Long <sup>(Perry)</sup>        | Sessions                       |
| Britton                    | Hain     | McClendon <sup>(Chamb)</sup>   | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Hanby    | McLendon <sup>(Bullock)</sup>  | Taylor                         |
| Brooks                     | Hankins  | Merrill                        | Thomas                         |
| Camp                       | Hardy    | Morrow                         | Trimmier                       |
| Chambers                   | Harris   | Murphy                         |                                |

—71

And said bill, H. 1086, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

#### Yeas:

|                            |       |         |         |
|----------------------------|-------|---------|---------|
| Mr. Speaker                | Albea | Bailey  | Bassett |
| Adams <sup>(Houston)</sup> | Avery | Barnett | Bevill  |

|           |            |                                |                                |
|-----------|------------|--------------------------------|--------------------------------|
| Bishop    | Ferguson   | Johnson <sup>(Hardaway)</sup>  | Oden                           |
| Boyd      | Gilmer     | Johnson <sup>(J. T. Tom)</sup> | Owens                          |
| Brannan   | Glass      | Johnston <sup>(Leonard)</sup>  | Perry                          |
| Branyon   | Gordon     | Jones <sup>(Covington)</sup>   | Phillips                       |
| Brewer    | Grant      | Jones <sup>(Monroe)</sup>      | Ramey                          |
| Britton   | Gross      | Lee                            | Rast                           |
| Broadfoot | Grouby     | Locke                          | Ray                            |
| Brooks    | Guthrie    | Long <sup>(Lauderdale)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Cabiness  | Hain       | Long <sup>(Perry)</sup>        | Rogers                         |
| Camp      | Hanby      | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Cates     | Hankins    | McLendon <sup>(Bullock)</sup>  | Salter                         |
| Chambers  | Hardy      | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Cornett   | Harris     | Merrill                        | Sullivan                       |
| Daniel    | Hawkins    | Morrow                         | Taylor                         |
| Dickson   | Hearn      | Murphy                         | Thomas                         |
| Dodd      | Hocklander | Nettles                        | Trimmier                       |
| Faulk     | Ingram     | Oakley                         |                                |

—75

And the bill:

H. 1088. To abolish the Etowah County Law Library Fund which was created by Act No. 482, H. 1036, approved August 30, 1949; to provide for the transfer of any moneys in such abolished fund to the Etowah County Law Library Fund established pursuant to Act No. 197, H. 596, which became law on August 1, 1955, and to authorize the expenditure of such moneys after being so transferred.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

#### Yeas:

|                            |          |                                |                                |
|----------------------------|----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cornett  | Hocklander                     | Oden                           |
| Adams <sup>(Houston)</sup> | Dickson  | Ingram                         | Owens                          |
| Albea                      | Dodd     | Johnson <sup>(Hardaway)</sup>  | Perry                          |
| Bailey                     | Edwards  | Johnson <sup>(J. T. Tom)</sup> | Phillips                       |
| Barnett                    | Faulk    | Johnston <sup>(Leonard)</sup>  | Pierce                         |
| Bassett                    | Ferguson | Jones <sup>(Monroe)</sup>      | Ramey                          |
| Bishop                     | Gilmer   | Lee                            | Rast                           |
| Boyd                       | Glass    | Locke                          | Ray                            |
| Brannan                    | Gordon   | Long <sup>(Lauderdale)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Branyon                    | Gross    | Long <sup>(Perry)</sup>        | Rogers                         |
| Brewer                     | Grouby   | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Britton                    | Guthrie  | McLendon <sup>(Bullock)</sup>  | Sessions                       |
| Broadfoot                  | Hain     | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Hanby    | Meade                          | Speaks                         |
| Cabiness                   | Hankins  | Merrill                        | Sullivan                       |
| Camp                       | Hardy    | Morrow                         | Taylor                         |
| Casey                      | Harris   | Murphy                         | Thomas                         |
| Cates                      | Hawkins  | Nettles                        | Trimmier                       |
| Chambers                   | Hearn    | Oakley                         |                                |

—75

And the bill:

H. 1089. To amend Section 6 of Act No. 393, H. 681, approved July 14, 1931, an act that abolished the county board of education of Geneva County and created in lieu thereof a county board of school commissioners (Local Acts 1931, pages 175, 176), in relation to the compensation of school commissioners.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 75; Nays 0.

**Yeas:**

|                            |          |                                |                                |
|----------------------------|----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Chambers | Hearn                          | Oden                           |
| Adams <sup>(Houston)</sup> | Cornett  | Hocklander                     | Owens                          |
| Albea                      | Daniel   | Ingram                         | Perry                          |
| Bailey                     | Dickson  | Johnson <sup>(Hardaway)</sup>  | Phillips                       |
| Barnett                    | Dodd     | Johnson <sup>(J. T. Tom)</sup> | Pierce                         |
| Bassett                    | Faulk    | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Bevill                     | Ferguson | Jones <sup>(Monroe)</sup>      | Ray                            |
| Bishop                     | Gilmer   | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Boyd                       | Glass    | Long <sup>(Perry)</sup>        | Rogers                         |
| Brannan                    | Gordon   | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Branyon                    | Grant    | McLendon <sup>(Bullock)</sup>  | Sessions                       |
| Brewer                     | Gross    | Martin                         | Shumate                        |
| Britton                    | Grouby   | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Guthrie  | Merrill                        | Speaks                         |
| Brooks                     | Hain     | Morrow                         | Sullivan                       |
| Cabiness                   | Hanby    | Murphy                         | Taylor                         |
| Camp                       | Hankins  | Nettles                        | Thomas                         |
| Casey                      | Hardy    | Nichols                        | Trimmier                       |
| Cates                      | Harris   | Oakley                         |                                |

—75

And the bill:

H. 1091. To provide that Justices of the Peace, in all Counties having a population of not less than 38,750 and not more than 39,250 according to the last or any subsequent Federal decennial census, shall not have any jurisdiction over any criminal offense, unless, there is no other Court or Courts existing in any such County which can lawfully exercise jurisdiction over such offense; to abolish the criminal jurisdiction of Justices of the Peace in such Counties and to confer the same upon other Court or Courts existing in such Counties which can lawfully exercise such jurisdiction.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

**Yeas:**

|                            |          |                                |                              |
|----------------------------|----------|--------------------------------|------------------------------|
| Mr. Speaker                | Brooks   | Guthrie                        | Long <sup>(Lauderdale)</sup> |
| Adams <sup>(Houston)</sup> | Cabiness | Hain                           | Long <sup>(Perry)</sup>      |
| Albea                      | Camp     | Hanby                          | McClendon <sup>(Chamb)</sup> |
| Ashworth                   | Casey    | Hankins                        | Martin                       |
| Bailey                     | Cates    | Hardy                          | Merrill                      |
| Barnett                    | Chambers | Harris                         | Morrow                       |
| Bassett                    | Cornett  | Hearn                          | Murphy                       |
| Bevill                     | Dickson  | Hocklander                     | Nettles                      |
| Bishop                     | Dodd     | Ingram                         | Nichols                      |
| Boyd                       | Faulk    | Johnson <sup>(Hardaway)</sup>  | Oakley                       |
| Brannan                    | Gilmer   | Johnson <sup>(J. T. Tom)</sup> | Oden                         |
| Branyon                    | Glass    | Johnston <sup>(Leonard)</sup>  | Owens                        |
| Brewer                     | Gordon   | Jones <sup>(Monroe)</sup>      | Perry                        |
| Britton                    | Gross    | Lee                            | Pierce                       |
| Broadfoot                  | Grouby   | Locke                          | Ramey                        |

|         |                   |          |          |
|---------|-------------------|----------|----------|
| Ray     | Shumate           | Steagall | Thomas   |
| Rogers  | Smith (St. Clair) | Sullivan | Trimmier |
| Rozelle | Speaks            | Taylor   |          |

—71

And the bill:

H. 1107. To provide that the County Board of Revenue and Control or its successors in office or other governing body of Marshall County shall, upon the passage and approval of this bill shall have the right, in its judgment, after investigation of the necessity therefor, in the Register's office in said County, to authorize the Register to employ some person who shall have the ability to take shorthand notes and transcribe the same, to work therein, take testimony, transcribe their notes and do any other thing that a Deputy Register could do under the law and to fix the salary of such person at not less than \$250.00 nor more than \$300.00 per month, to be paid to the Register for such services or to such person as the Register may appoint thereto. Said salary to be paid out of the General Fund of Marshall County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

**Yeas:**

|                 |          |                     |          |
|-----------------|----------|---------------------|----------|
| Mr. Speaker     | Chambers | Hawkins             | Nettles  |
| Adams (Houston) | Cornett  | Hearn               | Nichols  |
| Albea           | Daniel   | Hocklander          | Oakley   |
| Bailey          | Dickson  | Ingram              | Oden     |
| Barnett         | Dodd     | Johnson (Hardaway)  | Owens    |
| Bassett         | Edwards  | Johnson (J. T. Tom) | Perry    |
| Bevill          | Ferguson | Johnston (Leonard)  | Pierce   |
| Bishop          | Gilmer   | Jones (Monroe)      | Ramey    |
| Boyd            | Glass    | Lee                 | Rast     |
| Brannan         | Gordon   | Locke               | Ray      |
| Branyon         | Grant    | Long (Lauderdale)   | Rogers   |
| Brewer          | Gross    | Long (Perry)        | Rozelle  |
| Britton         | Grouby   | McClendon (Chamb)   | Shumate  |
| Broadfoot       | Guthrie  | McLendon (Bullock)  | Steagall |
| Brooks          | Hain     | Martin              | Sullivan |
| Cabiness        | Hanby    | Merrill             | Taylor   |
| Camp            | Hankins  | Morrow              | Thomas   |
| Casey           | Hardy    | Murphy              | Trimmier |
| Cates           | Harris   |                     |          |

—74

And the bill:

H. 1108. To fix the supplemental salaries of Circuit Solicitors in Judicial Circuits in Alabama composed of one county where the population of such county exceeds 94,000 people and is less than 134,000 people according to the last preceding or any succeeding decennial United States census to be paid out of the county treasury of such counties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 71; Nays 0.

**Yeas:**

|                 |        |         |        |
|-----------------|--------|---------|--------|
| Mr. Speaker     | Albea  | Barnett | Bevill |
| Adams (Houston) | Bailey | Bassett | Bishop |

|           |             |                     |          |
|-----------|-------------|---------------------|----------|
| Boyd      | Gilmer      | Johnson (Hardaway)  | Oden     |
| Brannan   | Glass       | Johnson (J. T. Tom) | Owens    |
| Branyon   | Goldthwaite | Johnston (Leonard)  | Perry    |
| Brewer    | Gordon      | Jones (Monroe)      | Phillips |
| Britton   | Grant       | Lee                 | Pierce   |
| Broadfoot | Gross       | Locke               | Ramey    |
| Brooks    | Grouby      | Long (Lauderdale)   | Ray      |
| Cabiness  | Guthrie     | Long (Perry)        | Rogers   |
| Callahan  | Hain        | McClendon (Chamb)   | Rozelle  |
| Camp      | Hanby       | McLendon (Bullock)  | Sessions |
| Cates     | Hardy       | Merrill             | Shumate  |
| Chambers  | Harris      | Morrow              | Sullivan |
| Daniel    | Hawkins     | Murphy              | Taylor   |
| Dickson   | Hearn       | Nettles             | Thomas   |
| Dodd      | Hocklander  | Nichols             | Trimmier |
| Ferguson  | Ingram      | Oakley              |          |

—71

And the bill:

H. 1110. To provide for the appointment and tenure and number and fixing the compensation of Bailiffs for the Sixth Judicial Circuit of Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Chambers    | Ingram              | Perry               |
| Adams (Houston) | Cornett     | Johnson (Hardaway)  | Phillips            |
| Albea           | Daniel      | Johnson (J. T. Tom) | Pierce              |
| Avery           | Dickson     | Johnston (Leonard)  | Pruitt              |
| Bailey          | Dodd        | Jones (Monroe)      | Ramey               |
| Barnett         | Ferguson    | Lee                 | Ray                 |
| Bassett         | Gilmer      | Locke               | Reynolds (Chambers) |
| Bevill          | Glass       | Long (Lauderdale)   | Rogers              |
| Bishop          | Goldthwaite | Long (Perry)        | Rozelle             |
| Boyd            | Gordon      | McClendon (Chamb)   | Salter              |
| Brannan         | Grant       | McLendon (Bullock)  | Shumate             |
| Branyon         | Gross       | Martin              | Speaks              |
| Brewer          | Grouby      | Merrill             | Steagall            |
| Britton         | Guthrie     | Morrow              | Sullivan            |
| Broadfoot       | Hain        | Murphy              | Taylor              |
| Brooks          | Hankins     | Nettles             | Thomas              |
| Cabiness        | Hardy       | Nichols             | Torbert             |
| Callahan        | Harris      | Oakley              | Trimmier            |
| Camp            | Hearn       | Oden                | Turnham             |
| Cates           | Hocklander  | Owens               |                     |

—79

And the bill:

H. 1074. To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the town of Millport, Lamar County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said town; to prescribe the powers, duties, and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Was taken up.

Mr. Hankins offered the following amendment to the bill, H. 1074:

AMENDMENT TO H. B. 1074

In Section 1, on line 17, after the word "revenue" and before the word "Such", insert the following sentence:

Provided, that such taxes shall not be collected from or levied upon the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC liquor stores.

And the amendment was adopted.

Yeas 77; Nays 0.

**Yeas:**

|                            |             |                                |                            |
|----------------------------|-------------|--------------------------------|----------------------------|
| Mr. Speaker                | Daniel      | Jenkins                        | Owens                      |
| Adams <sup>(Houston)</sup> | Dickson     | Johnson <sup>(Hardaway)</sup>  | Perry                      |
| Albea                      | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Phillips                   |
| Bailey                     | Gilmer      | Johnston <sup>(Leonard)</sup>  | Pierce                     |
| Barnett                    | Glass       | Jones <sup>(Monroe)</sup>      | Ramey                      |
| Bassett                    | Goldthwaite | Lee                            | Ray                        |
| Bishop                     | Gordon      | Locke                          | Rogers                     |
| Boyd                       | Grant       | Long <sup>(Lauderdale)</sup>   | Rozelle                    |
| Brannan                    | Gross       | Long <sup>(Perry)</sup>        | Sessions                   |
| Branyon                    | Grouby      | McClendon <sup>(Chamb)</sup>   | Shumate                    |
| Brewer                     | Guthrie     | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup> |
| Britton                    | Hain        | Martin                         | Speaks                     |
| Broadfoot                  | Hanby       | Merrill                        | Steagall                   |
| Brooks                     | Hankins     | Morrow                         | Sullivan                   |
| Cabiness                   | Hardy       | Murphy                         | Taylor                     |
| Callahan                   | Harris      | Nettles                        | Thomas                     |
| Camp                       | Hearn       | Nichols                        | Torbert                    |
| Cates                      | Hocklander  | Oakley                         | Trimmier                   |
| Chambers                   | Ingram      | Oden                           | Turnham                    |
| Cornett                    |             |                                |                            |

—77

And said bill, H. 1074, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker                | Camp        | Guthrie                        | Long <sup>(Perry)</sup>       |
| Adams <sup>(Houston)</sup> | Casey       | Hain                           | McClendon <sup>(Chamb)</sup>  |
| Albea                      | Cates       | Hanby                          | McLendon <sup>(Bullock)</sup> |
| Bailey                     | Chambers    | Hankins                        | Martin                        |
| Barnett                    | Cornett     | Hardy                          | Merrill                       |
| Bassett                    | Daniel      | Harris                         | Morrow                        |
| Bishop                     | Dickson     | Hearn                          | Murphy                        |
| Boyd                       | Dodd        | Hocklander                     | Nettles                       |
| Brannan                    | Gilmer      | Ingram                         | Nichols                       |
| Branyon                    | Glass       | Johnson <sup>(Hardaway)</sup>  | Oakley                        |
| Brewer                     | Goldthwaite | Johnson <sup>(J. T. Tom)</sup> | Oden                          |
| Britton                    | Gordon      | Jones <sup>(Monroe)</sup>      | Owens                         |
| Broadfoot                  | Grant       | Lee                            | Perry                         |
| Brooks                     | Gross       | Locke                          | Phillips                      |
| Cabiness                   | Grouby      | Long <sup>(Lauderdale)</sup>   | Pierce                        |

|         |                 |          |          |
|---------|-----------------|----------|----------|
| Ramey   | Salter          | Speaks   | Thomas   |
| Ray     | Sessions        | Steagall | Torbert  |
| Rogers  | Shumate         | Sullivan | Trimmier |
| Rozelle | Smith (Russell) | Taylor   | Turnham  |

—76

And the bill:

H. 1111. To amend further Act No. 472, H. 956, approved September 15, 1939, an act regulating and defining the powers, duties and authority of the county superintendent of Education of Conecuh County (Local Acts 1939, p. 319), in relation to the compensation and expense allowance of the county superintendent of education; repealing Act No. 152, H. 402, approved June 30, 1953 (Acts of Alabama, 1953 Reg. Sess., vol. I, p. 192) and all conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 0.

#### Yeas:

|                 |             |                     |          |
|-----------------|-------------|---------------------|----------|
| Mr. Speaker     | Cornett     | Ingram              | Oakley   |
| Adams (Houston) | Daniel      | Jenkins             | Oden     |
| Albea           | Dickson     | Johnson (Hardaway)  | Owens    |
| Bailey          | Dodd        | Johnson (J. T. Tom) | Perry    |
| Barnett         | Franklin    | Johnston (Leonard)  | Phillips |
| Bassett         | Gilmer      | Jones (Monroe)      | Pierce   |
| Bishop          | Glass       | Lee                 | Ray      |
| Boyd            | Goldthwaite | Locke               | Rogers   |
| Brannan         | Gordon      | Long (Lauderdale)   | Rozelle  |
| Branyon         | Grant       | Long (Perry)        | Salter   |
| Brewer          | Gross       | McClendon (Chamb)   | Sessions |
| Britton         | Grouby      | McLendon (Bullock)  | Shumate  |
| Broadfoot       | Guthrie     | Martin              | Speaks   |
| Brooks          | Hain        | Merrill             | Steagall |
| Cabiness        | Hankins     | Morrow              | Sullivan |
| Camp            | Hardy       | Murphy              | Taylor   |
| Casey           | Harris      | Nettles             | Thomas   |
| Cates           | Hearn       | Nichols             | Trimmier |
| Chambers        | Hocklander  |                     |          |

—74

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Speaks to suspend the rules in order to take up for immediate consideration the third reading the the bill, S. 287, was adopted.

And the bill:

S. 287. To provide for two judges of the Nineteenth Judicial Circuit of Alabama, prescribe their qualifications, and provide for their election or appointment and their compensation, jurisdiction, authority, powers, and duties.

Was read a third time at length and passed.

Yeas 78; Nays 0.

#### Yeas:

|                 |          |        |         |
|-----------------|----------|--------|---------|
| Mr. Speaker     | Albea    | Avery  | Barnett |
| Adams (Houston) | Ashworth | Bailey | Bassett |



|           |             |                               |          |
|-----------|-------------|-------------------------------|----------|
| Bevill    | Ferguson    | Johnson <sup>(Hardaway)</sup> | Oden     |
| Boyd      | Gilchrist   | Johnston <sup>(Leonard)</sup> | Owens    |
| Brannan   | Gilmer      | Jones <sup>(Covington)</sup>  | Perry    |
| Brewer    | Glass       | Jones <sup>(Monroe)</sup>     | Phillips |
| Britton   | Goldthwaite | Lee                           | Pierce   |
| Broadfoot | Gordon      | Locke                         | Rast     |
| Brooks    | Grant       | Long <sup>(Lauderdale)</sup>  | Ray      |
| Cabiness  | Gross       | Long <sup>(Perry)</sup>       | Rogers   |
| Callahan  | Grouby      | McClendon <sup>(Chamb)</sup>  | Rozelle  |
| Camp      | Guthrie     | McLendon <sup>(Bullock)</sup> | Salter   |
| Casey     | Hain        | Martin                        | Sessions |
| Cates     | Hardy       | Merrill                       | Speaks   |
| Chambers  | Harris      | Morrow                        | Steagall |
| Cornett   | Hawkins     | Murphy                        | Sullivan |
| Daniel    | Hearn       | Nettles                       | Taylor   |
| Dickson   | Hocklander  | Nichols                       | Thomas   |
| Dodd      | Ingram      | Oakley                        | Trimmier |
| Edwards   | Jenkins     |                               |          |

—78

## S. 371 INDEFINITELY POSTPONED

On motion of Mr. Speaks, the bill, S. 371, was indefinitely postponed.

And the bill:

S. 404. To amend Section 1 of Act No. 486, H. 765, approved July 9, 1943, an act providing for the appointment of a board of trustees to acquire, maintain, and protect certain properties and objects of historical interest located at the first permanent seat of government of the State of Alabama at Cahaba in Dallas County, (General Acts 1943, p. 449), so as to provide for the appointment of two additional members of the board of trustees of the Cahaba Historical Commission.

Was read a third time at length and passed.

Yeas 84; Nays 0.

## Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Chambers    | Hearn                          | Oden                         |
| Adams <sup>(Houston)</sup> | Cornett     | Hocklander                     | Owens                        |
| Albea                      | Daniel      | Ingram                         | Perry                        |
| Ashworth                   | Dickson     | Johnson <sup>(Hardaway)</sup>  | Phillips                     |
| Avery                      | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Pierce                       |
| Bailey                     | Edwards     | Johnston <sup>(Leonard)</sup>  | Pruitt                       |
| Barnett                    | Ferguson    | Jones <sup>(Covington)</sup>   | Ramey                        |
| Bassett                    | Gilchrist   | Jones <sup>(Monroe)</sup>      | Rast                         |
| Bevill                     | Gilmer      | Lee                            | Ray                          |
| Bishop                     | Glass       | Locke                          | Rogers                       |
| Boyd                       | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Rozelle                      |
| Brannan                    | Gordon      | Long <sup>(Perry)</sup>        | Salter                       |
| Branyon                    | Grant       | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Brewer                     | Gross       | McLendon <sup>(Bullock)</sup>  | Shumate                      |
| Britton                    | Grouby      | Martin                         | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Guthrie     | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Hain        | Morrow                         | Steagall                     |
| Cabiness                   | Hankins     | Murphy                         | Sullivan                     |
| Camp                       | Hardy       | Nettles                        | Taylor                       |
| Casey                      | Harris      | Nichols                        | Thomas                       |
| Cates                      | Hawkins     | Oakley                         | Trimmier                     |

—84

And the bill:

H. 1092. To provide, with respect to any pension system heretofore or hereafter established for the employees of any city of the state having a population of 300,000 or more according to the last or any subsequent federal census, that if there are numerous members of any such pension system, or if there are numerous beneficiaries under any such pension system, whose several rights to benefits or several claims for benefits are affected by the same question of law, then such of them, one or more, as will fairly insure the adequate representation of all, may upon behalf of all file a class suit against the trustees of the pension system to enforce the benefits in the equity division, or on the equity side of the circuit court, of that judicial circuit wherein the city is situated; to provide that no such class suit shall be instituted unless one of the parties in the original bill of complaint, either personally or through his attorney, files with the secretary of the trustees of the pension system a demand for payment of the benefit claimed, and that no such class suit shall be filed until ninety days have elapsed between the time of the filing of the said claim with said secretary and the filing of the bill of complaint in the circuit court, or until after the trustees of the pension system or the said secretary of the said trustees, or the city attorney, has advised the claimant or the claimant's attorney that the benefit demanded is denied; to provide for the allowance of a solicitor's fee to the solicitor or solicitors prosecuting the class suit subject to the terms, conditions and limitations prescribed in said act; to provide that any such solicitor's fee allowed shall not be charged as costs in the suit and shall not be charged against the city, the trustees of the pension system or against the pension fund, and to provide the funds out of which any such solicitor's fee allowed shall be payable; to provide the factors which shall be taken into consideration in determining the amount of any such solicitor's fee; and to provide that Section 63, Title 46, Code of Alabama of 1940, shall not apply so as to authorize the allowance of any attorney's fee or solicitor's fee in any action or suit involving any such pension system of any such city.

Was taken up.

Messrs. Perry, Hawkins, Rast, Sessions, Edwards, Morrow and Locke offered the following substitute for the bill, H. 1092:

A BILL  
TO BE ENTITLED  
AN ACT

TO PROVIDE, WITH RESPECT TO ANY PENSION SYSTEM HERETOFORE OR HEREAFTER ESTABLISHED FOR THE EMPLOYEES OF ANY CITY OF THE STATE HAVING A POPULATION OF 300,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, THAT IF THERE ARE NUMEROUS MEMBERS OF ANY SUCH PENSION SYSTEM, OR IF THERE ARE NUMEROUS BENEFICIARIES UNDER ANY SUCH PENSION SYSTEM, WHOSE SEVERAL RIGHTS TO BENEFITS OR SEVERAL CLAIMS FOR BENEFITS ARE AFFECTED BY THE SAME QUESTION OF LAW, THEN SUCH OF THEM, ONE OR MORE, AS WILL FAIRLY INSURE THE ADEQUATE REPRESENTATION OF ALL, MAY UPON BEHALF OF ALL FILE A CLASS SUIT AGAINST THE TRUSTEES OF THE PENSION SYSTEM TO ENFORCE THE BENEFITS IN THE EQUITY DIVISION, OR ON THE EQUITY SIDE OF THE CIRCUIT COURT, OF THAT JUDICIAL CIRCUIT WHEREIN THE CITY IS SITUATED; TO PROVIDE THAT NO

SUCH CLASS SUIT SHALL BE INSTITUTED UNLESS ONE OF THE PARTIES IN THE ORIGINAL BILL OF COMPLAINT, EITHER PERSONALLY OR THROUGH HIS ATTORNEY, FILES WITH THE SECRETARY OF THE TRUSTEES OF THE PENSION SYSTEM A DEMAND FOR PAYMENT OF THE BENEFIT CLAIMED, AND THAT NO SUCH CLASS SUIT SHALL BE FILED UNTIL NINETY DAYS HAVE ELAPSED BETWEEN THE TIME OF THE FILING OF THE SAID CLAIM WITH SAID SECRETARY AND THE FILING OF THE BILL OF COMPLAINT IN THE CIRCUIT COURT, OR UNTIL AFTER THE TRUSTEES OF THE PENSION SYSTEM OR THE SAID SECRETARY OF THE SAID TRUSTEES, OR THE CITY ATTORNEY, HAS ADVISED THE CLAIMANT OR THE CLAIMANT'S ATTORNEY THAT THE BENEFIT DEMANDED IS DENIED; TO PROVIDE FOR THE ALLOWANCE OF A SOLICITOR'S FEE TO THE SOLICITOR OR SOLICITORS PROSECUTING THE CLASS SUIT SUBJECT TO THE TERMS, CONDITIONS AND LIMITATIONS PRESCRIBED IN SAID ACT; TO PROVIDE THAT ANY SUCH SOLICITOR'S FEE ALLOWED SHALL NOT BE CHARGED AS COSTS IN THE SUIT AND SHALL NOT BE CHARGED AGAINST THE CITY, THE TRUSTEES OF THE PENSION SYSTEM OR AGAINST THE PENSION FUND, AND TO PROVIDE THE FUNDS OUT OF WHICH ANY SUCH SOLICITOR'S FEE ALLOWED SHALL BE PAYABLE; TO PROVIDE THE FACTORS WHICH SHALL BE TAKEN INTO CONSIDERATION IN DETERMINING THE AMOUNT OF ANY SUCH SOLICITOR'S FEE; AND TO PROVIDE THAT SECTION 63, TITLE 46, CODE OF ALABAMA OF 1940, SHALL NOT APPLY SO AS TO AUTHORIZE THE ALLOWANCE OF ANY ATTORNEY'S FEE OR SOLICITOR'S FEE IN ANY ACTION OR SUIT INVOLVING ANY SUCH PENSION SYSTEM OF ANY SUCH CITY.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any pension system heretofore or hereafter established for employees of any city of the state having a population of three hundred thousand or more according to the last or any subsequent federal census. This act shall apply to any such pension system in any such city even though such system was established when the city was of a population less than three hundred thousand.

Section 2. As used in this act the following words shall have the meanings respectively ascribed to them in this Section 2, unless it is clear from the context that a different meaning is intended. "The city" shall mean a city wherein such pension system is established. "Pension system" shall mean a pension system to which this act applies. "Benefit" shall mean any retirement benefit, disability benefit, widow's benefit, or child's benefit provided for by the pension system; and the word benefit shall include any disputed part of a benefit or supplement to a benefit, in the event there should be a controversy with respect to such part of, or supplement to, a benefit. "Trustees" shall mean the members of the board of trustees or the members of the board of managers in whom the law vests authority to manage, control or operate the pension system. "Members of the pension system" shall mean and include persons who as employees of the city belong to the pension system, retired employees entitled to benefits under the pension system and persons who as widows or as children of deceased employees of the city are entitled to benefits under the system. "Class suit" shall mean a class suit filed in accordance with the terms of this act.

Section 3. If there are numerous members of a pension system whose several rights to benefits or several claims for benefits are af-

fectured by a common question of constitutional law, then such of them, one or more, as will fairly insure the adequate representation of all, may upon behalf of all file against the trustees a class suit to enforce the claimed benefits in the equity division, or on the equity side, of the circuit court of that judicial circuit wherein the city is situated, but only after compliance with all of the provisions of this act prescribing what shall be done before such suit is filed.

Section 4. No class suit shall be instituted under this act by any persons unless prior to the institution of such suit one of the parties complainant in the original bill of complaint, either personally or through his or her attorney, shall have filed with the Secretary of the trustees a written or typed demand for payment of the benefit claimed, which said demand shall state specifically what benefit is demanded and the basis of the demand. Nor shall any class suit be instituted under this act until ninety days have elapsed between the filing of the claim with the secretary of the trustees, as aforesaid, and the filing of the bill of complaint in the circuit court; provided, however, that the ~~said bill of complaint~~ may be filed at any time after the trustees have advised, or the secretary of the trustees, ~~or the city attorney~~, has advised, the claimant or the claimant's attorney, in writing, that the benefit demanded is denied.

No class suit shall be instituted under this act unless every complainant in the original bill of complaint shall, prior to or contemporaneously with filing the bill of complaint, file with the Register of the Circuit Court security for costs in an amount approved by a judge of the Circuit Court, which security for costs may consist of a cash deposit or a bond executed by the complainant or complainants and a surety or sureties approved by the said Register. It is further provided that at any time during the pendency of such class suit the amount of such security for costs shall be increased to such amount as may be required by order of the court on motion of the trustees of the pension system, which increase shall be made within the time specified in the said order. The complainant or complainants shall be given such notice of any motion to increase the amount of the security as may be provided for by the judge to whom the motion is presented. Upon failure to increase the amount of the security as required by any such order, the suit shall be subject to dismissal.

Section 5. Any such class suit shall not be dismissed or compromised without the approval of the court.

Notice of the proposed dismissal or compromise shall be given to all members of the class or to such members of the class as the court may direct. No such notice shall be given unless the court requires it.

Section 6. Any person who belongs to the class of those whose several rights to benefits or several claims for benefits are affected by the common question of constitutional law involved in the suit shall have the right to intervene in the suit and to be represented therein by a solicitor of his own choice.

The right of intervention hereby accorded shall apply to any person who has any present or contingent interest in the question of constitutional law involved in the class suit, even though such person is still in the active employ of the city.

Section 7. The decision rendered in such class suit shall be operative under the doctrine of *res judicata* in favor of, or against, all persons whose right to the benefit claimed is affected by the question of constitutional law involved in the suit, including persons still in the

active employ of the city and persons whose right, or claimed right, to the benefit is contingent.

Section 8. If the bill of complaint in any class suit brought under this act requests the allowance of a solicitor's fee to the solicitor or solicitors prosecuting the class suit, the court, subject to the conditions and limitations herein stated, may ascertain a reasonable solicitor's fee to be allowed the solicitor or solicitors prosecuting the class suit. In no event shall any solicitor's fee be charged as a part of the costs in the suit, or charged against the city, or against the trustees of the pension system, or against the fund of the said pension system. Any solicitor's fee allowed hereunder shall be payable from, and only from, benefits payable to the members of a class whose right to disputed benefits was established as a consequence of said suit. Any such solicitor's fee allowed under this act shall not be chargeable against, or payable out of, benefits received by any person from the pension system if such person is employed by the city at the time the class suit is instituted. The purpose of the next preceding sentence is to prohibit any solicitor's fee being charged against benefits which may be payable in the future to persons in the employ of the city when the suit is instituted; and it is, therefore, hereby provided that any person who has been retired for length of service shall not be deemed to be in the employ of the city notwithstanding following his retirement he becomes, and continues to be, a member of a reserve force the members of which are subject to such duties as may be assigned to them.

If the right to a claimed benefit is not established in the suit, no solicitor's fee shall be allowed for litigating the question of the right to such benefit.

In a class suit wherein the court renders a decree the effect of which is to establish the right to a disputed benefit claimed, the court in determining the amount of the fee may take into consideration the fact that the members of the class will receive benefits accruing in the future as well as benefits accrued down to the time of the decree.

In the event more than one solicitor prosecutes the class suit, the court may divide any solicitor's fee allowed between the solicitors so participating on such basis as the court determines is fair and reasonable.

In any such class suit the written statement hereinafter to be made by the city comptroller, or the person holding the office comparable to the office of the city comptroller, may be considered by the court in determining the amount of benefits which members of the class are severally entitled to recover, in the event the court holds that members of the class are entitled to the disputed benefits claimed; and such statement may also be considered by the court in determining the amount of the solicitor's fee, if any, to be allowed. Such statement shall not be construed as any admission by the trustees or the city that members of the class are entitled to any of the disputed benefits claimed; but if the court finds that the members of the class are entitled to the disputed benefits claimed, then such statement shall constitute prima facie evidence that the members of the class are severally entitled to recover the disputed benefits claimed in such amount or amounts as is reflected by the said statement. The said statement shall be signed by the city comptroller, or by the person occupying the office comparable to the office of city comptroller, shall be verified by him under oath, and shall contain such information as will enable the court to determine the amount of benefits which members of the class are severally entitled to recover down to the time of the decree,

in the event the court concludes that members of the class are entitled to the disputed benefits claimed.

In the event of an appeal to the Supreme Court of Alabama, the circuit court upon termination of such appeal may, upon motion of the solicitor or solicitors representing the class, allow any additional fee, which is appropriate for services rendered by the solicitor or solicitors on the appeal to the Supreme Court subject to all the conditions and limitations above stated.

If the court allows any fee hereunder, the court shall provide in its decree allowing such fee that the fee shall be a lien upon benefits of the class whose disputed rights were established by such suit; and the disbursing agent of the pension system, in accordance with the terms of the decree, shall deduct from the benefits payable to the class benefited by said suit the amount required to be deducted by said decree as solicitor's fee, and pay the sums so deducted to the solicitor or solicitors to whom the said solicitor's fee is awarded.

Section 9. No attorney's fee or solicitor's fee shall be allowed by any court under Section 63, Title 46, Code of Alabama of 1940, in any action or suit instituted by any member of any pension system established for the employees of any such city wherein such member of said pension system seeks to recover either for himself or for any class to which he belongs any benefit which such member claims is payable out of the said pension system fund to himself or to the class to which he belongs. The provisions of the sentence next above shall apply to any action or suit instituted by any member of such pension system to recover a benefit for himself or for the class to which he belongs, irrespective of whether such action or suit is a class action or suit within the meaning of this act.

Section 10. If any section, clause or provision of this act shall be held unconstitutional it shall in no wise affect any other section, clause or provision not unconstitutional in itself.

Section 11. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 79; Nays 0.

#### Yeas:

|                 |           |                     |                    |
|-----------------|-----------|---------------------|--------------------|
| Mr. Speaker     | Camp      | Guthrie             | Long (Perry)       |
| Adams (Houston) | Casey     | Hain                | McLendon (Bullock) |
| Albea           | Cates     | Hanby               | Merrill            |
| Ashworth        | Chambers  | Hankins             | Morrow             |
| Avery           | Cornett   | Hardy               | Murphy             |
| Bailey          | Daniel    | Harris              | Nettles            |
| Barnett         | Dickson   | Hawkins             | Nichols            |
| Bassett         | Dodd      | Hocklander          | Oakley             |
| Bevill          | Edwards   | Ingram              | Owens              |
| Bishop          | Ferguson  | Jenkins             | Perry              |
| Boyd            | Gilchrist | Johnson (Hardaway)  | Phillips           |
| Branyon         | Gilmer    | Johnson (J. T. Tom) | Pierce             |
| Brewer          | Glass     | Johnston (Leonard)  | Pruitt             |
| Britton         | Gordon    | Jones (Monroe)      | Ramey              |
| Broadfoot       | Grant     | Lee                 | Rast               |
| Brooks          | Gross     | Locke               | Ray                |
| Cabiness        | Grouby    | Long (Lauderdale)   | Roberts            |

|          |                              |          |         |
|----------|------------------------------|----------|---------|
| Rogers   | Shumate                      | Steagall | Thomas  |
| Rozelle  | Smith <sup>(St. Clair)</sup> | Sullivan | Turnham |
| Sessions | Speaks                       | Taylor   | —79     |

And said bill, H. 1092, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

**Yeas:**

|                            |           |                                |                                |
|----------------------------|-----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cates     | Hankins                        | Perry                          |
| Adams <sup>(Houston)</sup> | Cornett   | Hardy                          | Phillips                       |
| Albea                      | Daniel    | Harris                         | Pierce                         |
| Ashworth                   | Dodd      | Hawkins                        | Pruitt                         |
| Avery                      | Edwards   | Hocklander                     | Ramey                          |
| Bailey                     | Faulk     | Ingram                         | Rast                           |
| Barnett                    | Ferguson  | Johnson <sup>(Hardaway)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Franklin  | Johnson <sup>(J. T. Tom)</sup> | Roberts                        |
| Bevill                     | Gilchrist | Johnston <sup>(Leonard)</sup>  | Rogers                         |
| Bishop                     | Glass     | Lee                            | Rozelle                        |
| Boyd                       | Gordon    | Locke                          | Sessions                       |
| Branyon                    | Grant     | Long <sup>(Lauderdale)</sup>   | Smith <sup>(Russell)</sup>     |
| Brewer                     | Gross     | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup>   |
| Britton                    | Grouby    | McLendon <sup>(Bullock)</sup>  | Speaks                         |
| Broadfoot                  | Guthrie   | Morrow                         | Steagall                       |
| Camp                       | Hain      | Nichols                        | Sullivan                       |
| Casey                      | Hanby     |                                | —66                            |

**MOTION TO SUSPEND RULES LOST**

The motion of Mr. Ashworth to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 668 and H. 669, was lost.

Yeas 54; Nays 22.

**Yeas:**

|                            |           |                                |                                |
|----------------------------|-----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Chambers  | Guthrie                        | Phillips                       |
| Adams <sup>(Houston)</sup> | Cornett   | Hain                           | Pierce                         |
| Ashworth                   | Daniel    | Hanby                          | Pruitt                         |
| Avery                      | Dickson   | Hankins                        | Rast                           |
| Bailey                     | Dodd      | Ingram                         | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Faulk     | Johnson <sup>(J. T. Tom)</sup> | Roberts                        |
| Bevill                     | Franklin  | Jones <sup>(Covington)</sup>   | Rogers                         |
| Boyd                       | Gilchrist | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Brannan                    | Gilmer    | McLendon <sup>(Bullock)</sup>  | Shumate                        |
| Branyon                    | Glass     | Nettles                        | Smith <sup>(Russell)</sup>     |
| Cabiness                   | Gordon    | Nichols                        | Speaks                         |
| Callahan                   | Grant     | Oakley                         | Steagall                       |
| Casey                      | Gross     | Perry                          | Sullivan                       |
| Cates                      | Grouby    |                                | —54                            |

**Nays:**

|           |                               |                              |                              |
|-----------|-------------------------------|------------------------------|------------------------------|
| Messrs.:  | Ferguson                      | Lee                          | Murphy                       |
| Albea     | Harris                        | Locke                        | Sessions                     |
| Bishop    | Hocklander                    | Long <sup>(Lauderdale)</sup> | Smith <sup>(St. Clair)</sup> |
| Brewer    | Jenkins                       | Meade                        | Thomas                       |
| Broadfoot | Johnson <sup>(Hardaway)</sup> | Merrill                      | Trimmier                     |
| Camp      | Jones <sup>(Monroe)</sup>     | Morrow                       | —22                          |

And the bill:

H. 1093. To apply to counties having a population of 500,000 or more according to the last or any subsequent federal census; to provide for a study of judicial practice and procedure and court operation in such counties; to establish and provide for the composition of a "Commission for Judicial Study"; to state the powers, authority and duties of such Commission; and to provide for the financing of the work of the Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

**Yeas:**

|                            |           |                               |          |
|----------------------------|-----------|-------------------------------|----------|
| Mr. Speaker                | Casey     | Harris                        | Murphy   |
| Adams <sup>(Houston)</sup> | Chambers  | Hawkins                       | Nettles  |
| Albea                      | Daniel    | Hearn                         | Oakley   |
| Ashworth                   | Dickson   | Hockiander                    | Ferry    |
| Avery                      | Dodd      | Ingram                        | Phillips |
| Bailey                     | Edwards   | Jenkins                       | Pierce   |
| Barnett                    | Faulk     | Johnson (J. T. Tom)           | Powell   |
| Bassett                    | Ferguson  | Johnston <sup>(Leonard)</sup> | Pruitt   |
| Bevill                     | Gilchrist | Jones <sup>(Monroe)</sup>     | Ramey    |
| Bishop                     | Gilmer    | Lee                           | Rast     |
| Boyd                       | Glass     | Locke                         | Roberts  |
| Brannan                    | Gordon    | Long <sup>(Lauderdale)</sup>  | Rogers   |
| Branyon                    | Grant     | McClendon <sup>(Chamb)</sup>  | Rozelle  |
| Brewer                     | Gross     | McLendon <sup>(Bullock)</sup> | Sessions |
| Britton                    | Hain      | Martin                        | Sullivan |
| Broadfoot                  | Hanby     | Meade                         | Taylor   |
| Brooks                     | Hankins   | Merrill                       | Trimmier |
| Cabiness                   | Hardy     | Morrow                        | Turnham  |
| Camp                       |           |                               |          |

—73

And the bill:

H. 1094. To vacate the following described land dedicated or conveyed for a park and to vacate all public interests therein and rights thereto: A strip of land of indefinite width lying Southwesterly of and adjacent to Crestview Subdivision, which subdivision is located in the SE¼ of SW¼, Section 4, Township 19 South, Range 3 West and the NE¼ of NW¼, Section 9, Township 19 South, Range 3 West, and recorded in Deed Book 1241, Page 294, in the Probate Court, Birmingham, Alabama and Bessemer, Alabama. Excepted from the above is a strip of right of way lying west of, parallel to and abutting the west line of said subdivision.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

**Yeas:**

|                            |         |         |           |
|----------------------------|---------|---------|-----------|
| Mr. Speaker                | Bailey  | Boyd    | Broadfoot |
| Adams <sup>(Houston)</sup> | Barnett | Brannan | Brooks    |
| Albea                      | Bassett | Branyon | Cabiness  |
| Ashworth                   | Bevill  | Brewer  | Casey     |
| Avery                      | Bishop  | Britton | Cates     |



|             |                               |                               |                              |
|-------------|-------------------------------|-------------------------------|------------------------------|
| Chambers    | Grouby                        | McClendon <sup>(Chamb)</sup>  | Pruitt                       |
| Cornett     | Hain                          | McLendon <sup>(Bullock)</sup> | Ramey                        |
| Daniel      | Hanby                         | Martin                        | Rast                         |
| Dickson     | Hankins                       | Meade                         | Roberts                      |
| Dodd        | Harris                        | Merrill                       | Rogers                       |
| Edwards     | Hawkins                       | Morrow                        | Rozelle                      |
| Faulk       | Hearn                         | Murphy                        | Sessions                     |
| Ferguson    | Hocklander                    | Nettles                       | Shumate                      |
| Gilchrist   | Ingram                        | Oakley                        | Smith <sup>(St. Clair)</sup> |
| Glass       | Johnston <sup>(Leonard)</sup> | Perry                         | Steagall                     |
| Goldthwaite | Lee                           | Phillips                      | Taylor                       |
| Gordon      | Locke                         | Pierce                        | Thomas                       |
| Grant       | Long <sup>(Lauderdale)</sup>  | Powell                        | Trimmier                     |
| Gross       | Long <sup>(Perry)</sup>       |                               |                              |

—74

And the bill:

H. 1095. To provide for the relief of John Hollis Camp out of the County Treasury of Jefferson County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Chambers    | Hardy                         | Oden                         |
| Adams <sup>(Houston)</sup> | Cornett     | Harris                        | Phillips                     |
| Albea                      | Daniel      | Hawkins                       | Pierce                       |
| Ashworth                   | Dickson     | Hocklander                    | Powell                       |
| Avery                      | Dodd        | Jenkins                       | Pruitt                       |
| Bailey                     | Edwards     | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Barnett                    | Faulk       | Lee                           | Rast                         |
| Bassett                    | Ferguson    | Long <sup>(Lauderdale)</sup>  | Ray                          |
| Bevill                     | Gilmer      | Long <sup>(Perry)</sup>       | Roberts                      |
| Bishop                     | Glass       | McClendon <sup>(Chamb)</sup>  | Rogers                       |
| Boyd                       | Goldthwaite | McLendon <sup>(Bullock)</sup> | Rozelle                      |
| Brannan                    | Gordon      | Martin                        | Sessions                     |
| Branyon                    | Grant       | Meade                         | Shumate                      |
| Brewer                     | Gross       | Merrill                       | Smith <sup>(St. Clair)</sup> |
| Britton                    | Grouby      | Morrow                        | Steagall                     |
| Broadfoot                  | Guthrie     | Murphy                        | Taylor                       |
| Brooks                     | Hain        | Nettles                       | Thomas                       |
| Cabiness                   | Hanby       | Oakley                        | Trimmier                     |
| Cates                      | Hankins     |                               |                              |

—74

And the bill:

H. 1096. To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 200,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Casey       | Hanby                         | Perry                        |
| Adams <sup>(Houston)</sup> | Chambers    | Hardy                         | Phillips                     |
| Albea                      | Daniel      | Hawkins                       | Pierce                       |
| Ashworth                   | Dickson     | Hocklander                    | Powell                       |
| Avery                      | Dodd        | Lee                           | Pruitt                       |
| Bailey                     | Edwards     | Locke                         | Rast                         |
| Barnett                    | Ferguson    | Long <sup>(Perry)</sup>       | Ray                          |
| Bassett                    | Gilmer      | McClendon <sup>(Chamb)</sup>  | Rogers                       |
| Bevill                     | Goldthwaite | McLendon <sup>(Bullock)</sup> | Rozelle                      |
| Bishop                     | Gordon      | Meade                         | Sessions                     |
| Boyd                       | Grant       | Merrill                       | Shumate                      |
| Brannan                    | Gross       | Morrow                        | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Grouby      | Murphy                        | Steagall                     |
| Britton                    | Guthrie     | Nettles                       | Taylor                       |
| Brooks                     | Hain        | Oakley                        | Trimmier                     |
| Cabiness                   |             |                               |                              |

—61

H. 1097. To provide that any city which may now or hereafter have a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment; and to prescribe the power, jurisdiction and authority of such Board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Cates       | Hankins                       | Murphy                       |
| Adams <sup>(Houston)</sup> | Chambers    | Hardy                         | Nettles                      |
| Albea                      | Cornett     | Harris                        | Oakley                       |
| Ashworth                   | Daniel      | Hawkins                       | Oden                         |
| Avery                      | Dickson     | Hearn                         | Perry                        |
| Bailey                     | Dodd        | Hocklander                    | Pierce                       |
| Barnett                    | Edwards     | Ingram                        | Powell                       |
| Bassett                    | Faulk       | Johnson <sup>(Hardaway)</sup> | Pruitt                       |
| Bevill                     | Ferguson    | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Bishop                     | Franklin    | Lee                           | Rast                         |
| Boyd                       | Gilchrist   | Locke                         | Ray                          |
| Brannan                    | Gilmer      | Long <sup>(Lauderdale)</sup>  | Rogers                       |
| Branyon                    | Glass       | Long <sup>(Perry)</sup>       | Rozelle                      |
| Brewer                     | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Smith <sup>(Russell)</sup>   |
| Britton                    | Gordon      | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Grant       | Martin                        | Speaks                       |
| Brooks                     | Grouby      | Meade                         | Taylor                       |
| Cabiness                   | Hain        | Merrill                       | Thomas                       |
| Casey                      | Hanby       | Morrow                        | Trimmier                     |

—76

And the bill:

H. 1098. To apply to all counties in the State of Alabama having a population of 500,000 persons or more according to the last or any subsequent federal census, to provide that the governing body of each

such county shall have authority to purchase, acquire and maintain one unmarked or undesignated passenger automobile for official use, said car to be serviced by the county and to provide for the payment and expenses of its upkeep.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Dodd        | Hearn                         | Oakley                       |
| Adams <sup>(Houston)</sup> | Edwards     | Hocklander                    | Oden                         |
| Albea                      | Faulk       | Ingram                        | Perry                        |
| Ashworth                   | Ferguson    | Jenkins                       | Pierce                       |
| Bailey                     | Franklin    | Johnson <sup>(Hardaway)</sup> | Powell                       |
| Barnett                    | Gilchrist   | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Bevill                     | Gilmer      | Lee                           | Ramey                        |
| Bishop                     | Glass       | Locke                         | Rast                         |
| Boyd                       | Goldthwaite | Long <sup>(Lauderdale)</sup>  | Ray                          |
| Brannan                    | Gordon      | Long <sup>(Perry)</sup>       | Rogers                       |
| Branyon                    | Grant       | McClendon <sup>(Chamb)</sup>  | Rozelle                      |
| Brewer                     | Gross       | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Britton                    | Grouby      | Martin                        | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Hain        | Meade                         | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Hanby       | Merrill                       | Speaks                       |
| Camp                       | Hankins     | Morrow                        | Steagall                     |
| Cates                      | Hardy       | Murphy                        | Taylor                       |
| Chambers                   | Harris      | Nettles                       | Thomas                       |
| Cornett                    | Hawkins     | Nichols                       | Trimmier                     |
| Daniel                     |             |                               |                              |

—77

**MOTION TO RECONSIDER ADOPTED**

The motion of Mr. Perry to reconsider the vote by which the bill, H. 1096, was passed, was adopted.

And the bill:

H. 1096. To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 200,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury.

Was again taken up.

Mr. Perry offered the following amendment to the bill, H. 1096:

Amend H. B. 1096 by striking therefrom wherever it appears the figure "200,000" and substituting in lieu thereof "500,000".

And the amendment was adopted.

Yeas 76; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Cornett     | Hardy                         | Nettles                      |
| Adams <sup>(Houston)</sup> | Daniel      | Harris                        | Oakley                       |
| Albea                      | Dickson     | Hawkins                       | Oden                         |
| Ashworth                   | Dodd        | Hearn                         | Perry                        |
| Bailey                     | Edwards     | Hocklander                    | Phillips                     |
| Barnett                    | Faulk       | Ingram                        | Pierce                       |
| Bassett                    | Ferguson    | Jenkins                       | Powell                       |
| Bevill                     | Franklin    | Johnson <sup>(Hardaway)</sup> | Pruitt                       |
| Bishop                     | Gilchrist   | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Boyd                       | Gilmer      | Locke                         | Rast                         |
| Brannan                    | Glass       | Long <sup>(Lauderdale)</sup>  | Ray                          |
| Branyon                    | Goldthwaite | Long <sup>(Perry)</sup>       | Rogers                       |
| Brewer                     | Gordon      | McClendon <sup>(Chamb)</sup>  | Rozelle                      |
| Britton                    | Grant       | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Broadfoot                  | Gross       | Martin                        | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Grouby      | Meade                         | Sullivan                     |
| Cabiness                   | Hain        | Merrill                       | Taylor                       |
| Cates                      | Hanby       | Morrow                        | Thomas                       |
| Chambers                   | Hankins     | Murphy                        | Trimmier                     |

—76

And said bill, H. 1096, as thus amended, was again read at length and passed.

Yeas 75; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Dickson     | Hawkins                       | Oden                         |
| Adams <sup>(Houston)</sup> | Dodd        | Hearn                         | Perry                        |
| Albea                      | Edwards     | Hocklander                    | Phillips                     |
| Ashworth                   | Faulk       | Ingram                        | Pierce                       |
| Bailey                     | Ferguson    | Jenkins                       | Powell                       |
| Barnett                    | Franklin    | Johnson <sup>(Hardaway)</sup> | Pruitt                       |
| Bevill                     | Gilchrist   | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Bishop                     | Gilmer      | Locke                         | Rast                         |
| Boyd                       | Glass       | Long <sup>(Lauderdale)</sup>  | Ray                          |
| Branyon                    | Goldthwaite | Long <sup>(Perry)</sup>       | Rogers                       |
| Brewer                     | Gordon      | McClendon <sup>(Chamb)</sup>  | Rozelle                      |
| Broadfoot                  | Grant       | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Brooks                     | Gross       | Martin                        | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Grouby      | Meade                         | Speaks                       |
| Camp                       | Hain        | Merrill                       | Sullivan                     |
| Cates                      | Hanby       | Morrow                        | Taylor                       |
| Chambers                   | Hankins     | Murphy                        | Thomas                       |
| Cornett                    | Hardy       | Nettles                       | Trimmier                     |
| Daniel                     | Harris      | Oakley                        |                              |

—75

And the bill:

H. 1099. To amend Section 2 of an act entitled "an act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal Census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and

other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the county affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof." (Approved July 6, 1945, General Acts of Legislature of Alabama, 1945, page 376.)

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

|                            |            |                               |                              |
|----------------------------|------------|-------------------------------|------------------------------|
| Mr. Speaker                | Ferguson   | Jenkins                       | Oden                         |
| Adams <sup>(Houston)</sup> | Franklin   | Johnson <sup>(Hardaway)</sup> | Perry                        |
| Albea                      | Gilchrist  | Johnston <sup>(Leonard)</sup> | Phillips                     |
| Ashworth                   | Gilmer     | Jones <sup>(Monroe)</sup>     | Pierce                       |
| Bailey                     | Gordon     | Locke                         | Powell                       |
| Barnett                    | Grant      | Long <sup>(Lauderdale)</sup>  | Pruitt                       |
| Bishop                     | Gross      | Long <sup>(Perry)</sup>       | Ramey                        |
| Boyd                       | Grouby     | McClendon <sup>(Chamb)</sup>  | Rast                         |
| Branyon                    | Hain       | McLendon <sup>(Bullock)</sup> | Ray                          |
| Brewer                     | Hanby      | Martin                        | Rozelle                      |
| Broadfoot                  | Hankins    | Merrill                       | Smith <sup>(Russell)</sup>   |
| Cates                      | Hardy      | Morrow                        | Smith <sup>(St. Clair)</sup> |
| Chambers                   | Harris     | Murphy                        | Taylor                       |
| Cornett                    | Hawkins    | Nettles                       | Thomas                       |
| Daniel                     | Hearn      | Nichols                       | Trimmier                     |
| Dodd                       | Hocklander | Oakley                        | Turnham                      |
| Edwards                    |            |                               |                              |

—65

And the bill:

H. 1100. To amend Section 440 of Title 37 of the Code of Alabama, 1940, as last amended.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

**Yeas:**

|                            |           |         |                               |
|----------------------------|-----------|---------|-------------------------------|
| Mr. Speaker                | Broadfoot | Glass   | Johnson <sup>(Hardaway)</sup> |
| Adams <sup>(Houston)</sup> | Cates     | Gordon  | Johnston <sup>(Leonard)</sup> |
| Albea                      | Chambers  | Grant   | Lee                           |
| Ashworth                   | Cornett   | Hain    | Locke                         |
| Bailey                     | Daniel    | Hanby   | Long <sup>(Lauderdale)</sup>  |
| Barnett                    | Dickson   | Hankins | McClendon <sup>(Chamb)</sup>  |
| Bassett                    | Dodd      | Hardy   | McLendon <sup>(Bullock)</sup> |
| Bevill                     | Edwards   | Harris  | Martin                        |
| Bishop                     | Ferguson  | Hawkins | Meade                         |
| Boyd                       | Franklin  | Hearn   | Merrill                       |
| Branyon                    | Gilchrist | Ingram  | Morrow                        |
| Brewer                     | Gilmer    | Jenkins | Murphy                        |

|         |          |                                |                              |
|---------|----------|--------------------------------|------------------------------|
| Nettles | Phillips | Ray                            | Smith <sup>(St. Clair)</sup> |
| Nichols | Pierce   | Reynolds <sup>(Chambers)</sup> | Taylor                       |
| Oakley  | Pruitt   | Rogers                         | Thomas                       |
| Oden    | Ramey    | Rozelle                        | Turnham                      |
| Perry   | Rast     | Sessions                       |                              |

—67

And the bill:

H. 1102. To apply in counties which now have or which may hereafter have a population in excess of 500,000 according to the last or any subsequent federal decennial census; providing for the use and disposition of sums in the amount of less than one dollar (\$1.00) which come into the hands of the License Commissioner, Director of the Department of Revenue or such other official as may be by law charged with responsibility for the collection and remittance of licenses and license fees, as a result of overpayment for licenses or other fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Casey     | Hardy                         | Nichols                      |
| Adams <sup>(Houston)</sup> | Cates     | Hawkins                       | Oden                         |
| Albea                      | Chambers  | Ingram                        | Perry                        |
| Ashworth                   | Daniel    | Jenkins                       | Phillips                     |
| Bailey                     | Dodd      | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Bassett                    | Edwards   | Johnston <sup>(Leonard)</sup> | Rast                         |
| Bevill                     | Franklin  | Jones <sup>(Monroe)</sup>     | Ray                          |
| Bishop                     | Gilchrist | Locke                         | Rogers                       |
| Boyd                       | Gilmer    | Long <sup>(Perry)</sup>       | Rozelle                      |
| Branyon                    | Gordon    | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Brewer                     | Grant     | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>   |
| Cabiness                   | Hain      | Meade                         | Smith <sup>(St. Clair)</sup> |
| Callahan                   | Hanby     | Merrill                       | Speaks                       |
| Camp                       | Hankins   | Morrow                        |                              |

—55

And the bill:

H. 1104. To apply in all counties of the State having a population of not less than 500,000 according to the last or any subsequent Federal decennial census; to authorize the county commission of any county to which this act applies to call an election for the approval or disapproval of central daylight savings time; providing for the ordering and holding of such election.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

**Yeas:**

|                            |           |          |             |
|----------------------------|-----------|----------|-------------|
| Mr. Speaker                | Boyd      | Cates    | Ferguson    |
| Adams <sup>(Houston)</sup> | Branyon   | Chambers | Franklin    |
| Albea                      | Brewer    | Cornett  | Gilchrist   |
| Ashworth                   | Broadfoot | Daniel   | Gilmer      |
| Bailey                     | Brooks    | Dickson  | Glass       |
| Barnett                    | Cabiness  | Dodd     | Goldthwaite |
| Bevill                     | Camp      | Edwards  | Gordon      |
| Bishop                     | Casey     | Faulk    | Grant       |

|            |                               |         |                              |
|------------|-------------------------------|---------|------------------------------|
| Grouby     | Johnson <sup>(Hardaway)</sup> | Murphy  | Rogers                       |
| Hain       | Jones <sup>(Monroe)</sup>     | Nettles | Rozelle                      |
| Hanby      | Locke                         | Oakley  | Sessions                     |
| Hankins    | Long <sup>(Lauderdale)</sup>  | Oden    | Smith <sup>(St. Clair)</sup> |
| Hardy      | Long <sup>(Perry)</sup>       | Perry   | Solomon                      |
| Harris     | McClendon <sup>(Chamb)</sup>  | Pierce  | Speaks                       |
| Hawkins    | Martin                        | Ramey   | Taylor                       |
| Hearn      | Meade                         | Rast    | Trimmier                     |
| Hocklander | Merrill                       | Ray     | Turnham                      |
| Jenkins    | Morrow                        | Roberts |                              |

—71

And the bill:

H. 1105. To extend, alter and rearrange the boundary lines and corporate limits of the city of Irondale in Jefferson County, Alabama, so as to include within the corporate limits of said city of Irondale all territory now within such corporate limits and also certain other territory contiguous thereto.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

**Yeas:**

|                            |           |                                |          |
|----------------------------|-----------|--------------------------------|----------|
| Mr. Speaker                | Cates     | Hardy                          | Nettles  |
| Adams <sup>(Houston)</sup> | Chambers  | Hawkins                        | Nichols  |
| Albea                      | Cornett   | Hearn                          | Oakley   |
| Ashworth                   | Daniel    | Hocklander                     | Perry    |
| Bailey                     | Dickson   | Jenkins                        | Pierce   |
| Barnett                    | Edwards   | Johnson <sup>(Hardaway)</sup>  | Powell   |
| Bassett                    | Ferguson  | Johnson <sup>(J. T. Tom)</sup> | Ramey    |
| Bevill                     | Franklin  | Johnston <sup>(Leonard)</sup>  | Rast     |
| Bishop                     | Gilchrist | Lee                            | Rogers   |
| Boyd                       | Glass     | Locke                          | Rozelle  |
| Branyon                    | Gordon    | Long <sup>(Lauderdale)</sup>   | Sessions |
| Brewer                     | Grant     | Long <sup>(Perry)</sup>        | Solomon  |
| Broadfoot                  | Gross     | McClendon <sup>(Chamb)</sup>   | Speaks   |
| Brooks                     | Grouby    | Martin                         | Sullivan |
| Cabiness                   | Hain      | Merrill                        | Taylor   |
| Camp                       | Hanby     | Morrow                         | Trimmier |
| Casey                      | Hankins   | Murphy                         |          |

—67

And the bill:

H. 1106. To amend further Section 22 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), an Act relating to a personnel system for certain counties in the State.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

**Yeas:**

|                            |         |           |          |
|----------------------------|---------|-----------|----------|
| Mr. Speaker                | Bevill  | Broadfoot | Cornett  |
| Adams <sup>(Houston)</sup> | Bishop  | Brooks    | Daniel   |
| Albea                      | Boyd    | Cabiness  | Dickson  |
| Ashworth                   | Brannan | Camp      | Edwards  |
| Bailey                     | Branyon | Cates     | Ferguson |
| Barnett                    | Brewer  | Chambers  | Franklin |

|           |                                |          |                                |
|-----------|--------------------------------|----------|--------------------------------|
| Gilchrist | Hocklander                     | Merrill  | Reynolds <sup>(Chambers)</sup> |
| Gilmer    | Ingram                         | Morrow   | Rogers                         |
| Glass     | Jenkins                        | Murphy   | Rozelle                        |
| Gordon    | Johnson <sup>(Hardaway)</sup>  | Nettles  | Sessions                       |
| Grant     | Johnson <sup>(J. T. Tom)</sup> | Nichols  | Shumate                        |
| Gross     | Lee                            | Oakley   | Smith <sup>(St. Clair)</sup>   |
| Grouby    | Locke                          | Perry    | Solomon                        |
| Hain      | Long <sup>(Lauderdale)</sup>   | Phillips | Speaks                         |
| Hanby     | Long <sup>(Perry)</sup>        | Pierce   | Steagall                       |
| Hankins   | McClendon <sup>(Chamb)</sup>   | Powell   | Sullivan                       |
| Hardy     | McLendon <sup>(Bullock)</sup>  | Ramey    | Taylor                         |
| Hawkins   | Martin                         | Rast     | Thomas                         |
| Hearn     | Meade                          |          |                                |

—74

And the bill:

H. 734. To authorize the state highway department, or the director thereof, to contract with the governing body of any county in this state to construct parking areas or wayside parks along county roads and to declare that such parking areas and wayside parks shall constitute a part of the county road system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cornett     | Hearn                          | Powell                         |
| Adams <sup>(Houston)</sup> | Daniel      | Ingram                         | Ramey                          |
| Albea                      | Dickson     | Jenkins                        | Rast                           |
| Ashworth                   | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Barnett                    | Faulk       | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Ferguson    | Locke                          | Rogers                         |
| Bevill                     | Franklin    | Long <sup>(Lauderdale)</sup>   | Rozelle                        |
| Bishop                     | Gilmer      | Long <sup>(Perry)</sup>        | Sessions                       |
| Boyd                       | Glass       | McClendon <sup>(Chamb)</sup>   | Shumate                        |
| Brannan                    | Goldthwaite | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>     |
| Branyon                    | Gordon      | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Grant       | Morrow                         | Solomon                        |
| Broadfoot                  | Gross       | Nettles                        | Speaks                         |
| Cabiness                   | Grouby      | Nichols                        | Steagall                       |
| Callahan                   | Hain        | Oakley                         | Sullivan                       |
| Camp                       | Hankins     | Oden                           | Taylor                         |
| Casey                      | Hardy       | Perry                          | Thomas                         |
| Cates                      | Harris      | Phillips                       | Torbert                        |
| Chambers                   | Hawkins     | Pierce                         | Turnham                        |

—76

And the bill:

H. 1006. Relating to Tallapoosa County: To impose extra, new and additional duties upon members of the Court of County Commissioners and to provide additional compensation for the performance of such duties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.



**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Chambers    | Hearn                          | Perry                          |
| Adams <sup>(Houston)</sup> | Daniel      | Hocklander                     | Phillips                       |
| Albea                      | Dickson     | Jenkins                        | Pierce                         |
| Ashworth                   | Dodd        | Johnson <sup>(Hardaway)</sup>  | Powell                         |
| Avery                      | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Bailey                     | Faulk       | Johnston <sup>(Leonard)</sup>  | Rast                           |
| Barnett                    | Ferguson    | Lee                            | Ray                            |
| Bassett                    | Franklin    | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Gilmer      | Long <sup>(Lauderdale)</sup>   | Rogers                         |
| Bishop                     | Glass       | Long <sup>(Perry)</sup>        | Rozelle                        |
| Boyd                       | Goldthwaite | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Brannan                    | Gordon      | McLendon <sup>(Bullock)</sup>  | Shumate                        |
| Branyon                    | Grant       | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Grouby      | Merrill                        | Solomon                        |
| Broadfoot                  | Hain        | Morrow                         | Speaks                         |
| Cabiness                   | Hanby       | Nettles                        | Sullivan                       |
| Camp                       | Hankins     | Nichols                        | Taylor                         |
| Casey                      | Harris      | Oakley                         | Turnham                        |
| Cates                      | Hawkins     | Oden                           |                                |

—75

**SPECIAL ORDER**

The House proceeded to the consideration of the Special Order.

And the bill:

H. 668. To implement the power of the Governor as conservator of the peace throughout the State; to define such powers with respect to the operation of public schools; to prevent violence and disorder in connection with the operation of public schools; to provide for the closing of public schools and for the education of pupils from such schools; to confer power upon the Governor with respect to such schools; and to provide for the effective date of this Act.

Was taken up.

**MOTION TO ADJOURN LOST**

The motion of Mr. Ferguson that the House adjourn until Friday, November 6, 1959, at ten o'clock A.M. was lost.

Yeas 25; Nays 46.

**Yeas:**

|           |                               |                              |                                |
|-----------|-------------------------------|------------------------------|--------------------------------|
| Messrs.:  | Glass                         | Lee                          | Ramey                          |
| Albea     | Goldthwaite                   | Long <sup>(Lauderdale)</sup> | Rast                           |
| Barnett   | Gross                         | Martin                       | Reynolds <sup>(Chambers)</sup> |
| Broadfoot | Harris                        | Morrow                       | Speaks                         |
| Brooks    | Jenkins                       | Murphy                       | Taylor                         |
| Cabiness  | Johnson <sup>(Hardaway)</sup> | Perry                        | Turnham                        |
| Ferguson  | Johnston <sup>(Leonard)</sup> |                              |                                |

—25

**Nays:**

|                            |          |           |            |
|----------------------------|----------|-----------|------------|
| Mr. Speaker                | Boyd     | Edwards   | Hain       |
| Adams <sup>(Houston)</sup> | Callahan | Franklin  | Hanby      |
| Ashworth                   | Camp     | Gilchrist | Hankins    |
| Bailey                     | Cates    | Gordon    | Hawkins    |
| Bevill                     | Dickson  | Grant     | Hearn      |
| Bishop                     | Dodd     | Grouby    | Hocklander |

|                     |          |         |                              |
|---------------------|----------|---------|------------------------------|
| Ingram              | Merrill  | Pruitt  | Shumate                      |
| Johnson (J. T. Tom) | Nichols  | Ray     | Smith <sup>(Russell)</sup>   |
| Jones (Covington)   | Oakley   | Roberts | Smith <sup>(St. Clair)</sup> |
| Long (Perry)        | Phillips | Rogers  | Solomon                      |
| McClendon (Chamb)   | Pierce   | Rozelle | Trimmier                     |
| McLendon (Bullock)  | Powell   |         |                              |

—46

## CONSIDERATION OF H. 668 RESUMED

H. 668. To implement the power of the Governor as conservator of the peace throughout the State; to define such powers with respect to the operation of public schools; to prevent violence and disorder in connection with the operation of public schools; to provide for the closing of public schools and for the education of pupils from such schools; to confer power upon the Governor with respect to such schools; and to provide for the effective date of this Act.

Was again taken up.

Mr. Ashworth offered the following substitute for the bill, H. 668:

A BILL  
TO BE ENTITLED  
AN ACT

To implement the power of the Governor as conservator of the peace throughout the State; to define such powers with respect to the operation of public schools; to prevent violence and disorder in connection with the operation of public schools; to provide for the closing of public schools and for the education of pupils from such schools; to confer power upon the Governor with respect to such schools; and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever any county, city or independent school district board of education shall have failed to act under the provisions of Act No. 528, General Acts of Alabama of 1957, and whenever the Governor shall determine, from such facts as he may find to exist, the sufficiency of which he shall be the sole judge, that the continued operation of any public school in any county, city or independent school district in the State is likely to result in or cause violence or public disorder or endanger life and property in the community in which such school is situated, or that it is necessary in order to preserve the good order, peace and dignity of the State, or any subdivision thereof, that any such school be closed, he must make public his findings by proclamation, and such school must thereupon be closed upon service of an official copy of such proclamation upon the person or persons in charge of such school by the sheriff of the county in which such school is located.

Section 2. A determination by the Governor to close a public school made in accordance with the provisions of this Act shall be final and not subject to review by any court or other authority.

Section 3. Whenever any public school is closed pursuant to this Act, the Board of Education or other public authorities of the County, city or independent school district shall take necessary action to protect all public school property of such public schools so closed. Nothing contained in this Act shall be construed as impairing the power

of the county, city or independent school district boards of education with respect to the reopening of the school or schools ordered closed by the Governor, the sale, lease, or exchange of public school property under their jurisdiction as provided by law. Whenever any public school is ordered by the Governor, pursuant to this Act, to be closed, the local Board of Education may transfer the teachers and other employees of the closed school to other schools within the jurisdiction of the employing board of education at the same compensation, upon the same terms and with the same rights and benefits to which they are entitled at the closed school, and may transfer or assign, as the case may be, any pupils affected by said closure to another school or schools within the jurisdiction of said board, or said board of education may make such other provisions for the education of such pupil or pupils as is authorized by law.

Section 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this and the provisions of this Act are declared to be severable.

Section 5. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 90; Nays 0.

#### Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel      | Ingram                         | Phillips                       |
| Adams <sup>(Houston)</sup> | Dickson     | Jenkins                        | Pierce                         |
| Albea                      | Dodd        | Johnson <sup>(Hardaway)</sup>  | Powell                         |
| Ashworth                   | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Pruitt                         |
| Avery                      | Faulk       | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Bailey                     | Ferguson    | Jones <sup>(Covington)</sup>   | Rast                           |
| Barnett                    | Franklin    | Jones <sup>(Monroe)</sup>      | Ray                            |
| Bassett                    | Gilchrist   | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Gilmer      | Locke                          | Roberts                        |
| Bishop                     | Glass       | Long <sup>(Lauderdale)</sup>   | Rogers                         |
| Boyd                       | Goldthwaite | Long <sup>(Perry)</sup>        | Rozelle                        |
| Brannan                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Branyon                    | Grant       | McLendon <sup>(Bullock)</sup>  | Shumate                        |
| Brewer                     | Gross       | Martin                         | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Grouby      | Meade                          | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Guthrie     | Merrill                        | Solomon                        |
| Cabiness                   | Hain        | Morrow                         | Speaks                         |
| Callahan                   | Hanby       | Nettles                        | Steagall                       |
| Camp                       | Hankins     | Nichols                        | Sullivan                       |
| Casey                      | Hardy       | Oakley                         | Taylor                         |
| Cates                      | Hawkins     | Oden                           | Thomas                         |
| Chambers                   | Hearn       | Perry                          | Trimmier                       |
| Cornett                    | Hocklander  |                                |                                |

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 1096. To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 500,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury.

CHAS. C. ADAMS,  
Chairman.

The above and foregoing report of the Standing Committee on Rules was concurred in and adopted.

MOTION TO ADJOURN LOST

The motion of Mr. Taylor that the House adjourn until Friday, November 6, 1959, at ten o'clock A.M. was lost.

Yeas 33; Nays 50.

**Yeas:**

|           |                    |                    |                     |
|-----------|--------------------|--------------------|---------------------|
| Messrs.:  | Dickson            | Johnston (Leonard) | Reynolds (Chambers) |
| Albea     | Ferguson           | Lee                | Solomon             |
| Avery     | Franklin           | Locke              | Steagall            |
| Barnett   | Gilmer             | Martin             | Sullivan            |
| Broadfoot | Goldthwaite        | Merrill            | Taylor              |
| Cabiness  | Hardy              | Murphy             | Thomas              |
| Camp      | Harris             | Perry              | Trimmier            |
| Cates     | Jenkins            | Ramey              | Turnham             |
| Chambers  | Johnson (Hardaway) |                    |                     |

—33

**Nays:**

|                 |           |                     |                   |
|-----------------|-----------|---------------------|-------------------|
| Mr. Speaker     | Dodd      | Ingram              | Pruitt            |
| Adams (Houston) | Edwards   | Johnson (J. T. Tom) | Rast              |
| Ashworth        | Faulk     | Jones (Covington)   | Ray               |
| Bailey          | Gilchrist | Jones (Monroe)      | Roberts           |
| Bassett         | Glass     | McClendon (Chamb)   | Rogers            |
| Bevill          | Gordon    | McLendon (Bullock)  | Rozelle           |
| Boyd            | Gross     | Morrow              | Sessions          |
| Brannan         | Grouby    | Nettles             | Shumate           |
| Branyon         | Guthrie   | Oakley              | Smith (Russell)   |
| Brewer          | Hain      | Oden                | Smith (St. Clair) |
| Callahan        | Hanby     | Pierce              | Speaks            |
| Casey           | Hankins   | Powell              | Turner            |
| Cornett         | Hawkins   |                     |                   |

—50

CONSIDERATION OF H. 668 RESUMED

H. 668. To implement the power of the Governor as conservator of the peace throughout the State; to define such powers with respect

to the operation of public schools; to prevent violence and disorder in connection with the operation of public schools; to provide for the closing of public schools and for the education of pupils from such schools; to confer power upon the Governor with respect to such schools; and to provide for the effective date of this Act.

As amended, was again taken up.

Mr. Camp moved to postpone further consideration of the bill, H. 668, as amended, until the next legislative day without losing its place on the Calendar.

Mr. Ashworth moved to lay on the table the motion of Mr. Camp to postpone further consideration of the bill, H. 668, as amended, until the next legislative day without losing its place on the Calendar, and said motion was adopted.

Yeas 45; Nays 41.

**Yeas:**

|                            |           |                                |                            |
|----------------------------|-----------|--------------------------------|----------------------------|
| Mr. Speaker                | Cornett   | Guthrie                        | Phillips                   |
| Adams <sup>(Houston)</sup> | Daniel    | Hanby                          | Pierce                     |
| Ashworth                   | Dodd      | Hankins                        | Powell                     |
| Avery                      | Faulk     | Ingram                         | Pruitt                     |
| Bailey                     | Franklin  | Johnson <sup>(J. T. Tom)</sup> | Ray                        |
| Bassett                    | Gilchrist | Jones <sup>(Covington)</sup>   | Rogers                     |
| Bevill                     | Glass     | Jones <sup>(Monroe)</sup>      | Rozelle                    |
| Boyd                       | Gordon    | McClendon <sup>(Chamb)</sup>   | Shumate                    |
| Brannan                    | Grant     | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup> |
| Branyon                    | Gross     | Nettles                        | Sullivan                   |
| Callahan                   | Grouby    | Oden                           | Turner                     |
| Casey                      |           |                                |                            |

—45

**Nays:**

|           |                               |                                |                              |
|-----------|-------------------------------|--------------------------------|------------------------------|
| Messrs.:  | Ferguson                      | Long <sup>(Lauderdale)</sup>   | Roberts                      |
| Albea     | Gilmer                        | Martin                         | Sessions                     |
| Barnett   | Goldthwaite                   | Meade                          | Smith <sup>(St. Clair)</sup> |
| Bishop    | Hardy                         | Merrill                        | Solomon                      |
| Brewer    | Harris                        | Morrow                         | Speaks                       |
| Broadfoot | Hawkins                       | Murphy                         | Steagall                     |
| Cabiness  | Jenkins                       | Perry                          | Taylor                       |
| Camp      | Johnson <sup>(Hardaway)</sup> | Ramey                          | Thomas                       |
| Chambers  | Johnston <sup>(Leonard)</sup> | Rast                           | Trimmier                     |
| Dickson   | Lee                           | Reynolds <sup>(Chambers)</sup> | Turnham                      |
| Edwards   | Locke                         |                                |                              |

—41

And said bill, H. 668, as amended, was then read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 39.

**Yeas:**

|                            |          |           |         |
|----------------------------|----------|-----------|---------|
| Mr. Speaker                | Boyd     | Daniel    | Gross   |
| Adams <sup>(Houston)</sup> | Brannan  | Dodd      | Grouby  |
| Albea                      | Branyon  | Faulk     | Hanby   |
| Ashworth                   | Callahan | Gilchrist | Hankins |
| Bassett                    | Casey    | Gordon    | Hearn   |
| Bevill                     | Cornett  | Grant     | Ingram  |

|                     |          |                     |                 |
|---------------------|----------|---------------------|-----------------|
| Johnson (J. T. Tom) | Nettles  | Powell              | Rozelle         |
| Jones (Covington)   | Oakley   | Pruitt              | Shumate         |
| Jones (Monroe)      | Oden     | Ray                 | Smith (Russell) |
| McClendon (Chamb)   | Phillips | Reynolds (Chambers) | Sullivan        |
| McLendon (Bullock)  | Pierce   | Rogers              | Turner          |

—44

**Nays:**

|           |                    |                   |                   |
|-----------|--------------------|-------------------|-------------------|
| Messrs.:  | Edwards            | Lee               | Rast              |
| Bailey    | Ferguson           | Locke             | Roberts           |
| Barnett   | Franklin           | Long (Lauderdale) | Sessions          |
| Brewer    | Goldthwaite        | Martin            | Smith (St. Clair) |
| Broadfoot | Hardy              | Meade             | Solomon           |
| Cabiness  | Harris             | Merrill           | Speaks            |
| Camp      | Hocklander         | Morrow            | Steagall          |
| Cates     | Jenkins            | Murphy            | Taylor            |
| Chambers  | Johnson (Hardaway) | Perry             | Thomas            |
| Dickson   | Johnston (Leonard) | Ramey             | Trimmier          |

—39

**MOTION TO RECONSIDER VOTE AND TABLE MOTION LOST**

The motion of Mr. Ashworth to reconsider the vote by which the bill, H. 668, as amended, was passed, and to lay his motion on the table, was lost.

Yeas 39; Nays 40.

**Yeas:**

|                 |           |                     |                 |
|-----------------|-----------|---------------------|-----------------|
| Mr. Speaker     | Daniel    | Hearn               | Powell          |
| Adams (Houston) | Dodd      | Ingram              | Pruitt          |
| Ashworth        | Faulk     | Johnson (J. T. Tom) | Ray             |
| Bassett         | Gilchrist | Jones (Covington)   | Rogers          |
| Bevill          | Gordon    | Jones (Monroe)      | Rozelle         |
| Boyd            | Grant     | McClendon (Chamb)   | Shumate         |
| Brannan         | Gross     | McLendon (Bullock)  | Smith (Russell) |
| Casey           | Grouby    | Nettles             | Sullivan        |
| Cates           | Guthrie   | Oden                | Turner          |
| Cornett         | Hanby     | Pierce              |                 |

—39

**Nays:**

|           |                    |                     |                   |
|-----------|--------------------|---------------------|-------------------|
| Messrs.:  | Edwards            | Long (Lauderdale)   | Roberts           |
| Albea     | Ferguson           | Martin              | Sessions          |
| Bailey    | Goldthwaite        | Meade               | Smith (St. Clair) |
| Barnett   | Hardy              | Merrill             | Solomon           |
| Bishop    | Harris             | Morrow              | Speaks            |
| Brewer    | Hocklander         | Murphy              | Steagall          |
| Broadfoot | Jenkins            | Perry               | Taylor            |
| Cabiness  | Johnson (Hardaway) | Phillips            | Thomas            |
| Camp      | Lee                | Rast                | Trimmier          |
| Chambers  | Locke              | Reynolds (Chambers) | Turnham           |
| Dickson   |                    |                     |                   |

—40

**MOTION TO RECONSIDER LOST**

The motion of Mr. Ashworth to reconsider the vote by which the bill, H. 668, as amended, was passed, was lost.

Yeas 41; Nays 43.

**Yeas:**

|           |                               |                                |                              |
|-----------|-------------------------------|--------------------------------|------------------------------|
| Messrs.:  | Edwards                       | Long <sup>(Lauderdale)</sup>   | Roberts                      |
| Albea     | Ferguson                      | Martin                         | Sessions                     |
| Bailey    | Goldthwaite                   | Meade                          | Smith <sup>(St. Clair)</sup> |
| Barnett   | Hardy                         | Merrill                        | Solomon                      |
| Bishop    | Harris                        | Morrow                         | Speaks                       |
| Brewer    | Hocklander                    | Murphy                         | Steagall                     |
| Broadfoot | Jenkins                       | Perry                          | Taylor                       |
| Cabiness  | Johnson <sup>(Hardaway)</sup> | Ramey                          | Thomas                       |
| Camp      | Johnston <sup>(Leonard)</sup> | Rast                           | Trimmier                     |
| Chambers  | Lee                           | Reynolds <sup>(Chambers)</sup> | Turnham                      |
| Dickson   | Locke                         |                                |                              |

—41

**Nays:**

|                            |           |                                |                            |
|----------------------------|-----------|--------------------------------|----------------------------|
| Mr. Speaker                | Cornett   | Hearn                          | Pierce                     |
| Adams <sup>(Houston)</sup> | Daniel    | Ingram                         | Powell                     |
| Ashworth                   | Dodd      | Johnson <sup>(J. T. Tom)</sup> | Pruitt                     |
| Bassett                    | Faulk     | Jones <sup>(Covington)</sup>   | Ray                        |
| Bevill                     | Gilchrist | Jones <sup>(Monroe)</sup>      | Rogers                     |
| Boyd                       | Gordon    | McClendon <sup>(Chamb)</sup>   | Rozelle                    |
| Brannan                    | Grant     | McLendon <sup>(Bullock)</sup>  | Shumate                    |
| Branyon                    | Gross     | Nettles                        | Smith <sup>(Russell)</sup> |
| Callahan                   | Grouby    | Oakley                         | Sullivan                   |
| Casey                      | Hain      | Oden                           | Turner                     |
| Cates                      | Hanby     | Phillips                       |                            |

—43

And the bill:

H. 669. To implement the powers of the Governor as conservator of the peace and to authorize the Governor to close any school, trade school, or institution or any branch or department thereof under the control of the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Institute for Deaf and Blind or the State Board of Education; and to provide for the effective date of this Act.

Was taken up.

Mr. Ashworth offered the following substitute for the bill, H. 669:

A BILL  
TO BE ENTITLED  
AN ACT

To implement the powers of the Governor as conservator of the peace and to authorize the Governor to close any school, trade school, or institution or any branch or department thereof under the control of the State Board of Education; and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever the Governor shall determine, from such facts as he may find to exist, the sufficiency of which he shall be the sole judge, that the continued operation of any school, trade school, or institution or any branch or department thereof under the control of the State Board of Education is likely to result in or cause violence or public disorder or endanger life and property in the community in

which such school, trade school, or institution or any branch or department thereof is situated, or that it is necessary to preserve the good order, peace and dignity of the State, or any subdivision thereof, that any such school, trade school, or institution or any branch or department thereof, be closed, he as conservator of the peace shall make public proclamation of such findings, and such school, trade school, or institution or any branch or department thereof, shall thereupon be closed upon service of an official copy of such proclamation upon the person or persons in charge of such school or institution by the sheriff of the county in which such school or institution is located.

Section 2. A determination by the Governor to close a school, trade school, or institution or any branch or department thereof, made in accordance with the provisions of this Act shall be final and not subject to review by any court or other authority.

Section 3. Whenever any school, trade school, or institution or any branch or department thereof, is closed pursuant to this Act, the board under whose jurisdiction said school, trade school, or institution or any branch or department thereof, lies, shall take the necessary action to protect all public property of such school, trade school, or institution or branch or department thereof, so closed. Such board may reopen such school, trade school or institution or branch or department at its discretion.

Section 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 5. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 82; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Casey       | Guthrie             | McLendon (Bullock)  |
| Adams (Houston) | Cates       | Hain                | Meade               |
| Albea           | Chambers    | Hanby               | Merrill             |
| Ashworth        | Cornett     | Hankins             | Morrow              |
| Avery           | Daniel      | Hardy               | Nettles             |
| Bailey          | Dickson     | Harris              | Oakley              |
| Barnett         | Dodd        | Hawkins             | Oden                |
| Bassett         | Edwards     | Hocklander          | Perry               |
| Bevill          | Faulk       | Ingram              | Phillips            |
| Bishop          | Ferguson    | Jenkins             | Pierce              |
| Boyd            | Franklin    | Johnson (J. T. Tom) | Powell              |
| Brannan         | Gilchrist   | Johnston (Leonard)  | Pruitt              |
| Branyon         | Gilmer      | Jones (Covington)   | Rast                |
| Brewer          | Goldthwaite | Jones (Monroe)      | Ray                 |
| Broadfoot       | Gordon      | Lee                 | Reynolds (Chambers) |
| Cabiness        | Grant       | Locke               | Roberts             |
| Callahan        | Gross       | Long (Lauderdale)   | Rogers              |
| Camp            | Grouby      | McClendon (Chamb)   | Rozelle             |



|                              |          |          |        |
|------------------------------|----------|----------|--------|
| Sessions                     | Solomon  | Sullivan | Thomas |
| Smith <sup>(Russell)</sup>   | Speaks   | Taylor   | Turner |
| Smith <sup>(St. Clair)</sup> | Steagall |          |        |

—82

And said bill, H. 669, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 26.

#### Yeas:

|                            |           |                                |                                |
|----------------------------|-----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cates     | Hankins                        | Phillips                       |
| Adams <sup>(Houston)</sup> | Cornett   | Hearn                          | Pierce                         |
| Albea                      | Daniel    | Hocklander                     | Powell                         |
| Ashworth                   | Dickson   | Ingram                         | Pruitt                         |
| Bailey                     | Dodd      | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Bassett                    | Faulk     | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Franklin  | Jones <sup>(Covington)</sup>   | Rogers                         |
| Bishop                     | Gilchrist | Jones <sup>(Monroe)</sup>      | Rozelle                        |
| Boyd                       | Gordon    | Locke                          | Shumate                        |
| Brannan                    | Grant     | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>     |
| Branyon                    | Gross     | Nettles                        | Speaks                         |
| Cabiness                   | Grouby    | Oakley                         | Sullivan                       |
| Callahan                   | Hanby     | Oden                           | Turner                         |
| Casey                      |           |                                |                                |

—53

#### Nays:

|           |             |          |                              |
|-----------|-------------|----------|------------------------------|
| Messrs.:  | Goldthwaite | Merrill  | Smith <sup>(St. Clair)</sup> |
| Brewer    | Hardy       | Morrow   | Solomon                      |
| Broadfoot | Harris      | Murphy   | Steagall                     |
| Camp      | Jenkins     | Perry    | Taylor                       |
| Chambers  | Lee         | Rast     | Thomas                       |
| Edwards   | Martin      | Roberts  | Trimmier                     |
| Ferguson  | Meade       | Sessions |                              |

—26

The motion of Mr. Bevill to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 893, was adopted.

And the bill:

H. 893 (with amendment). To make an appropriation for a tentative or preliminary survey of the Mulberry Fork of the Black Warrior River for the purpose of promoting the development of a waterway system connecting the Tennessee River and the Warrior River in the State of Alabama.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 893 by striking therefrom in Section 1, line 1 the words and figures "\$50,000" and inserting in lieu thereof the words and figures "\$25,000".

And the amendment was adopted.

Yeas 81; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dickson     | Ingram                        | Powell                         |
| Adams <sup>(Houston)</sup> | Dodd        | Jenkins                       | Pruitt                         |
| Albea                      | Edwards     | Johnson (J. T. Tom)           | Ramey                          |
| Ashworth                   | Faulk       | Johnston <sup>(Leonard)</sup> | Rast                           |
| Avery                      | Ferguson    | Jones <sup>(Covington)</sup>  | Ray                            |
| Bailey                     | Franklin    | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Gilmer      | Lee                           | Roberts                        |
| Bassett                    | Goldthwaite | Locke                         | Rogers                         |
| Bevill                     | Gordon      | McClendon <sup>(Chamb)</sup>  | Rozelle                        |
| Bishop                     | Grant       | Martin                        | Sessions                       |
| Boyd                       | Gross       | Meade                         | Shumate                        |
| Brannan                    | Grouby      | Merrill                       | Smith <sup>(Russell)</sup>     |
| Branyon                    | Guthrie     | Morrow                        | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Hain        | Murphy                        | Solomon                        |
| Cabiness                   | Hanby       | Nettles                       | Speaks                         |
| Callahan                   | Hankins     | Oakley                        | Steagall                       |
| Camp                       | Hardy       | Oden                          | Sullivan                       |
| Casey                      | Harris      | Perry                         | Taylor                         |
| Cates                      | Hearn       | Phillips                      | Trimmier                       |
| Chambers                   | Hocklander  | Pierce                        | Turner                         |
| Cornett                    |             |                               |                                |

—81

And said bill, H. 893, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dickson     | Jenkins                       | Pruitt                         |
| Adams <sup>(Houston)</sup> | Dodd        | Johnson (J. T. Tom)           | Ramey                          |
| Albea                      | Edwards     | Johnston <sup>(Leonard)</sup> | Rast                           |
| Ashworth                   | Faulk       | Jones <sup>(Covington)</sup>  | Ray                            |
| Avery                      | Ferguson    | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Franklin    | Lee                           | Roberts                        |
| Barnett                    | Gilmer      | Locke                         | Rogers                         |
| Bassett                    | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Rozelle                        |
| Bevill                     | Gordon      | Martin                        | Sessions                       |
| Bishop                     | Grant       | Meade                         | Shumate                        |
| Boyd                       | Gross       | Merrill                       | Smith <sup>(Russell)</sup>     |
| Brannan                    | Grouby      | Morrow                        | Solomon                        |
| Branyon                    | Guthrie     | Murphy                        | Speaks                         |
| Brewer                     | Hain        | Nettles                       | Steagall                       |
| Cabiness                   | Hanby       | Oakley                        | Sullivan                       |
| Callahan                   | Hankins     | Oden                          | Taylor                         |
| Camp                       | Hardy       | Perry                         | Thomas                         |
| Casey                      | Harris      | Phillips                      | Trimmier                       |
| Cates                      | Hearn       | Pierce                        | Turner                         |
| Chambers                   | Hocklander  | Powell                        | Turnham                        |
| Cornett                    | Ingram      |                               |                                |

—82

**MOTION TO SUSPEND RULES LOST**

The motion of Mr. Bevill to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 161, was lost.

## MOTION TO SUSPEND RULES LOST

The motion of Mr. Bevill to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 232, was lost.

## MOTION TO SUSPEND RULES

Mr. Bevill moved to suspend the rules in order to take up for immediate consideration the third reading of the bills, H. 895, H. 896 and H. 897.

Mr. Locke called for a division of the question.

And the motion of Mr. Bevill to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 895, was lost.

Yeas 45; Nays 20.

**Yeas:**

|                 |           |                     |                   |
|-----------------|-----------|---------------------|-------------------|
| Mr. Speaker     | Dickson   | Hankins             | Phillips          |
| Adams (Houston) | Dodd      | Hardy               | Rast              |
| Bailey          | Edwards   | Hocklander          | Ray               |
| Bevill          | Franklin  | Ingram              | Roberts           |
| Bishop          | Gilchrist | Johnson (J. T. Tom) | Rogers            |
| Boyd            | Gilmer    | Jones (Monroe)      | Rozelle           |
| Brannan         | Gordon    | Locke               | Sessions          |
| Branyon         | Gross     | McClendon (Chamb)   | Shumate           |
| Brewer          | Grouby    | Murphy              | Smith (St. Clair) |
| Camp            | Hain      | Oden                | Steagall          |
| Chambers        | Hanby     | Perry               | Turner            |
| Cornett         |           |                     |                   |

—45

**Nays:**

|          |          |         |          |
|----------|----------|---------|----------|
| Messrs.: | Cates    | Merrill | Pruitt   |
| Albea    | Ferguson | Nettles | Ramey    |
| Avery    | Grant    | Oakley  | Sullivan |
| Barnett  | Lee      | Pierce  | Thomas   |
| Cabiness | Meade    | Powell  | Turnham  |
| Callahan |          |         |          |

—20

And the motion of Mr. Bevill to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 896, was lost.

Yeas 54; Nays 21.

**Yeas:**

|                 |           |                     |                    |
|-----------------|-----------|---------------------|--------------------|
| Mr. Speaker     | Callahan  | Grouby              | Jones (Monroe)     |
| Adams (Houston) | Chambers  | Guthrie             | Locke              |
| Albea           | Cornett   | Hain                | McClendon (Chamb)  |
| Ashworth        | Dodd      | Hanby               | McLendon (Bullock) |
| Avery           | Edwards   | Hankins             | Meade              |
| Bailey          | Ferguson  | Hardy               | Morrow             |
| Bevill          | Franklin  | Hawkins             | Murphy             |
| Bishop          | Gilchrist | Hocklander          | Oden               |
| Brannan         | Gilmer    | Ingram              | Perry              |
| Branyon         | Goodwyn   | Johnson (J. T. Tom) | Phillips           |
| Brewer          | Gross     | Johnston (Leonard)  | Ramey              |

|                     |          |                   |          |
|---------------------|----------|-------------------|----------|
| Rast                | Rogers   | Shumate           | Steagall |
| Ray                 | Rozelle  | Smith (St. Clair) | Turner   |
| Reynolds (Chambers) | Sessions |                   |          |

—54

**Nays:**

|          |         |         |                 |
|----------|---------|---------|-----------------|
| Messrs.: | Cates   | Nettles | Roberts         |
| Barnett  | Dickson | Oakley  | Smith (Russell) |
| Bassett  | Grant   | Pierce  | Sullivan        |
| Boyd     | Lee     | Powell  | Thomas          |
| Cabiness | Martin  | Pruitt  | Turnham         |
| Camp     | Merrill |         |                 |

—21

And the motion of Mr. Bevill to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 897, was lost.

Yeas 46, Nays 26.

**Yeas:**

|                 |           |                     |                     |
|-----------------|-----------|---------------------|---------------------|
| Mr. Speaker     | Edwards   | Hawkins             | Phillips            |
| Adams (Houston) | Ferguson  | Hocklander          | Rast                |
| Albea           | Franklin  | Ingram              | Ray                 |
| Bailey          | Gilchrist | Johnson (J. T. Tom) | Reynolds (Chambers) |
| Bevill          | Gilmer    | Locke               | Roberts             |
| Bishop          | Gross     | McClendon (Chamb)   | Rogers              |
| Brannan         | Grouby    | Meade               | Rozelle             |
| Branyon         | Guthrie   | Morrow              | Shumate             |
| Brewer          | Hain      | Murphy              | Smith (St. Clair)   |
| Casey           | Hanby     | Oden                | Steagall            |
| Cornett         | Hankins   | Perry               | Turner              |
| Dodd            | Hardy     |                     |                     |

—46

**Nays:**

|          |                    |         |                 |
|----------|--------------------|---------|-----------------|
| Messrs.: | Camp               | Lee     | Pruitt          |
| Avery    | Cates              | Martin  | Ramey           |
| Barnett  | Dickson            | Merrill | Smith (Russell) |
| Bassett  | Goodwyn            | Nettles | Sullivan        |
| Boyd     | Grant              | Oakley  | Thomas          |
| Cabiness | Johnston (Leonard) | Pierce  | Turnham         |
| Callahan | Jones (Monroe)     | Powell  |                 |

—26

**MOTION TO ADJOURN LOST**

Mr. Harris moved that the House adjourn until Friday, November 6, 1959, at ten o'clock A. M.

The substitute motion of Mr. Guthrie that the House recess until nine o'clock P. M. tonight was lost.

Yeas 19; Nays 63.

**Yeas:**

|          |           |                   |                     |
|----------|-----------|-------------------|---------------------|
| Messrs.: | Gilchrist | Jones (Covington) | Reynolds (Chambers) |
| Branyon  | Goodwyn   | Jones (Monroe)    | Solomon             |
| Brooks   | Guthrie   | Murphy            | Sullivan            |
| Casey    | Hain      | Oden              | Taylor              |
| Dickson  | Hankins   | Ray               | Turner              |

—19

**Nays:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cates       | Hocklander                     | Pierce                       |
| Adams <sup>(Houston)</sup> | Cornett     | Ingram                         | Powell                       |
| Albea                      | Dodd        | Jenkins                        | Pruitt                       |
| Ashworth                   | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Avery                      | Faulk       | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Bailey                     | Ferguson    | Lee                            | Roberts                      |
| Barnett                    | Franklin    | Locke                          | Rogers                       |
| Bassett                    | Goldthwaite | Long <sup>(Lauderdale)</sup>   | Rozelle                      |
| Bevill                     | Grant       | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Bishop                     | Gross       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Boyd                       | Grouby      | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Hanby       | Merrill                        | Speaks                       |
| Broadfoot                  | Hardy       | Morrow                         | Steagall                     |
| Cabiness                   | Harris      | Nettles                        | Thomas                       |
| Callahan                   | Hawkins     | Oakley                         | Turnham                      |
| Camp                       | Hearn       | Perry                          |                              |

—63

The question was then on the motion of Mr. Harris that the House adjourn until Friday, November 6, 1959, at ten o'clock A. M., and said motion was lost.

Yeas 29; Nays 56.

**Yeas:**

|           |                               |                               |          |
|-----------|-------------------------------|-------------------------------|----------|
| Messrs.:  | Ferguson                      | Johnston <sup>(Leonard)</sup> | Ramey    |
| Avery     | Grant                         | Jones <sup>(Covington)</sup>  | Rozelle  |
| Barnett   | Hardy                         | Jones <sup>(Monroe)</sup>     | Solomon  |
| Brannan   | Harris                        | Long <sup>(Lauderdale)</sup>  | Steagall |
| Broadfoot | Hearn                         | Martin                        | Taylor   |
| Cabiness  | Ingram                        | Meade                         | Trimmier |
| Chambers  | Jenkins                       | Phillips                      | Turnham  |
| Dickson   | Johnson <sup>(Hardaway)</sup> |                               |          |

—29

**Nays:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cates       | Hanby                          | Pierce                       |
| Adams <sup>(Houston)</sup> | Cornett     | Hankins                        | Powell                       |
| Albea                      | Dodd        | Hawkins                        | Pruitt                       |
| Ashworth                   | Edwards     | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Bailey                     | Faulk       | Lee                            | Ray                          |
| Bassett                    | Franklin    | Locke                          | Roberts                      |
| Bevill                     | Gilchrist   | McClendon <sup>(Chamb)</sup>   | Rogers                       |
| Bishop                     | Gilmer      | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Boyd                       | Goldthwaite | Merrill                        | Smith <sup>(Russell)</sup>   |
| Branyon                    | Goodwyn     | Morrow                         | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Gross       | Murphy                         | Speaks                       |
| Callahan                   | Grouby      | Oakley                         | Sullivan                     |
| Camp                       | Guthrie     | Oden                           | Thomas                       |
| Casey                      | Hain        | Perry                          | Turner                       |

—56

**BILLS ON THIRD READING RESUMED**

H. 522. To amend Section 3 of an act approved July 9, 1943, creating the Elementary Teachers Scholarship Fund (Act No. 535, S. 371, General Acts 1943, p. 509) so as to provide that funds available to each teachers college for the purpose of making scholarship grants directly may be used instead to match federal funds made available for a like purpose.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 79; Nays 0.

**Yeas:**

|                 |            |                     |                   |
|-----------------|------------|---------------------|-------------------|
| Mr. Speaker     | Dodd       | Johnson (J. T. Tom) | Powell            |
| Adams (Houston) | Edwards    | Johnston (Leonard)  | Pruitt            |
| Albea           | Faulk      | Jones (Covington)   | Ramey             |
| Ashworth        | Ferguson   | Jones (Monroe)      | Rast              |
| Avery           | Franklin   | Lee                 | Ray               |
| Bailey          | Gilchrist  | Locke               | Roberts           |
| Bassett         | Gilmer     | Long (Lauderdale)   | Rogers            |
| Bevill          | Gordon     | McClendon (Chamb)   | Rozelle           |
| Bishop          | Grant      | McLendon (Bullock)  | Sessions          |
| Boyd            | Gross      | Martin              | Smith (Russell)   |
| Brannan         | Grouby     | Meade               | Smith (St. Clair) |
| Brewer          | Guthrie    | Merrill             | Solomon           |
| Broadfoot       | Hain       | Morrow              | Speaks            |
| Cabiness        | Hanby      | Murphy              | Stegall           |
| Callahan        | Hankins    | Nettles             | Sullivan          |
| Camp            | Hardy      | Oakley              | Thomas            |
| Casey           | Hawkins    | Oden                | Trimmier          |
| Cates           | Hearn      | Perry               | Turner            |
| Chambers        | Hocklander | Phillips            | Turnham           |
| Cornett         | Jenkins    | Pierce              |                   |

—79

And the bill:

H. 552. To amend Section 91 of Title 8, Code of Alabama 1940, as amended by Act No. 707, 1951 Acts of Alabama, Vol. II, page 1246, approved September 5, 1951, entitled "An Act To amend Section 91 of Title 8, Code of Alabama 1940, which relates to licenses to capture and kill fur-bearing animals."

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 58; Nays 6.

**Yeas:**

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Mr. Speaker     | Edwards   | Hocklander         | Powell            |
| Adams (Houston) | Faulk     | Johnston (Leonard) | Pruitt            |
| Ashworth        | Ferguson  | Jones (Monroe)     | Rast              |
| Bailey          | Franklin  | Lee                | Ray               |
| Bassett         | Gilchrist | Locke              | Roberts           |
| Bevill          | Gilmer    | McLendon (Bullock) | Rogers            |
| Bishop          | Goodwyn   | Morrow             | Rozelle           |
| Boyd            | Gordon    | Murphy             | Smith (Russell)   |
| Brannan         | Grant     | Nettles            | Smith (St. Clair) |
| Branyon         | Gross     | Oakley             | Speaks            |
| Brewer          | Grouby    | Oden               | Sullivan          |
| Cabiness        | Guthrie   | Perry              | Thomas            |
| Cornett         | Hankins   | Phillips           | Trimmier          |
| Daniel          | Hardy     | Pierce             | Turner            |
| Dickson         | Hawkins   |                    |                   |

—58

**Nays:**

|          |       |         |                   |
|----------|-------|---------|-------------------|
| Messrs.: | Camp  | Cates   | McClendon (Chamb) |
| Callahan | Casey | Jenkins |                   |

—6

And the bill:

H. 553. To amend Title 8, Section 98, Code of Alabama 1940, pertaining to transporting furs, pelts, etc. without having fur catchers license.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 52; Nays 8.

**Yeas:**

|                            |            |                               |                              |
|----------------------------|------------|-------------------------------|------------------------------|
| Mr. Speaker                | Faulk      | Johnston <sup>(Leonard)</sup> | Powell                       |
| Adams <sup>(Houston)</sup> | Ferguson   | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Ashworth                   | Franklin   | Locke                         | Rast                         |
| Bailey                     | Gilchrist  | McLendon <sup>(Bullock)</sup> | Ray                          |
| Bassett                    | Gilmer     | Merrill                       | Roberts                      |
| Bevill                     | Goodwyn    | Morrow                        | Rogers                       |
| Bishop                     | Gordon     | Murphy                        | Sessions                     |
| Boyd                       | Grant      | Nettles                       | Smith <sup>(Russell)</sup>   |
| Brannan                    | Grouby     | Oakley                        | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Guthrie    | Oden                          | Speaks                       |
| Cornett                    | Hardy      | Perry                         | Sullivan                     |
| Dodd                       | Hawkins    | Phillips                      | Trimmier                     |
| Edwards                    | Hocklander | Pierce                        | Turner                       |

—52

**Nays:**

|          |          |       |                              |
|----------|----------|-------|------------------------------|
| Messrs.: | Callahan | Casey | Jenkins                      |
| Avery    | Camp     | Cates | McClendon <sup>(Chamb)</sup> |
| Cabiness |          |       |                              |

—8

And the bill:

H. 554. To amend Title 8, Section 97, Code of Alabama 1940, pertaining to funds from the sale of fur catchers licenses.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 53; Nays 9.

**Yeas:**

|                            |                               |                               |                              |
|----------------------------|-------------------------------|-------------------------------|------------------------------|
| Mr. Speaker                | Edwards                       | Jones <sup>(Monroe)</sup>     | Pruitt                       |
| Adams <sup>(Houston)</sup> | Faulk                         | Locke                         | Rast                         |
| Albea                      | Ferguson                      | McLendon <sup>(Bullock)</sup> | Ray                          |
| Ashworth                   | Franklin                      | Merrill                       | Roberts                      |
| Bailey                     | Goldthwaite                   | Morrow                        | Rogers                       |
| Bassett                    | Gordon                        | Murphy                        | Rozelle                      |
| Bevill                     | Grant                         | Nettles                       | Sessions                     |
| Bishop                     | Guthrie                       | Oakley                        | Smith <sup>(St. Clair)</sup> |
| Boyd                       | Hardy                         | Oden                          | Speaks                       |
| Brannan                    | Hawkins                       | Perry                         | Sullivan                     |
| Brewer                     | Hearn                         | Phillips                      | Thomas                       |
| Cabiness                   | Hocklander                    | Pierce                        | Trimmier                     |
| Cornett                    | Johnston <sup>(Leonard)</sup> | Powell                        | Turner                       |
| Dodd                       |                               |                               |                              |

—53

**Nays:**

|          |       |         |                                |
|----------|-------|---------|--------------------------------|
| Messrs.: | Camp  | Gilmer  | Johnson <sup>(J. T. Tom)</sup> |
| Avery    | Casey | Jenkins | McClendon <sup>(Chamb)</sup>   |
| Callahan | Cates |         |                                |

—9

And the bill:

H. 555. To repeal Title 8, Section 99, Code of Alabama 1940, pertaining to receiving furs, pelts, etc., when license not issued.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 8.

**Yeas:**

|                            |             |                               |                            |
|----------------------------|-------------|-------------------------------|----------------------------|
| Mr. Speaker                | Edwards     | Hocklander                    | Powell                     |
| Adams <sup>(Houston)</sup> | Faulk       | Johnston <sup>(Leonard)</sup> | Pruitt                     |
| Ashworth                   | Franklin    | Jones <sup>(Monroe)</sup>     | Rast                       |
| Avery                      | Gilmer      | Lee                           | Ray                        |
| Bailey                     | Goldthwaite | Locke                         | Roberts                    |
| Bassett                    | Goodwyn     | McLendon <sup>(Bullock)</sup> | Rogers                     |
| Bevill                     | Grant       | Morrow                        | Sessions                   |
| Bishop                     | Gross       | Murphy                        | Smith <sup>(Russell)</sup> |
| Boyd                       | Grouby      | Netties                       | Sullivan                   |
| Brannan                    | Guthrie     | Oakley                        | Trimmier                   |
| Brewer                     | Hardy       | Oden                          | Turner                     |
| Cornett                    | Hawkins     | Phillips                      | Turnham                    |
| Dodd                       | Hearn       | Pierce                        |                            |

—51

**Nays:**

|          |       |                                |                              |
|----------|-------|--------------------------------|------------------------------|
| Messrs.: | Casey | Jenkins                        | Long <sup>(Lauderdale)</sup> |
| Cabiness | Cates | Johnson <sup>(J. T. Tom)</sup> | Smith <sup>(St. Clair)</sup> |
| Camp     |       |                                |                              |

—8

And the bill:

H. 618 (with amendment): To fix the salary of the Director of Finance.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. B. 618 by striking the words and figures Twenty Thousand Dollars (\$20,000.00) where they appear in Section 1 of said bill and insert in lieu therefor the words and figures Fifteen Thousand Dollars (\$15,000.00).

And the amendment was adopted.

Yeas 50; Nays 8.

**Yeas:**

|             |           |           |                                |
|-------------|-----------|-----------|--------------------------------|
| Mr. Speaker | Broadfoot | Faulk     | Hearn                          |
| Albea       | Callahan  | Ferguson  | Hocklander                     |
| Ashworth    | Camp      | Gilchrist | Jenkins                        |
| Bailey      | Casey     | Gilmer    | Johnson <sup>(J. T. Tom)</sup> |
| Bassett     | Cates     | Grant     | Jones <sup>(Monroe)</sup>      |
| Bevill      | Cornett   | Gross     | Locke                          |
| Bishop      | Dickson   | Guthrie   | Long <sup>(Lauderdale)</sup>   |
| Boyd        | Dodd      | Hardy     | McLendon <sup>(Bullock)</sup>  |
| Brewer      | Edwards   | Hawkins   | Meade                          |



|         |          |                              |          |
|---------|----------|------------------------------|----------|
| Merrill | Phillips | Ray                          | Speaks   |
| Morrow  | Powell   | Roberts                      | Sullivan |
| Murphy  | Pruitt   | Smith <sup>(St. Clair)</sup> | Turner   |
| Oden    | Rast     |                              |          |

—50

**Nays:**

|          |                               |        |          |
|----------|-------------------------------|--------|----------|
| Messrs.: | Goldthwaite                   | Martin | Trimmier |
| Avery    | Johnston <sup>(Leonard)</sup> | Ramey  | Turnham  |
| Cabiness |                               |        |          |

—8

Mr. Lee offered the following substitute for the bill, H. 618, as amended:

**A BILL  
TO BE ENTITLED  
AN ACT**

To fix the compensation of certain state officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The director of finance and the executive secretary to the Governor shall each receive an annual salary of fifteen thousand dollars, which shall be paid in installments, respectively, out of the funds in the state treasury appropriated to the department of finance and to the governor's office for the payment of salaries, in the same manner as the salaries of other state officers are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Pruitt the substitute offered by Mr. Lee was laid upon the table.

Yeas 38; Nays 31.

**Yeas:**

|                            |            |                                |                                |
|----------------------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Camp       | Jenkins                        | Powell                         |
| Adams <sup>(Houston)</sup> | Casey      | Johnson <sup>(J. T. Tom)</sup> | Pruitt                         |
| Albea                      | Cornett    | Johnston <sup>(Leonard)</sup>  | Rast                           |
| Ashworth                   | Dickson    | Jones <sup>(Monroe)</sup>      | Ray                            |
| Avery                      | Franklin   | McClendon <sup>(Chamb)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Faulk      | McLendon <sup>(Bullock)</sup>  | Rogers                         |
| Bishop                     | Gilchrist  | Merrill                        | Rozelle                        |
| Boyd                       | Gross      | Oden                           | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Hawkins    | Phillips                       | Sullivan                       |
| Callahan                   | Hocklander |                                |                                |

—38

**Nays:**

|          |         |             |                              |
|----------|---------|-------------|------------------------------|
| Messrs.: | Brewer  | Ferguson    | Guthrie                      |
| Bailey   | Cates   | Goldthwaite | Lee                          |
| Barnett  | Dodd    | Goodwyn     | Locke                        |
| Brannan  | Edwards | Grant       | Long <sup>(Lauderdale)</sup> |

|        |         |                   |          |
|--------|---------|-------------------|----------|
| Martin | Nettles | Ramey             | Thomas   |
| Meade  | Oakley  | Sessions          | Trimmier |
| Morrow | Perry   | Smith (St. Clair) | Turner   |
| Murphy | Pierce  | Speaks            | Turnham  |

—31

Mr. Cabiness offered the following amendment to the bill, H. 618, as amended:

Amend H. B. 618 by striking the words and figures fifteen thousand dollars (\$15,000) where they appear in Section 1 of said bill and insert inlieu therefor the words and figures eight thousand dollars (\$8,000)

On motion of Mr. Smith (Russell) the amendment offered by Mr. Cabiness was laid upon the table.

Yeas 44; Nays 21.

#### Yeas:

|                 |                     |                    |                     |
|-----------------|---------------------|--------------------|---------------------|
| Mr. Speaker     | Dodd                | Jones (Monroe)     | Pruitt              |
| Adams (Houston) | Edwards             | Locke              | Rast                |
| Albea           | Faulk               | McLendon (Bullock) | Ray                 |
| Ashworth        | Franklin            | Merrill            | Reynolds (Chambers) |
| Bailey          | Gilchrist           | Morrow             | Roberts             |
| Boyd            | Goodwyn             | Murphy             | Rogers              |
| Brannan         | Gross               | Oden               | Rozelle             |
| Callahan        | Guthrie             | Perry              | Sessions            |
| Cates           | Hawkins             | Phillips           | Smith (Russell)     |
| Cornett         | Hocklander          | Pierce             | Sullivan            |
| Dickson         | Johnson (J. T. Tom) | Powell             | Turnham             |

—44

#### Nays:

|           |                    |                   |          |
|-----------|--------------------|-------------------|----------|
| Messrs.:  | Cabiness           | Lee               | Ramey    |
| Avery     | Camp               | Long (Lauderdale) | Speaks   |
| Barnett   | Ferguson           | Martin            | Thomas   |
| Bishop    | Goldthwaite        | Meade             | Trimmier |
| Brewer    | Grant              | Oakley            | Turner   |
| Broadfoot | Johnston (Leonard) |                   |          |

—21

On motion of Mr. Camp, the bill, H. 618, as amended, was indefinitely postponed.

Yeas 43; Nays 30.

#### Yeas:

|                 |                    |                   |                   |
|-----------------|--------------------|-------------------|-------------------|
| Messrs.:        | Casey              | Jones (Covington) | Perry             |
| Adams (Houston) | Cates              | Jones (Monroe)    | Powell            |
| Albea           | Dickson            | Lee               | Ramey             |
| Avery           | Ferguson           | Locke             | Rozelle           |
| Barnett         | Goldthwaite        | Long (Lauderdale) | Sessions          |
| Bishop          | Goodwyn            | McClendon (Chamb) | Smith (St. Clair) |
| Brannan         | Grant              | Martin            | Speaks            |
| Brewer          | Hardy              | Meade             | Thomas            |
| Broadfoot       | Harris             | Merrill           | Trimmier          |
| Cabiness        | Jenkins            | Nettles           | Turner            |
| Camp            | Johnston (Leonard) | Oakley            | Turnham           |

—43

**Nays:**

|             |           |                     |                     |
|-------------|-----------|---------------------|---------------------|
| Mr. Speaker | Dodd      | Hocklander          | Rast                |
| Ashworth    | Edwards   | Johnson (J. T. Tom) | Ray                 |
| Bailey      | Faulk     | Murphy              | Reynolds (Chambers) |
| Bassett     | Franklin  | Oden                | Roberts             |
| Boyd        | Gilchrist | Phillips            | Rogers              |
| Branyon     | Guthrie   | Pierce              | Smith (Russell)     |
| Callahan    | Hawkins   | Pruitt              | Sullivan            |
| Cornett     | Hearn     |                     |                     |

—30

And the bill:

H. 660. To provide that the State Budget Officer shall be the Deputy Director of Finance: To provide for the duties and compensation therefor.

Was taken up.

Mr. Cabiness offered the following amendment to the bill H. 660:

Amend H. B. 660 by striking the words and figures twelve thousand and dollars (\$12,000) where they appear in Section 1 of said bill and insert in lieu therefor the words and figures eight thousand (\$8,000.)

On motion of Mr. Lee the amendment offered by Mr. Cabiness was laid upon the table.

Yeas 66; Nays 1.

**Yeas:**

|                 |                |                    |                     |
|-----------------|----------------|--------------------|---------------------|
| Mr. Speaker     | Cates          | Lee                | Ramey               |
| Adams (Houston) | Cornett        | Locke              | Rast                |
| Albea           | Dickson        | McClendon (Chamb)  | Ray                 |
| Ashworth        | Dodd           | McLendon (Bullock) | Reynolds (Chambers) |
| Avery           | Edwards        | Martin             | Roberts             |
| Bailey          | Faulk          | Meade              | Rogers              |
| Barnett         | Ferguson       | Merrill            | Rozelle             |
| Bevill          | Gilchrist      | Morrow             | Sessions            |
| Bishop          | Gilmer         | Murphy             | Smith (Russell)     |
| Boyd            | Goldthwaite    | Nettles            | Speaks              |
| Brannan         | Gross          | Oden               | Sullivan            |
| Branyon         | Guthrie        | Perry              | Thomas              |
| Brewer          | Hardy          | Phillips           | Torbert             |
| Broadfoot       | Harris         | Pierce             | Trimmier            |
| Callahan        | Hocklander     | Powell             | Turner              |
| Camp            | Jenkins        | Pruitt             | Turnham             |
| Casey           | Jones (Monroe) |                    |                     |

—66

**Nay:** Mr. Cabiness

—1

On motion of Mr. Lee, further consideration of the bill, H. 660, was postponed for fifteen minutes.

Yeas 51; Nays 16.

**Yeas:**

|             |          |          |         |
|-------------|----------|----------|---------|
| Mr. Speaker | Bevill   | Callahan | Dodd    |
| Ashworth    | Boyd     | Camp     | Edwards |
| Avery       | Branyon  | Casey    | Faulk   |
| Barnett     | Cabiness | Cates    | Gilmer  |

|                              |                               |                                |          |
|------------------------------|-------------------------------|--------------------------------|----------|
| Goldthwaite                  | Lee                           | Oden                           | Rogers   |
| Gross                        | Locke                         | Perry                          | Sessions |
| Guthrie                      | McClendon <sup>(Chamb)</sup>  | Phillips                       | Speaks   |
| Hardy                        | McLendon <sup>(Bullock)</sup> | Powell                         | Thomas   |
| Hawkins                      | Martin                        | Ramey                          | Torbert  |
| Hocklander                   | Meade                         | Rast                           | Trimmier |
| Jenkins                      | Merrill                       | Ray                            | Turner   |
| Jones <sup>(Covington)</sup> | Morrow                        | Reynolds <sup>(Chambers)</sup> | Turnham  |
| Jones <sup>(Monroe)</sup>    | Murphy                        | Roberts                        |          |

—51

**Nays:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Messrs.:                   | Brannan   | Gilchrist                     | Pierce                     |
| Adams <sup>(Houston)</sup> | Broadfoot | Johnston <sup>(Leonard)</sup> | Pruitt                     |
| Albea                      | Cornett   | Nettles                       | Rozelle                    |
| Bailey                     | Ferguson  | Oakley                        | Smith <sup>(Russell)</sup> |
| Bishop                     |           |                               |                            |

—16

And the bill:

H. 540. To amend Section 22 of Title 12, Code of Alabama 1940, in relation to the publication of reports showing the receipts and expenditures of money by counties, providing for the publication of such reports annually on the first day of October of each year.

Was read a third time at length and lost.

Yeas 25; Nays 39.

**Yeas:**

|             |                                |                               |                                |
|-------------|--------------------------------|-------------------------------|--------------------------------|
| Mr. Speaker | Goodwyn                        | McClendon <sup>(Chamb)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Albea       | Hocklander                     | McLendon <sup>(Bullock)</sup> | Rogers                         |
| Ashworth    | Jenkins                        | Meade                         | Rozelle                        |
| Camp        | Johnson <sup>(J. T. Tom)</sup> | Merrill                       | Thomas                         |
| Cornett     | Jones <sup>(Covington)</sup>   | Murphy                        | Torbert                        |
| Dodd        | Jones <sup>(Monroe)</sup>      | Phillips                      | Turnham                        |
| Faulk       |                                |                               |                                |

—25

**Nays:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Messrs.:                   | Cates       | Hawkins                       | Powell                       |
| Adams <sup>(Houston)</sup> | Dickson     | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Bailey                     | Edwards     | Locke                         | Ramey                        |
| Bevill                     | Ferguson    | Long <sup>(Lauderdale)</sup>  | Ray                          |
| Bishop                     | Gilchrist   | Martin                        | Sessions                     |
| Boyd                       | Goldthwaite | Morrow                        | Shumate                      |
| Branyon                    | Grouby      | Nettles                       | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Guthrie     | Oakley                        | Speaks                       |
| Broadfoot                  | Hankins     | Perry                         | Sullivan                     |
| Cabiness                   | Harris      | Pierce                        | Turner                       |

—39

**MOTION TO RECONSIDER TABLED**

The motion of Mr. Thomas to lay on the table the motion of Mr. Goodwyn to reconsider the vote by which the bill, H. 618, as amended, was indefinitely postponed, was adopted.

Yeas 41; Nays 29.

**Yeas:**

|                            |       |         |           |
|----------------------------|-------|---------|-----------|
| Messrs.:                   | Albea | Barnett | Brewer    |
| Adams <sup>(Houston)</sup> | Avery | Bishop  | Broadfoot |

|             |                    |         |                   |
|-------------|--------------------|---------|-------------------|
| Cabiness    | Johnston (Leonard) | Meade   | Rozelle           |
| Camp        | Jones (Covington)  | Merrill | Sessions          |
| Cates       | Jones (Monroe)     | Nettles | Smith (St. Clair) |
| Ferguson    | Lee                | Oakley  | Speaks            |
| Goldthwaite | Locke              | Perry   | Thomas            |
| Grant       | Long (Lauderdale)  | Powell  | Trimmier          |
| Hardy       | McClendon (Chamb)  | Ramey   | Turner            |
| Harris      | McLendon (Bullock) | Rogers  | Turnham           |
| Jenkins     | Martin             |         |                   |

—41

**Nays:**

|             |           |                     |                     |
|-------------|-----------|---------------------|---------------------|
| Mr. Speaker | Dodd      | Hocklander          | Rast                |
| Ashworth    | Edwards   | Johnson (J. T. Tom) | Ray                 |
| Bailey      | Faulk     | Murphy              | Reynolds (Chambers) |
| Bevill      | Franklin  | Oden                | Roberts             |
| Boyd        | Gilchrist | Phillips            | Shumate             |
| Callahan    | Guthrie   | Pierce              | Smith (Russell)     |
| Cornett     | Hawkins   | Pruitt              | Sullivan            |
| Dickson     |           |                     |                     |

—29

## CONSIDERATION OF H. 660 RESUMED

H. 660. To provide that the State Budget Officer shall be the Deputy Director of Finance: To provide for the duties and compensation therefor.

Was again taken up.

Messrs. Lee and Hawkins offered the following amendment to the bill, H. 660:

Amend H. B. 660 by striking the words and figures \$12,000.00 where they appear therein and substitute in lieu thereof the words and figures \$10,000.00.

And the amendment was adopted.

Yeas 50; Nays 16.

**Yeas:**

|             |                     |                    |                     |
|-------------|---------------------|--------------------|---------------------|
| Mr. Speaker | Edwards             | Lee                | Phillips            |
| Albea       | Faulk               | Locke              | Pierce              |
| Ashworth    | Franklin            | Long (Lauderdale)  | Ramey               |
| Avery       | Gilmer              | McClendon (Chamb)  | Rast                |
| Barnett     | Goodwyn             | McLendon (Bullock) | Ray                 |
| Bishop      | Grant               | Martin             | Reynolds (Chambers) |
| Boyd        | Guthrie             | Merrill            | Sessions            |
| Branyon     | Hardy               | Morrow             | Smith (St. Clair)   |
| Broadfoot   | Hawkins             | Murphy             | Speaks              |
| Camp        | Hearn               | Nettles            | Thomas              |
| Cates       | Hocklander          | Oakley             | Trimmier            |
| Dickson     | Johnson (J. T. Tom) | Perry              | Turner              |
| Dodd        | Jones (Monroe)      |                    |                     |

—50

**Nays:**

|                 |          |                    |         |
|-----------------|----------|--------------------|---------|
| Messrs.:        | Callahan | Gilchrist          | Powell  |
| Adams (Houston) | Casey    | Goldthwaite        | Rogers  |
| Bailey          | Cornett  | Johnston (Leonard) | Rozelle |
| Brewer          | Ferguson | Oden               | Turnham |
| Cabiness        |          |                    |         |

—16

And said bill, H. 660, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 24.

**Yeas:**

|             |                    |          |                     |
|-------------|--------------------|----------|---------------------|
| Mr. Speaker | Gilmer             | Meade    | Ramey               |
| Ashworth    | Goodwyn            | Merrill  | Rast                |
| Avery       | Guthrie            | Morrow   | Ray                 |
| Branyon     | Hawkins            | Murphy   | Reynolds (Chambers) |
| Callahan    | Hearn              | Nettles  | Sessions            |
| Cates       | Hocklander         | Oakley   | Smith (Russell)     |
| Dickson     | Lee                | Oden     | Thomas              |
| Dodd        | Locke              | Perry    | Torbert             |
| Edwards     | McClendon (Chamb)  | Phillips | Trimmier            |
| Faulk       | McLendon (Bullock) | Pierce   | Turner              |
| Ferguson    | Martin             | Pruitt   | —43                 |

**Nays:**

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Messrs.:        | Broadfoot | Goldthwaite        | Powell            |
| Adams (Houston) | Cabiness  | Grant              | Rogers            |
| Albea           | Camp      | Harris             | Rozelle           |
| Bailey          | Casey     | Johnston (Leonard) | Smith (St. Clair) |
| Barnett         | Cornett   | Jones (Covington)  | Speaks            |
| Boyd            | Gilchrist | Jones (Monroe)     | Turnham           |
| Brewer          |           |                    | —24               |

And the bill:

H. 717 (with substitute): To amend Act No. 653, H. 489, entitled "An Act To regulate the teaching and practice of cosmetology; requiring the registration and licensing of cosmetologist and cosmetologists' apprentices, and schools of cosmetology, creating for the administration of this Act a State Board of Cosmetology, and defining violation of this Act and prescribing penalties therefor," approved September 20, 1957 (Acts of Alabama 1957, page 981).

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act No. 653, H. 489, entitled "An Act To regulate the teaching and practice of cosmetology; requiring the registration and licensing of cosmetologist and cosmetologists' apprentices, and schools of cosmetology, creating for the administration of this Act a State Board of Cosmetology, and defining violation of this Act and prescribing penalties therefor," approved September 20, 1957 (Acts of Alabama 1957, page 981).

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 4, 6, 9, 10, 17, and 25 of Act No. 653, H. 489, Regular Session 1957, approved September 20, 1957, an act to regulate the teaching and practice of cosmetology (Acts of Alabama 1957, Vol. II, pp. 981-995), are hereby amended to read as follows:

"Section 1. (a) 'Cosmetology' as used in this Act is hereby defined to mean any one and/or combination of practices generally and usually, heretofore and hereafter performed by, and known as the profession of Beauty Culturists, or Cosmeticians, or Cosmetologists, or Hairdressers, or of any other person holding him or herself out as practicing Cosmetology by whatever designation and within the meaning of this Act and in/and upon whatever place or premises; and in particular Cosmetology shall be defined and shall include — but otherwise not be limited thereby — the following or any one or a combination of practices, to-wit: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means, and/or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, hands, bust, or upper part of the body, or manicuring the nails of any person.

"(b) 'Cosmetologist' shall mean any person, not an apprentice or a student, following or practicing cosmetology, not owning or managing a Beauty Shop or School of Cosmetology, and who shall have the qualifications hereinafter provided for a cosmetologist.

"(c) 'Managing Cosmetologist' shall mean a cosmetologist who manages or conducts a beauty shop or school of cosmetology.

"(d) 'Manicurist' shall mean any person who engages only in the practice of manicuring the nails of any person.

"(e) 'Apprentice' shall mean any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in a shop registered or licensed under this Act.

"(f) 'Student' shall mean any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in a school registered or licensed under this Act under the instruction or immediate supervision of an instructor, licensed as such under this Act.

"(g) 'Instructor' shall mean any person who is a cosmetologist and who teaches cosmetology or any practices thereof in a duly registered school of cosmetology, provided, however, that nothing contained herein shall apply to any instructor employed by a teacher in a school or class executed by a public school board of education.

"(h) 'Student Instructor' shall mean a cosmetologist who is receiving instructions in teacher's training in a duly registered school of cosmetology.

"(i) 'Beauty Shop' shall mean any place or part thereof, wherein or whereupon cosmetology or any of its practices are followed, whether such place is known or designated as a cosmetician, cosmetological or beauty shop or establishment or whether the person practicing cosmetology therein holds himself out as a cosmetician, cosmetologist or

beauty culturist, or by any other name or designation indicating that cosmetology is practiced therein.

"(j) 'School of Cosmetology' shall mean any place or part thereof, wherein or whereupon cosmetology or any of its practices are taught, whether such place or establishment is known or designated as a cosmetician, cosmetological or beauty culture school or establishment, or by any other name or designation, indicating that cosmetology is taught therein to students, provided, however, that nothing contained herein shall apply to any school or class operated by a public school board of education.

"(k) 'Place of Cosmetology' for the purpose of this Act, shall mean such place wherein or whereupon cosmetology is practiced on the members of the general public for compensation; and such place wherein or whereupon cosmetology is taught to students shall hereinafter be considered as a school of cosmetology; provided, however, that any appropriate name herein mentioned may be used for either such beauty shop or for such school of cosmetology, respectively but such name shall be displayed upon or over the entrance door or doors of such place designating it as a beauty shop or school of cosmetology as the case may be, within the meaning of this Act. If a beauty shop is conducted in a home in a zone or district in a municipality in which the display of such name is forbidden by municipal ordinance or by other duly adopted zoning rule or regulation, signs designating the beauty shop or school of cosmetology may be omitted. Any shop in operation on the effective date of this Act, upon proof that sanitary measures are being complied with, shall be exempt from the provisions of this subsection, provided that such exemption shall not apply if the ownership or location of the shop is changed. Provided, that any place of cosmetology shall have six months from the effective date of this Act or any amendment thereof to meet the requirements of this subsection.

"(l) 'Board' as that term shall be used in this Act shall mean and refer to the Alabama Board of Cosmetology, as hereinafter provided for.

"Section 4. There is hereby created the Alabama Board of Cosmetology, to consist of five persons, citizens of this State for at least five (5) years prior to their appointment, for the purpose of carrying out and enforcing the provisions of this Act. Such Board shall be appointed by the Governor and no two Board members shall be residents of the same congressional district of the State of Alabama. The members of the Board shall be at least twenty-five (25) years of age, must have had at least five (5) years practical experience in the majority of the practices of cosmetology. One member shall be appointed for a term of one (1) year, one member for a term of two (2) years, one member for a term of three (3) years, one member for a term of four (4) years, and one member for a term of five (5) years, and until their successors are appointed and qualified. After the effective date of this amendatory Act, however, two additional members of the Board shall be appointed by the Governor, one for a term of four years and one for a term of five years. Thereafter, members shall be appointed for terms of five years, including members who heretofore have been reappointed for lesser terms. Vacancies on the Board shall be filled by the Governor. Only one member of the Board shall be a member of or affiliated with a school of cosmetology. Said Board may do all things necessary and convenient for enforcing the provisions of this Act. The Board may from time to time promulgate necessary rules



and regulations compatible with the provisions of this Act. Any Board member may be removed by the Governor for just cause.

"The Board shall publish all its rules and regulations, together with a copy of this Act and its amendments, and distribute the same to all licensees affected by the same. Amendments and changes in said rules and regulations shall likewise be published by the Board and distributed to the licensees hereunder. The rules and regulations so published and distributed must be retained in each shop or school licensed by the Board and must be available at all times to personnel in each shop or school and available to the general public where interest is manifested.

"Section 6. Each Board member shall receive fifteen dollars (\$15) per diem while engaged in the discharge of his or her official duties, and necessary expenses incurred therein, not to exceed ten dollars (\$10) per day, plus nine cents a mile for necessary travel involved in such official duties. The members' compensation, and other expenses authorized by this Act, shall be paid from the funds derived from the operation of this Act, and held in the State Treasury to the use of the Board, on requisitions signed by the President and Treasurer of the Board, and on warrant of the State Comptroller. Any money remaining in this fund at the end of each fiscal year in excess of ten thousand dollars shall be transferred to the general fund in the State Treasury.

"Section 9. No person shall be admitted to examination or receive a license under this Act, except as otherwise provided for in this Act, unless such person shall possess the following qualifications:

"(a) Cosmetologist—Except as otherwise provided for in this Act, no person may be licensed as a cosmetologist in any one or combination of the practices of cosmetology under this Act, unless such person shall pay the original licensing fee as hereinafter provided for, and have an education equivalent to the completion of eight grades in school and shall have served and completed the required time and studies as follows:

"1. For a complete course of cosmetology, consisting of all or the majority of practices thereof in a school of cosmetology, of at least 1000 hours of continuous training not to exceed more than eight (8) hours in any one day;

"2. Or as an apprentice in a beauty shop for a period of not less than two thousand (2,000) hours over a minimum period of one (1) year of training not to exceed more than eight (8) hours in any one day; or, in either event,

"3. Shall have passed an examination to the satisfaction of the Board as provided in this Act.

"(b) Manicurist—Except as otherwise provided for in this Act, no manicurist may be licensed as such unless such person shall pay the original licensing fee as hereinafter provided for and shall have completed a course of training of not less than three hundred (300) hours in a school of cosmetology, or shall have served as an apprentice in a beauty shop for a period of not less than three hundred (300) hours and a minimum period of four (4) months continuous training not to exceed more than eight (8) hours in any one day, and shall have passed an examination to the satisfaction of the Board as provided for in this Act.

"(c) Managing Cosmetologist—Except as otherwise provided for in this Act, no person may be licensed as a managing cosmetologist, unless

such person shall pay the original licensing fee as hereinafter provided for, and shall be a licensed cosmetologist, and has served as such in a registered beauty shop for a period of not less than two years prior to such application for a license as managing cosmetologist.

“(d) Apprentices—Apprentices in cosmetology shall be registered upon the payment of the original fee as hereinafter provided for, payable upon the commencement of the apprenticeship in a duly registered beauty shop. Such apprentice shall be at least sixteen (16) years of age at the time of such registration. Provided, that any beauty shop that shall take an apprentice shall immediately file with the Board the name and age of such apprentice, and the Board shall cause the same to be entered in a registry kept for that purpose.

“(e) Students—Students in cosmetology shall be registered by the Board without fee, upon enrollment in a registered school of cosmetology, and upon certification by such school of such enrollment. A student shall be at least sixteen (16) years of age at the time of such registration. Provided, that any school of cosmetology that shall enroll such a student shall immediately file with the Board the name and age of such student, and the Board shall cause the same to be entered in a registry kept for that purpose.

“(f) Instructors—Except as otherwise provided in this Act, no person may be licensed as an instructor in any one or combination of the practices of cosmetology unless such person shall pay the original licensing fee as hereinafter provided for, and shall hold a license as a cosmetologist issued to him pursuant to paragraph (a) in Section 9 hereinabove, and in addition,

“1. Shall have at least six (6) months teacher's training course in cosmetology in a registered school of cosmetology, provided that in no event shall more than nine (9) months teacher's training be required for admission to examination; or

“2. Shall have at least one (1) year experience as an active practicing cosmetologist and supplemented by not less than three (3) months teacher's training in cosmetology in a registered school of cosmetology, providing that in no event shall more than five (5) months teacher's training be requisite for admission for examination.

“No instructor or student instructor shall be permitted to practice cosmetology on the public other than such practical work as shall pertain directly to the teaching of practical subjects to students.

“(g) Student Instructors—Student instructors in cosmetology shall be registered as such without fee, upon enrollment in a registered school of cosmetology, and upon certification by such school to the Board of such enrollment. A student instructor at the time of such enrollment shall hold a license as a cosmetologist. Upon the completion of the course prescribed by this Act for a student instructor, said student instructor may make application on a form provided by the Board and pay the examination fee as hereinafter provided for. Said Board shall thereupon cause such applicant to be examined for an instructor's certificate, said examination to be given by the Board. Upon such applicant's successfully passing said examination and the payment of the original licensing fee of an instructor as hereinafter provided for said Board shall issue and give an instructor's certificate. Provided that any school of cosmetology that shall enroll any person as a student instructor shall immediately file with the Board the name and age of such student, his qualifications qualifying him for such course as herein pro-

vided and the Board shall cause the same to be entered in a register kept for that purpose.

"The sufficiency of the qualifications of applicants for admission to the examinations or for licensing as herein provided for shall be determined by the Board, subject to such provisions as the Board shall make.

"Persons duly registered under any limited or unlimited medical practice laws or lecturers upon subjects not directly appertaining to cosmetology, need not be holders of cosmetologists' certificates as provided for in this Act, nor need such persons have the required training in cosmetology, and they shall otherwise be exempt from the provisions of this Act.

"Section 10. (a) It shall be necessary for any person, firm, corporation or association to apply to the Board for a certificate of registration as a registered beauty shop or school of cosmetology, within the meaning of this Act, said application to be upon a form prescribed by the Board, and shall be accompanied by the payment of the original registration fee, as herein after provided for. Any beauty shop or school of cosmetology shall after the effective date of this Act fully comply with all the provisions of the Act applicable thereto, and with all the rules and regulations promulgated by the Board as hereinafter provided.

"(b) No beauty shop shall accept an apprentice unless such beauty shop be in charge of a managing cosmetologist licensed as such. Provided, further, that such shop may register one additional apprentice for each three additional licensed cosmetologists attached to its staff. In addition, such shop shall possess the necessary apparatus and equipment for the proper instruction in all subjects for the practices for which a license is required under this Act, and shall maintain a daily record of the attendance of such apprentice or apprentices, together with the number of hours of apprenticeship, and shall certify to the Board upon termination of such apprenticeship the credits earned. Such instruction shall require the necessary training for a complete course comprising all or the majority of the practices of cosmetology as provided in Section 9, Paragraphs a and b of this Act and such course shall include practical demonstrations and theoretical studies and studies in sanitation, sterilization, and other safety measures, and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to cosmetology, as provided for in this Act.

"(c) Any person, firm or corporation teaching any or all of the practices of cosmetology, shall be required to comply with all provisions applicable to schools of cosmetology or to beauty shops having apprentices and any and all rules which may be promulgated by the Board. No school of cosmetology or beauty shop shall operate within this State unless a proper certificate of registration under this Act has first been obtained. The practice of cosmetology shall not be followed in this State except in a duly registered beauty shop or school of cosmetology except for educational purposes.

"Section 17. (a) The Board shall have authority to employ inspectors, and to employ and fix the compensation of such regular or special counsel, clerks and other assistants as it may deem necessary in order to carry out the provisions of this chapter, subject, however, to the limitation that the number of clerks and other assistants shall at no time exceed a total of six, provided that three of these shall be employed on a temporary basis only, for a period not exceeding nine-

ty days during any calendar year; and that the number of inspectors employed by the Board at any one time shall not exceed six, one or more of whom may be inspectors of colored shops and schools, and subject to the further limitation that no employee of the board shall be related by blood or marriage to any member of said Board, which said inspectors shall be approved by the Department of Public Health of the State of Alabama before being eligible for such employment. Each inspector shall receive a salary of not more than \$4,200.00 per year and shall be reimbursed for actual expenses involved in the discharge of his or her duties. Such expenses shall not exceed the sum of ten dollars (\$10.00) per day, plus five cents a mile travel expenses. The Board shall, upon written request of the State Health Officer, discharge any inspector for cause.

"(b) All inspectors appointed under the provisions of this law shall be registered cosmetologist who have engaged in the practice of cosmetology in this state for not less than three years, and who are not less than twenty-five years of age.

"Section 25. The Board may issue a temporary license, to any person who otherwise is subject to examination, as provided in this Act, upon documentary or other satisfactory evidence that the applicant therefor has the necessary qualifications to practice any one or any combination of practices of Cosmetology for which a temporary license is applied; providing, however, that such application for a temporary license is accompanied by an application for an examination as provided in this Act and the necessary fee therefor as provided in Section 18 of this Act. Each temporary license shall state the date of expiration and the temporary license shall after such date be void and of no effect. Such temporary license shall in no event remain in force beyond the date of the next regular meeting of the Board at which examinations are held and until the results of the applicant's examinations are announced. Two such temporary licenses may be issued to the same person."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 56; Nays 1.

**Yeas:**

|                |           |                    |                  |
|----------------|-----------|--------------------|------------------|
| Mr. Speaker    | Cates     | Harris             | Murphy           |
| Adams(Houston) | Dickson   | Hearn              | Nettles          |
| Albea          | Dodd      | Hocklander         | Oakley           |
| Ashworth       | Edwards   | Ingram             | Phillips         |
| Bailey         | Ferguson  | Jenkins            | Pierce           |
| Bevill         | Franklin  | Johnson(J. T. Tom) | Rast             |
| Bishop         | Gilchrist | Johnston(Leonard)  | Ray              |
| Boyd           | Gilmer    | Jones(Monroe)      | Rogers           |
| Branyon        | Goodwyn   | Lee                | Rozelle          |
| Brewer         | Grant     | Long(Lauderdale)   | Shumate          |
| Broadfoot      | Gross     | McClendon(Chamb)   | Smith(St. Clair) |
| Callahan       | Grouby    | Meade              | Sullivan         |
| Camp           | Hankins   | Merrill            | Trimmier         |
| Casey          | Hardy     | Morrow             | Turner           |

**Nay:** Mr. Reynolds (Chambers).

—1

Mr. Ramey offered the following amendment to the bill, H. 717, as amended:

#### AMENDMENT TO H. B. 717

Strike out subsection (b) of Section 1 and insert in lieu thereof the following:

“(b) ‘Cosmetologist’ shall mean any person not an apprentice, or student, following or practicing cosmetology on members of the general public for compensation, not owning or managing a beauty shop or school of cosmetology, and who shall have the qualifications hereinafter provided for a cosmetologist.”

And the amendment was adopted.

Yeas 57; Nays 1.

#### Yeas:

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dickson     | Hocklander                    | Phillips                       |
| Adams <sup>(Houston)</sup> | Dodd        | Ingram                        | Pierce                         |
| Albea                      | Ferguson    | Jenkins                       | Ramey                          |
| Avery                      | Franklin    | Johnson (J. T. Tom)           | Rast                           |
| Bailey                     | Gilchrist   | Johnston <sup>(Leonard)</sup> | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Gilmer      | Jones <sup>(Monroe)</sup>     | Rogers                         |
| Bevill                     | Goldthwaite | Lee                           | Rozelle                        |
| Bishop                     | Goodwyn     | McClendon <sup>(Chamb)</sup>  | Shumate                        |
| Boyd                       | Grant       | Martin                        | Smith <sup>(Russell)</sup>     |
| Branyon                    | Gross       | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Grouby      | Merrill                       | Sullivan                       |
| Broadfoot                  | Hankins     | Murphy                        | Thomas                         |
| Camp                       | Hardy       | Nettles                       | Trimmier                       |
| Casey                      | Hearn       | Oakley                        | Turner                         |
| Cates                      |             |                               |                                |

—57

**Nay:** Mr. Ashworth.

—1

And said bill, H. 717, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

#### Yeas:

|                            |             |                               |          |
|----------------------------|-------------|-------------------------------|----------|
| Mr. Speaker                | Cates       | Hardy                         | Perry    |
| Adams <sup>(Houston)</sup> | Cornett     | Harris                        | Phillips |
| Albea                      | Dodd        | Hawkins                       | Pierce   |
| Avery                      | Edwards     | Hocklander                    | Pruitt   |
| Bailey                     | Faulk       | Ingram                        | Ramey    |
| Barnett                    | Ferguson    | Johnston <sup>(Leonard)</sup> | Rast     |
| Bevill                     | Franklin    | Jones <sup>(Covington)</sup>  | Ray      |
| Bishop                     | Gilchrist   | Jones <sup>(Monroe)</sup>     | Roberts  |
| Boyd                       | Gilmer      | Lee                           | Rogers   |
| Branyon                    | Goldthwaite | Locke                         | Rozelle  |
| Brewer                     | Goodwyn     | Merrill                       | Sessions |
| Broadfoot                  | Grant       | Morrow                        | Shumate  |
| Callahan                   | Gross       | Murphy                        | Speaks   |
| Camp                       | Grouby      | Nettles                       | Trimmier |
| Casey                      | Hankins     | Oakley                        |          |

—59

**Nay:** Mr. Reynolds (Chambers).

—1

And the bill:

H. 745. To amend Section 2, Item III, B (4) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Dodd        | Ingram              | Oakley            |
| Adams (Houston) | Edwards     | Jenkins             | Perry             |
| Albea           | Faulk       | Johnson (J. T. Tom) | Phillips          |
| Ashworth        | Ferguson    | Johnston (Leonard)  | Pierce            |
| Avery           | Franklin    | Jones (Covington)   | Powell            |
| Bailey          | Gilmer      | Jones (Monroe)      | Rast              |
| Bassett         | Goldthwaite | Lee                 | Ray               |
| Bishop          | Goodwyn     | Locke               | Rogers            |
| Boyd            | Gordon      | McClendon (Chamb)   | Rozelle           |
| Brewer          | Grant       | Meade               | Sessions          |
| Cabiness        | Grouby      | Merrill             | Smith (Russell)   |
| Camp            | Guthrie     | Morrow              | Smith (St. Clair) |
| Casey           | Hardy       | Murphy              | Thomas            |
| Cates           | Hawkins     | Nettles             | Trimmier          |
| Dickson         | Hocklander  |                     |                   |

—58

And the bill:

H. 615. Relating to the traveling expenses allowable to state officers and employees; amending further Section 154 of Title 41, Code of Alabama 1940.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

**Yeas:**

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Dickson   | Hocklander         | Phillips            |
| Adams (Houston) | Dodd      | Ingram             | Pierce              |
| Albea           | Edwards   | Jenkins            | Powell              |
| Ashworth        | Faulk     | Johnston (Leonard) | Ramey               |
| Avery           | Ferguson  | Jones (Monroe)     | Rast                |
| Bailey          | Franklin  | Locke              | Ray                 |
| Barnett         | Gilchrist | Long (Lauderdale)  | Reynolds (Chambers) |
| Bevill          | Gilmer    | McClendon (Chamb)  | Rogers              |
| Bishop          | Gordon    | Meade              | Rozelle             |
| Boyd            | Grant     | Merrill            | Sessions            |
| Brewer          | Gross     | Morrow             | Smith (Russell)     |
| Cabiness        | Grouby    | Murphy             | Smith (St. Clair)   |
| Camp            | Guthrie   | Nettles            | Sullivan            |
| Casey           | Hardy     | Oakley             | Trimmier            |
| Cates           | Harris    | Perry              | Turner              |
| Cornett         | Hawkins   |                    |                     |

—62

## MOTION TO SUSPEND RULES LOST

The motion of Mr. Reynolds (Chambers) to suspend the rules in order to introduce a resolution was lost.

Yeas 10; Nays 54.

**Yeas:**

|          |          |                              |                                |
|----------|----------|------------------------------|--------------------------------|
| Messrs.: | Cabiness | Long <sup>(Lauderdale)</sup> | Reynolds <sup>(Chambers)</sup> |
| Avery    | Camp     | Martin                       | Thomas                         |
| Barnett  | Lee      | Meade                        | —10                            |

**Nays:**

|             |             |                               |                              |
|-------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker | Edwards     | Hawkins                       | Pierce                       |
| Albea       | Faulk       | Ingram                        | Powell                       |
| Ashworth    | Ferguson    | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Bailey      | Franklin    | Jones <sup>(Covington)</sup>  | Rast                         |
| Bevill      | Gilchrist   | Jones <sup>(Monroe)</sup>     | Ray                          |
| Bishop      | Gilmer      | Locke                         | Rogers                       |
| Boyd        | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Rozelle                      |
| Brewer      | Goodwyn     | Merrill                       | Sessions                     |
| Broadfoot   | Gordon      | Morrow                        | Smith <sup>(Russell)</sup>   |
| Casey       | Grant       | Murphy                        | Smith <sup>(St. Clair)</sup> |
| Cates       | Grouby      | Oakley                        | Sullivan                     |
| Cornett     | Guthrie     | Perry                         | Trimmier                     |
| Dickson     | Hardy       | Phillips                      | Turner                       |
| Dodd        | Harris      |                               | —54                          |

## BILLS ON THIRD READING RESUMED

H. 754 (with substitute). To provide for and regulate elections in the cities and towns of this state which have a commission form of government; designating the date for regular elections, and authorizing the board of commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for and regulate elections in the cities and towns of this state which have a commission form of government, and which have a population of less than 325,000 inhabitants according to the 1950 decen-

nial census; designating the date for regular elections, and authorizing the board of commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid for by the city or town holding such elections.

Be It Enacted by the Legislature of Alabama:

Section 1. Elections in cities and towns of this state organized under a commission form of government, which cities and towns have a population of less than 325,000 inhabitants according to the 1950 decennial census, shall be held and conducted at the times and in the manner herein prescribed; and the expenses of and costs incident to the conduct of all such elections shall be paid out of the treasury of the city or town holding the election.

Section 2. Whenever in this Act an hour of the day is prescribed for the doing of any act the time used shall be that of the ninetieth degree of longitude west of Greenwich, otherwise known as standard railroad central time. Whenever the last day on which an act may be done pursuant to this Act falls on a legal holiday as defined in Section 184 of Title 39, Code of Alabama, 1940, or on a day on which the office in which the act must be done is authorized by law to be closed such act may be done on the next succeeding secular or working day. The phrase "municipal governing body" when used in this Act shall mean and refer to the board of commissioners of the city or town.

Section 3. (a) The regular municipal elections in such cities and towns shall be held on the first Tuesday in September 1960, and on the first Tuesday in September of each year thereafter in which the term of office of a commissioner shall expire; and when necessary as provided in Section 35 of this Act a second or run-off election shall be held on the third Tuesday in September thereafter. Commissioners elected at regular elections shall assume the duties of their offices on the first Monday in October following their election unless herein otherwise provided.

(b) A special election shall be held on any second or fourth Tuesday between the fifteenth day of April and the second day of the following February when ordered by the municipal governing body, provided, that notice of any such election was published, in the manner prescribed in the following section, on or before the corresponding Tuesday of the second month preceding the month in which the election is held.

Section 4. (a) It shall be the duty of the mayor or other chief executive officer of the city or town to give notice of all municipal elections by publishing notice thereof in a newspaper published in the city or town, and if no newspaper is published in the city or town then by posting notices thereof in three public places. When the notice is of a regular election such notice shall be published on or before the first Tuesday in July preceding the election. When the notice is of a special election to be held on the second Tuesday in a month such notice shall be published on or before the second Tuesday of the second month preceding the month in which the election will be held. When the notice is of a special election to be held on the fourth Tuesday of a month such



notice shall be published on or before the fourth Tuesday of the second month preceding the month in which the election will be held. Whenever and wherever two or more commissioners are to be elected the notice of the election shall clearly indicate which positions are to be filled, and each candidate in the announcement of his candidacy, shall designate the number of the position for which he is a candidate.

(b) The notice of the election for commissioners shall be substantially in the following form:

"Notice of Election of Commissioner (or Commissioners) of the City (or town) of \_\_\_\_\_, Alabama.

"Notice is hereby given that on Tuesday, \_\_\_\_\_ (date-month, day and year) an election for the purpose of electing a commissioner for position number \_\_\_\_\_ (one, two or three) or commissioners for positions number \_\_\_\_\_ (one, two or three as the case may be) on the Board of Commissioners of the city (or town) of \_\_\_\_\_, Alabama, will be held, and that all registered and qualified electors of the state, who reside within the corporate limits of \_\_\_\_\_, Alabama, and have resided therein for three months or more immediately preceding the day of such election will be authorized to participate in said election.

"The polls will be opened at (here list the places of voting which have been designated pursuant to Section 6 of this Act)."

The notice of special elections to determine the sentiment of the people on any question shall be substantially in the following form:

"Notice of Special Municipal Election

"Notice is hereby given that on Tuesday, \_\_\_\_\_ (date - month, day and year) a special election for the purpose of ascertaining the sentiment of the citizens of the city (or town) of \_\_\_\_\_, Alabama, relative to (the subject to be voted upon) will be held, the question which will be submitted is: (here state the question), and all registered and qualified electors of the state who reside within the corporate limits of \_\_\_\_\_, Alabama, and have resided therein for three months or more immediately preceding the date of such election, will be authorized to participate in said election.

"The polls will be opened at (here list the places of voting which have been designated pursuant to Section 6 of this Act)."

Section 5. The boundaries of wards within municipalities which have been divided into wards as now defined shall so remain until changed by ordinance. Hereafter the municipal governing body may, in its discretion, readjust the boundary lines of wards and may divide or consolidate any number of wards and resubdivide the same into voting districts; provided that no such ordinance making an adjustment to ward lines or subdividing wards into districts shall be adopted within three months of an election. Whenever the municipal governing body readjusts any ward lines or divides a ward into voting districts the ordinance whereby the ward is established or subdivided into voting districts shall describe the territory composing the ward, and when the ward is subdivided the territory composing each district therein, by metes and bounds; and the municipal clerk, within five days after adoption of the ordinance, shall file with the judge of probate of the county in which the municipality lies a certified copy of such ordinance, accompanied by a map or plat of the city or town showing the boundaries

of all wards and voting districts in wards into which the municipality is then divided, and shall also publish notice of all such changes or adjustments of boundaries of wards and voting districts within wards, in a newspaper published in such city or town, or if no newspaper is published therein then by posting notice thereof at three public places in such city or town. This published notice need not be accompanied by a map or plat of the city or town.

Section 6. The board of commissioners shall, when it orders an election, designate at least one place of voting in each ward and if such ward has been divided into voting districts then at least one place of voting in each district. In those wards or districts where paper ballots are used in which there are more than three hundred legal voters or where voting machines are used six hundred legal voters the board of commissioners may divide alphabetically the list of qualified voters in such ward or district into groups and assign each qualified voter a designated voting place and a designated box or voting machine in such ward or district. Nothing herein contained shall be construed to require the board of commissioners to designate more than one voting place in any ward which has not been divided into districts nor more than one voting place in any district, nor to provide a ballot box for every three hundred qualified electors when paper ballots are used or a voting machine for every six hundred qualified electors where voting machines are used.

Section 7. In all municipal elections on any subject which may be submitted by law to a vote of the people of the municipality and for commissioners, if paper ballots are used, the voting shall be by official ballot printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election unless it is provided as prescribed by law.

There shall be but one form of ballot for all the candidates for the board of commissioners, and every ballot provided for use at any polling place in a municipal election shall contain the names of all candidates whose nominations for any position to be filled at such election have been duly made and not withdrawn, as hereinafter provided, together with the number of the position for which they are candidates, arranged in tickets under the titles of the respective political parties or independent bodies as certified in the certificates of nomination.

All ballots shall be printed in black ink on clear book paper. At the bottom of each ballot and at a point an equal distance from the sides thereof there shall be printed a one-inch square in which the number of the ballot shall be placed by the inspector when the ballot is cast; and every ballot shall contain a party device for each political party represented on the ticket. The arrangement of the ballot shall in general conform substantially to the plan hereinafter given, and in all cases the party columns must be placed in alphabetical order, beginning on the left of the ballot. The list of candidates of the several parties shall be printed in parallel and perpendicular columns, each column shall be headed by the chosen device of such party, as shown by the certificate of the secretary of state filed with the probate judge of the county immediately prior to the last preceding general election for state officers, and the party name or other designation. There shall be a column for each separate ticket of candidates and such columns as are required for independent candidates to be voted for at the polling place for which the ballot is provided, and in the appropriate place the words "vote for one."

Ballots shall be fastened together in convenient numbers in books or blocks in such manner that each ballot may be detached and re-

moved separately and each ballot shall have attached to it a stub of sufficient size to enable one of the inspectors to write or stamp his name or initials thereof and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

In the case of nomination by independent bodies, the ballot shall be so arranged that at the right of the last column for party nomination the several tickets of names of independent candidates shall be printed in one or more columns according to the space required, having above each of the tickets the political or other names selected to designate such independent nominations. The ballot herein provided shall be substantially in the following form, viz:

| Names of officers<br>to be voted for | Emblem<br>Democratic<br>O | Emblem<br>Republican<br>O | Emblem<br>Independent<br>O |
|--------------------------------------|---------------------------|---------------------------|----------------------------|
|--------------------------------------|---------------------------|---------------------------|----------------------------|

Commissioners:

Place No. 1 ( ) John Doe ( ) Richard Roe ( ) J. W. Smith  
( ) James Jones

Place No. 2 ( ) \_\_\_\_\_ ( ) \_\_\_\_\_ ( ) \_\_\_\_\_

Place No. 3 ( ) \_\_\_\_\_ ( ) \_\_\_\_\_ ( ) \_\_\_\_\_

The names of all the candidates who have been put in nomination by any caucus, convention, mass meeting, primary election, or other assembly of any political party or political faction in the municipality, and certified in writing and filed with the chief executive officer of the municipality by five o'clock p.m. on the first Tuesday in August preceding the date of the election shall be printed on the ballots. The certificate must contain the name of each person nominated and the office for which he is nominated, and must be signed by the presiding officer and secretary of the caucus, convention, mass meeting or other assembly, or by the chairman and secretary of the canvassing board of the primary election at which such candidates were nominated.

The mayor or other chief executive officer of the municipality, except when he is a candidate in such election, in which case some person appointed by the board of commissioners to serve in his stead, shall also cause to be printed on the ballots the name of any qualified elector who has, by five o'clock p.m., on the first Tuesday in August preceding the date set for the election, filed a statement of candidacy, accompanied by an affidavit taken and certified by an officer authorized to take acknowledgments in this state, that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be substantially in the following form: "State of Alabama, \_\_\_\_\_ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city (or town) of \_\_\_\_\_ in said county, and reside at \_\_\_\_\_ in said city (or town); that I desire to become a candidate from Place No. \_\_\_\_\_ on the Board of Commissioners of said city (or town) for the term of \_\_\_\_\_ years at the election for such office to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. (Signed) \_\_\_\_\_ Subscribed and sworn to before me by said \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. (Signed) \_\_\_\_\_ (Style of Officer)."

No names shall be printed upon the ballot as a candidate for election except the names of such persons as become candidates in the manner above prescribed, nor may any person be a candidate or be permitted to file his declaration for more than one place or position on the board of commissioners.

All certificates of nomination and statements of candidacy filed with the mayor or other chief executive officer of the city or town, or person appointed to act in his stead when he is a candidate in such election, within the time prescribed above shall be preserved for six months after the election for which such nominations or statements of candidacy were filed.

Section 8. The board of commissioners must, not more than twenty nor less than fifteen days before the holding of any municipal election, appoint from the qualified electors of the respective wards or voting districts, officers to hold the election as follows: where paper ballots are used one returning officer for each ward and three inspectors and two clerks for each box at each voting place; and where voting machines are used an inspector, a chief clerk and a first and second assistant clerk for each voting machine.

The chairman of the municipal executive committee of any political party which has made nominations for office or the nominee thereof, may furnish the board of commissioners a list of not less than three names of qualified electors from each voting place and an inspector and a clerk shall be appointed from said lists for each voting place; provided, that where there are more than two lists filed, the appointments shall be made from the lists presented by the two political parties having received the highest number of votes in the preceding regular municipal election, if each of said parties presents a list.

In the event a person appointed as an election official is excused from serving or otherwise disqualifies himself prior to election day, the vacancy created thereby shall be filled by the municipal governing body in the same manner that original appointments are made. It is provided, however, that if the vacancy is among the officers appointed to serve at a polling place where voting machines will be used, after the school of instruction for election officials has been held as prescribed in Section 11 of this Act, a person who has received a certificate from a previous school of instruction shall, if possible, be appointed to fill the vacancy.

The mayor or other chief executive officer of the municipality or when he is a candidate in such election the person appointed to act in his stead, shall publish a list of the election officers so appointed, either by posting a list thereof, showing the voting places and the election officers appointed for each such voting place, at three public places in the city or town, or by publishing such a list in a newspaper published in the city or town at least ten days prior to the election.

The mayor or other chief executive officer of the municipality or when he is a candidate in such election the person appointed to act in his stead, shall notify the inspectors, clerks and returning officers of their appointment.

The returning officer, the inspectors and the clerks at polling places where voting is solely by paper ballots shall each be entitled to five dollars, and each election officer at a polling place where elections are conducted in whole or in part by voting machines shall be

entitled to eight dollars. The compensation of the election officials shall be paid as preferred claims out of the general fund of the municipality holding the election, on proper proof of service rendered.

Section 9. The election officers at voting places where paper ballots are used shall meet at the respective places of holding elections for which they have been appointed, by eight o'clock of the morning of the election; and before nine o'clock open the several polling places as designated, and keep them open without adjournment or recess until six o'clock in the afternoon, and no longer.

The election officials at voting places where voting machines are used shall meet at the place of holding elections for which they have been appointed by 7:30 o'clock of the morning of the election; and at eight o'clock, a.m., shall open the polls and keep them open without adjournment until six o'clock, p.m., and no longer, except that in counties having a population of 400,000 or more inhabitants, according to the last or any subsequent federal decennial census, the poll shall be kept open until seven o'clock, p.m., and no longer, and any qualified elector entitled to vote at such polling place who has identified himself with the election officials at such polling place by such closing time shall be permitted to cast his ballot. Before entering upon their duties the election officers must take an oath to perform their duties at the election according to law, and such oath may be administered either by any person authorized by law to administer oaths or by an election inspector.

When paper ballots are used, the inspectors shall select one of their number, on opening the polls, to act as challenger, and the challenger shall ascertain if each person presenting himself to vote has registered and paid all poll taxes due, such finding to be from an examination of the official list of the voters furnished by the mayor or other chief executive officer, or person acting in his stead.

Before the election officials commence receiving ballots the election inspectors must cause it to be proclaimed aloud at the places of voting that the election is opened.

After the polls have been opened no adjournment or recess shall be taken until the certificates of the result of the election are signed.

Where voting machines are used the election officials shall also comply with the provisions of Section 27 of this Act and upon completing the duties thereby imposed shall formally declare the polls opened.

The marshal, chief of police, or other chief law enforcement officer of the city or town shall preserve good order at all municipal elections held in the city or town, but not more than one officer shall at the same time be allowed to enter the polling place. Except as electors are admitted to vote and persons to assist them, as provided in this Act, and except the above mentioned law enforcement officers, the election officials and the watchers, no person shall be permitted within thirty feet of the polling place.

Section 10. On the failure of any person who has been duly appointed an election officer to attend the polls at the hour prescribed for his attendance such of the election officers appointed for that voting box or machine as are present may appoint such election officers as are needed to complete the number of election officials for the box or machine. All persons so appointed shall be qualified

electors who are entitled to vote at that polling place. Should all the appointed election officers fail to be present at a polling place by the hour prescribed on election day, then any three qualified electors who are entitled by law to vote at that polling place at the election then to be held may open the polls, act as three of the election officers for such box, and appoint such other officers as are required to fill the place of those absent, provided every person so appointed shall be a qualified elector entitled to vote at the polling place.

Section 11. When voting machines are to be used in any municipal election the board of commissioners shall provide for holding a school or schools of instruction for those who will actually conduct the election. The municipal clerk shall notify those persons who have been appointed election officials of the time and place of the holding of such school of instruction and shall also publish notice thereof at least forty-eight hours before the same is to be held.

No election official shall serve in any election district in which a voting machine is used, unless he has received such instruction, is fully qualified to perform the duties in connection with the machine, and has received a certificate to that effect from the authorized instructor; provided, however, that this requirement shall not prevent the appointment of an uninstructed person as an election official to fill a vacancy among the election officials.

Section 12. During the thirty days next preceding an election at which voting machines will be used, the board of commissioners shall place on public exhibition in such public places and at such times as it may deem most suitable for the information and instruction of the voters, one or more voting machines, containing the ballot labels, and showing the offices and questions to be voted upon, the names and arrangement of the parties, and, so far as practicable, the names and arrangements of the candidates for office. Such machines shall be under the charge and care of a person competent as custodian and instructor. No voting machine which is to be assigned for use in an election shall be used for such public exhibition and instruction after having been prepared and sealed for the election. Prior to any election the board of commissioners may cause copies of any diagram or diagrams, required to be furnished with voting machines at polling places, to be made, either in full size or reduced size, and to be posted, published, advertised or distributed among the electors in such manner as they may deem desirable.

Section 13. The mayor or other chief executive officer of the municipality shall, at the expense of the municipality, procure and superintend and insure the delivery to the election officers at each polling place within the corporate limits of the municipality of the necessary election supplies.

When paper ballots are used such supplies shall consist of: at least one hundred ballots for each fifty registered electors at each voting place; the same number of black seals, two inches square, around the outer edge of which is a mucilaginous surface one-fourth inch wide, so designed that a seal may be placed securely over the square bearing the ballot number in such manner that it will make it impossible to read such number without removing the seal yet such seal may be removed without obliterating the number; ballot boxes; blank poll lists; for each ward or voting district three or more cards of instructions to voters, which shall be printed in large clear type and shall contain full instructions to electors as to what should be done,

first, to obtain ballots for voting, second, to prepare the ballot for deposit in the ballot box, third, to obtain a new ballot in place of one accidentally spoiled, and, fourth, to instruct as to the right and manner of obtaining a watcher for each political party having candidates to be voted for; certificates of results; oaths, and any other stationery, blank forms, or supplies necessary in the conduct of the election.

When voting machines are used such supplies shall consist of; ballot labels, diagrams, blanks for keeping a record of assisted voters, seals, blank forms for a statement of canvass of the votes cast on each machine, such forms to conform to the type of voting machine to be used, and the designating number and letter if the construction of the machine is such as to require a designating number and letter of each candidate (or proposition) shall be printed next to the candidate's name on the statement of canvass, and all other necessary election supplies for use on voting machines.

Section 14. Whenever voting machines are to be used in any municipal election the municipal clerk shall: cause the proper ballot labels to be placed on the voting machines; cause the machines to be placed in proper working order for voting; examine all voting machines in the presence of authorized watchers for any interested persons, before they are sent out to the polling places; see that all the registering counters are set at zero; lock, in the presence of authorized watchers, all voting machines so that the counting machinery cannot be operated; and seal each one with a numbered seal, a list of which numbered seals and the number on the protective counters, together with the number of the voting place to which it was sent, shall be kept as a permanent record in such clerk's office, open to any citizen. The inspection and scaling of voting machines shall begin not later than nine o'clock a.m., of the Friday before any election at which such machines are to be used, and shall continue until all machines are sealed. When all machines are locked and sealed, the key to each machine shall be placed in an envelope and sealed, the signature of the municipal clerk and the signature of two watchers of opposed interest (if such there be) shall be placed across the seal, and on the envelope shall be written the number then on the protective counter and the number on the seal of the voting machines. This envelope shall be delivered to the election inspector who will serve as an election officer at the polling place where such machine is used. It shall be the duty of the municipal clerk to see that a voting machine, or machines, together with an instruction model for each machine, showing a portion of the face of such machine in use at such election, is delivered to each and every polling place where machines are required by law to be used, at least one hour before the time set for opening the polls in such ward. After the machine has been delivered the clerk shall cause such machine to be set up in the proper manner and cause protection to be given so that such machine shall be free from molestation and injury. The protective curtains shall be examined to see that they properly conceal the actions of the voter while such voter is operating the machine. All poll lists and necessary supplies shall be delivered to the inspector at the same time the key or keys to the machine are delivered.

Section 15. For all elections at which paper ballots will be used, the chief executive officer of the municipality, at the expense of the municipality, shall provide at each polling place in all municipalities having a population of over three thousand inhabitants, a room or covered enclosure, and in such room or covered enclosure shall provide booths or compartments, one booth or compartment for each one

hundred, or fraction of one hundred over fifty, electors registered in the ward or wards in such municipality for that election, and shall furnish each booth or compartment with a shelf or table for the convenience of the electors in the preparation of their ballots. Each booth or compartment shall be so arranged that it will be impossible for one elector at a shelf or table in one compartment to see an elector at a shelf or table in another compartment in the act of marking his ballot. Each voting shelf or table shall be kept supplied with conveniences for marking the ballots. In voting places in cities having a population of three thousand or less no booths shall be required.

Section 16. Each political party having nominated candidates, by the chairman of the municipal executive committee or by the nominees for office or by the beat committeeman, and each independent candidate may name a watcher for every polling place where paper ballots are used and a watcher for every machine where voting machines are used. The watcher, upon presentation of his appointment in writing and being sworn faithfully to observe the rule of law prescribed for the conduct of elections, shall be permitted to be present at the place where ballots are cast from the time the polls are opened until the ballots are counted and certificates of the result of the election are duly signed by the proper election officers.

When paper ballots are used at the election the watcher shall be permitted to see the ballots as they are called during the count.

When voting machines are used the watchers shall, upon presentation of their appointment in writing, be permitted to be present when the machines are being prepared and sealed for use at the election. On election morning the watcher may witness the breaking of the seal on the envelope containing the key or keys to the voting machine, and, when the machine has been unlocked and the counters exposed, he shall carefully examine each and every counter to see that it registers zero, and he shall also examine the ballots and satisfy himself that they are in their proper places on the machine and that the machine is properly placed. Such watcher must also sign a certificate setting out the above facts, as required by Section 27. He may also be present and witness the opening of the machine after the polls have closed, the reading and tabulating of the result of the election as recorded on the voting machine, and the resealing of the machine.

Section 17. The mayor or other chief executive officer of the city or town shall cause to be made a list of the registered and qualified voters who reside within the corporate limits of such city or town, dividing the same into separate alphabetical lists of the qualified voters of each ward, where such city or town has been divided into wards and all qualified voters thereof vote at one box or voting machine, or dividing such list into separate alphabetical lists of voters authorized to vote at each respective box or voting machine if the list of qualified voters has been divided alphabetically and each alphabetical group assigned a box or machine at which to vote. He shall have such lists compared with the official list of electors qualified to vote during the current year on file in the probate office of the county in which the municipality is situated, and shall certify on each list prepared pursuant to this section that it is a correct list of the qualified voters of the municipality, ward, ballot box or voting machine to which it appertains. He shall have full access to all registration lists of the county for this purpose. A copy of each list so prepared shall be filed with the municipal clerk, on or before the second Monday in May preceding a regular municipal election, who shall file and retain



each such list as a public record in his office. The clerk shall prepare a copy of the list of qualified voters authorized to vote at each of the respective polling places in the municipality, and prior to the opening of the polls on election day he shall furnish to the inspectors, or one of them, of each ballot box or voting machine at each polling place a copy of the list of qualified voters authorized to vote at the box or voting machine for which he was appointed an inspector. The clerk shall also publish the list of qualified voters authorized to vote at the ensuing election at least five days prior to the election, either by publication in a newspaper of general circulation in the municipality or by posting copies thereof in at least three public places in the municipality, as directed by the municipal governing body.

Section 18. At all municipal elections the elector must vote only in the ward of his residence and at the box or voting machine to which he has been assigned. No person may vote at any such election unless he is a registered and qualified elector of the State of Alabama, who has resided in the county one year and in the ward three months prior to the election and who has registered not less than ten days prior to the date of the election at which he offers to vote. It is provided, however, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one ward to another ward in the same city or town shall have the right to vote in the ward from which he has removed, if he would have been entitled to vote at such ward but for such removal. If any elector attempts to vote in any ward other than that of his residence, except as hereinabove authorized, his vote must be rejected.

Any qualified elector of a ward who knows or suspects that a person proposes to vote or will offer to vote in such ward who is not entitled or duly qualified to vote in such ward may challenge such person. The challenge shall be communicated to the inspector before the challenged person is permitted to vote by the person in charge of admissions to the polling place. The person so challenged shall not be permitted to vote until he takes and subscribes the oath prescribed by Section 21 hereof and identifies himself in the manner therein prescribed.

Section 19. Where paper ballots are used, the inspector designated as challenger, upon the elector's entering the polling place shall examine the list of qualified electors furnished by the municipal clerk pursuant to Section 17 of this Act; and if it appears from this examination that the person is a qualified elector of the state authorized to vote at that box, unless such elector has been challenged by another qualified elector in the manner prescribed by Section 18 hereof, the inspectors shall then give him one ballot, on the stub of which one of the inspectors shall write or shall have already written his name or initials. If such person's name does not appear on the list of qualified voters for that ward or box then the challenger shall challenge said person. Any person so challenged or challenged by a qualified elector, as authorized in Section 18, above, shall not be allowed to vote until he has taken and subscribed to the oath prescribed in Section 21 hereof, and proved his identity in the manner therein prescribed. However, if such person duly executes the oath and establishes his identity in the manner prescribed then his ballot must be received and deposited in the ballot box in the same manner as the ballots of qualified electors.

In cities or towns of more than three thousand inhabitants each elector on receiving his ballot shall forthwith and without leaving the

polling place retire alone to one of the booths or compartments provided for that purpose and there prepare his ballot in the manner hereinafter provided. In all other cities or towns the elector may prepare his ballot at any point within the polling place.

Any elector who shall by accident or mistake spoil a ballot so that he cannot conveniently or safely vote the same, may return it to the inspectors and receive another in lieu thereof, which must be voted or returned by such elector.

After preparing his ballot the elector shall fold the same so as to conceal the face thereof and show the stub thereto attached with the name or initial of the inspector, and hand it to the receiving inspector, who must receive the folded ballot and call the name of the elector audibly and distinctly.

One of the clerks shall immediately enter on one of the lists, headed "names of voters" and called "poll lists," the name of such elector opposite the number indicating the order in which electors vote, the first elector voting being numbered one, the second two, and so on, to the last elector voting; and at the same time the other clerk shall see that the elector, whose name was called shall immediately sign his own name on another poll list, on a line bearing the same number appearing opposite such elector's name on the above mentioned poll list, unless such elector, because of physical handicap or illiteracy, is unable to write his own name on such list. If the voter is physically handicapped an election official shall write the name of such voter on said list together with the cause of assistance, and shall sign his own name on the poll list on the same line with the voters name. If the voter is unable to sign his name because of illiteracy, his name shall be written for him and the voter shall, in the presence of one of the election officials, make his mark upon the poll list. The election official witnessing the act shall record his name, as witness, on the same line with the name of the voter.

The receiving inspector shall then write the number of the ballot in the square provided therefor, and forthwith, in the presence of the voter, shall place one of the black seals, furnished along with the other election supplies, over the square in such manner as to make it impossible to see the number placed therein without removing the seal, yet so that the seal may be removed without obliterating the number placed in the square. After numbering the ballot the inspector shall detach the stub and pass the ballot to each of the other inspectors, and it must then, without being opened or examined, be deposited in the proper ballot box.

Section 20. When paper ballots are used any elector applying to vote, who shall state under oath to any of the inspectors (which oath may be administered by any one of the inspectors) that by reason of his inability to write the English language, or by reason of blindness or the loss of the use of his hand or hands, he is unable to prepare his ballot, may have the assistance of any person he may select. In such case, said elector must remain within the polling place and the inspector shall send for the person selected. If the person first selected can not be found, then such elector may select another person to assist him. The person so selected shall render said elector all such assistance in the preparation of his ballot as he may require, so that the ballot may be voted for the candidate of his choice, in the manner herein provided. In cities or towns of more than three thousand inhabitants the elector and the person selected to assist him shall retire

to a booth or compartment and there prepare the elector's ballot. In all other cities or towns they shall be permitted to prepare it at any point in the polling place.

No candidate for election shall act as assistant to any elector in the preparation of his ballot.

Section 21. Before any person who has been challenged by an inspector or a qualified elector, as hereinabove authorized, shall be allowed to vote, he shall take and subscribe to an oath, in the form hereinafter prescribed, and, in addition prove his identity and residence in the state, county, municipality, and ward in which he offers to vote by the oath of some elector personally known to one of the inspectors to be a qualified elector and a freeholder and householder.

Before administering the oath prescribed, one of the inspectors shall inform the challenged person that if he takes the oath wilfully and falsely, he is guilty of perjury and on conviction may be imprisoned in the penitentiary for not less than two years. One of the inspectors shall also inform any person making the affidavit of identity that if he makes such oath wilfully and falsely, he is guilty of perjury, and, on conviction, may be imprisoned in the penitentiary for not less than two years.

The oath hereinabove required of the challenged elector shall be tendered, read, and administered to him by one of the inspectors; shall be executed in duplicate; and shall be in the following form:

"State of Alabama, County of \_\_\_\_\_. I do solemnly swear (or affirm): 1. That I am a duly qualified elector under the Constitution and laws of the State of Alabama. 2. That I have resided in the State of Alabama two years next preceding this day. 3. That I have resided twelve months in this county next preceding this day. 4. That I have actually resided three months in this ward next preceding this day, or within three months next preceding this day have removed from this ward to another ward in this incorporated town or city, and would have been entitled to vote but for such removal. 5. That I am twenty-one years of age or upwards. 6. That I have not been convicted of any crime which disfranchises me. 7. That I have been duly registered and have paid all poll taxes due by me at the time prescribed by law, or am exempt by law from the payment of poll taxes. 8. I know of no reason why I am not entitled to vote. 9. I am generally known by the name under which I now desire to vote, which is \_\_\_\_\_. 10. I have not voted and will not vote in any other ward, (or if the ward has been divided into districts, in any other voting district) in this election. 11. My occupation is \_\_\_\_\_, the name of my employer is \_\_\_\_\_. 12. My residence is \_\_\_\_\_ (if in a city or town, give street number). 13. During the last twelve months I have resided at \_\_\_\_\_. 14. During the last three months I have resided at \_\_\_\_\_. 15. That \_\_\_\_\_ and \_\_\_\_\_ have personal knowledge of my residence in the State of Alabama for two years, in this county for twelve months and in this ward for three months next preceding this day. 16. This affidavit has been read to me. So help me God.

\_\_\_\_\_. Signature.

"Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_."

The oath to establish identity of a challenged applicant to vote shall be executed in duplicate and shall be in the following form:

"State of Alabama, County of \_\_\_\_\_. I, \_\_\_\_\_ do solemnly swear (or affirm) that I have known \_\_\_\_\_ (here insert the name of the person offering to vote) for the last two years next preceding this election, and that he has been a resident of this state for said time, twelve months in this county, and he has actually resided in this ward for the last three months preceding this election (or in case of change of residence provided for by Section 178 of the Constitution, he has resided in this state for two years next preceding this election, twelve months in this county, and within three months next preceding the date of this election, he removed from this ward to another ward in this incorporated town or city, and would have been entitled to vote but for such removal), all immediately preceding this election; I do solemnly swear (or affirm) that I am a qualified elector of this ward; that I have been a freeholder and householder in this ward for one year next preceding this election; that my occupation is \_\_\_\_\_; my residence is \_\_\_\_\_; my business address is \_\_\_\_\_.

\_\_\_\_\_ Signature.

"Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_."

After the above mentioned oaths have been duly taken and subscribed, the ballot of the person offering to vote must be received and deposited in the ballot box as the ballots of qualified electors.

Should a person be challenged after he has received a ballot and refuse to take the oath or fail to prove his identity and residence by the oath of a freeholder or householder, as hereinabove required, his vote shall be rejected, and his ballot marked with his name shall be laid aside by the inspectors.

Section 22. Where paper ballots are used no more than ten electors shall be allowed in the polling place at the same time. In all elections for which voting booths or compartments have been provided if all such booths or compartments are occupied and other electors are waiting to vote, no elector shall occupy a booth or compartment for a longer time than five minutes. No elector shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with any one except as herein provided while in the polling place. After having voted, or declined or failed to vote within five minutes, the elector shall immediately withdraw from the polling place and go beyond the prohibited distance and shall not enter the polling place again.

Section 23. Every voter in a municipal election shall have the right to vote a secret ballot, which shall be kept secret and inviolate.

Electors shall not be entitled to vote for any person whose name does not appear on the ballot, and no elector shall write in the name of any person on a ballot.

If the elector desires to vote a straight ticket, that is for each and every candidate for one party for whatever office nominated, he shall mark a cross mark (x) in the circle under the name of the party at the head of the ticket.

If the elector does not desire to vote for each and every candidate nominated by his party he may vote blank for any office on his party ticket by making a cross mark (x) in the circle at the top of

the ticket and striking out with pen or pencil the name or names of candidates he does not desire to vote for on the ballot.

Any elector who desires to vote a split ticket, that is, for candidates of different parties, may do so: (1) By making a cross mark in the voting space before the name of each candidate for whom he desires to vote on whatever ticket he may be; or (2) when the elector desires to vote for all of a party's nominees, except the candidate for one office, then the elector may make a cross mark (x) in the circle under the name of the party at the head of the ticket, and a cross mark before the name of the candidate for whom he desires to vote on the other ticket and mark through with a pen or pencil the name of the candidate for whom he does not desire to vote on his party ticket.

Section 24. No votes shall be counted until the polls are closed. Immediately after the polls are closed at elections where paper ballots are used the poll list signed by the voters and the poll list made by one of the clerks shall be sealed in separate envelopes and labelled before the inspectors begin to count the votes; and one copy of each affidavit made by a challenged voter and one copy of each affidavit identifying a challenged voter shall be sealed in a package by the inspectors, and the other copy of each of such affidavits shall be sealed in a package and forwarded to the solicitor of the county, who shall lay them before the next grand jury sitting for the county. As soon as this is done the ballots cast shall be counted in the following manner. The returning officer or one of the inspectors must take the ballots, one by one, from the box in which they were deposited, at the same time reading aloud the name of each person receiving a vote and the office for which he received such vote; and they must separately keep a calculation of the number of votes each person receives and for what office he receives them. If the elector has marked more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the elector's choice for any office to be filled, his ballot shall not be counted for such office, but this shall not vitiate the ballot so far as properly marked, nor shall any ballot be rejected for any technical error which does not make it impossible to determine the elector's choice.

Section 25. At elections where paper ballots are used, as soon as the ballots are all counted, the inspectors must ascertain the number of votes received for each person and for what office, and must make a statement of same in writing. Each of the inspectors must sign this statement and must also certify in writing on the sealed envelope containing the poll list signed by the electors that such poll list is the poll list of the election ward at which they were inspectors, the day and year on which such election was held, and for what offices. The statement of the vote and the poll list thus certified, together with a list of the registered electors qualified to vote in such ward at such election on such day, must be sealed up in an envelope, furnished along with the other election supplies, and addressed to the municipal governing body. Each of the inspectors shall write his name across every fold at which the envelope when fastened could be opened; and such envelope shall be delivered immediately to the returning officer of the ward, who shall deliver it to the municipal clerk along with the ballot box.

As soon as the ballots contained in a ballot box have been counted and the statement of the vote prepared as above directed, the inspectors shall roll up the ballots so counted, seal the bundle thereof, and label the same so as to show for what officer or officers the

ballots contained therein were received. The rejected ballots, if any, shall also be rolled up, the package thereof labelled as rejected ballots and sealed up as the other parcel of ballots. These sealed packages, together with the sealed poll list made by one of the clerks, and the oaths relative to challenged voters, shall be returned by the inspectors to the ballot box from which the ballots were taken and the ballot box shall be securely sealed and labelled so as to show the nature of its contents. The inspectors shall also attach to the outside of the box a slip of paper, or other device, showing the total votes received by each candidate voted for in such election.

The envelope containing the statement of the votes, prepared pursuant to the first paragraph of this section, and the sealed ballot box shall be delivered to the returning officer of the ward who shall immediately and in any event not later than twenty-four hours after the polls have closed deliver them to the municipal clerk, who shall thereupon give such returning officer his receipt, stating therein the condition of the box when received.

Section 26. At the time appointed by the board of commissioners to canvass the returns of the election (which must not be later than noon on Thursday following the election) the municipal clerk shall deliver to such governing body the envelopes addressed to such board which were delivered to him by the returning officers of the several wards in the city or town immediately after the votes had been counted and the returns thereof prepared. The clerk shall securely keep the ballot boxes until it is known that there will be no contest, but in any event not less than six months and if in that time no contest has been properly instituted the clerk shall then destroy the contents of such boxes without examining the same; and no ballot box shall be opened except in one or the other of the following events: First, in the event of a contest, where the opening of a box has been ordered by the court hearing the contest, in which event the ballot box shall be opened by or under the supervision of the judge of such court and in the manner prescribed by him; and second for the purpose of canvassing the returns and obtaining the result of the election in a particular ward or voting district from the contents of the box when such box has been returned, but no certificate of the result of the election has been separately delivered to the municipal governing body by the election inspectors. If a box is opened for this latter purpose the certificate of result contained therein, if any, and if no certificate of result is enclosed then any other of the contents of the box, so far as necessary may be used to determine the result of the election, after which the papers shall be returned into the box and the box shall be resealed in the presence of the municipal governing body, and the box shall then be retained, without again opening it for the time prescribed above.

Section 27. Whenever voting machines are used for municipal elections the key or keys to the voting machine or machines, still in the envelopes in which they were placed when the machines were sealed for this election pursuant to Section 14 of this Act and with the seals thereof unbroken, and all other necessary election supplies, shall be delivered to the inspector of each poll at least thirty minutes before the time for opening the polls. The inspector shall compare the number appearing on the envelope containing the key or keys with the number shown in the protective counter and if these numbers are not identical he shall not break the seal on the envelope containing the keys, and he shall immediately so notify the municipal clerk or his representative, who shall immediately deliver the correct key

or keys or another properly sealed machine. If the numbers on the envelope and the respective numbers on the seal and on the protective counter are found to be the same, the inspectors shall open the doors concealing the counters. Before the polls are declared open the election officials and each authorized watcher, or any interested person, shall carefully examine each and every counter and see that it registers zero, and shall examine the ballots and satisfy themselves that the ballots are in their proper place on the machine. The election officials shall post the sample ballots and the model for the guidance of voters at conspicuous points about the polling place. All persons authorized to be in the polling place shall satisfy themselves that the voting machine is properly placed, and that the face of the machine is turned so that the election officials and the public may obtain a clear and unobstructed view of the same at all times except when the curtain on the machine is closed for the casting of the ballot. The election officials and at least two watchers of opposing interests (if any there be) shall then sign a certificate setting out that the keys were delivered intact, that the numbers on the protective counter and seal correspond with that on the envelope, that all the counters were set at zero, and that the ballot labels were in their proper places. If any counter, however, does not register zero, the inspector shall summon the custodian of the machine, who shall set the counter back to zero. The machine shall then be opened for voting, and the polls formally declared open.

Section 28. The municipal clerk shall furnish and deliver with each voting machine: Lighting facilities which shall give sufficient light to enable voters, while in the voting machine booth, to read the ballot labels, and suitable for the use of election officers in examining the counters; a model and two diagrams or sample ballots, of suitable size, representing such part of the face of such voting machine as will be in use in the election, and accompanied by directors for voting on the machine; a seal, or seals, for sealing the machine after the polls are closed; an envelope for the return of the keys, if the construction of the voting machine shall permit their separate return; such other election materials and supplies as may be necessary.

The lighting facilities, above mentioned, shall be prepared and in good order for use before the opening of the polls. The diagrams shall be posted prominently outside the voting booth for the instruction of electors. The model shall be placed in the polling place and at or outside the guard rail or barrier.

Section 29. At all elections where voting machines are used there shall be the following election officers for each voting machine: an inspector, a chief clerk and a first and a second assistant clerk.

The inspector shall be in general charge of the poll, shall see that the counter compartments of the machine are never unlocked or opened so that the counters are exposed during voting, shall see that the other election officers perform the duties hereinafter imposed on them, shall keep a record of all voters at such machine who received assistance pursuant to Section 31 (a) of this Act, and all other records required by law, and immediately after the polls have closed and the statement of the returns has been made shall deliver such statement and the key or keys to the machine to the municipal clerk. He shall also act as challenger.

The chief clerk shall examine the list of qualified electors and check off the names of voters which appear thereon as they vote.

The first assistant clerk shall attend the poll list and see that each voter signs his name thereon in the order in which he votes.

The second assistant clerk shall attend the voting machine at all times, and see that it is not tampered with. He shall also inspect the ballott labels at frequent intervals to see that none have been tampered with and that the machine has not been injured.

Section 30. The election officials, where voting machines are used, shall ascertain whether each applicant to vote is entitled to vote, and each applicant found to be entitled to vote shall be permitted to vote in the manner hereafter provided. Each applicant to vote shall identify himself to the chief clerk, who shall examine the list of qualified electors, furnished by the municipal clerk, and if such voter's name appears on such list, unless such voter has been challenged, the chief clerk shall mark the applicant's name off the list. The applicant, unless he is unable to write his own name, because of physical handicap or illiteracy, shall then sign his name on the poll list on the line numbered to indicate the order in which the voters cast their ballots, and thereafter he shall be admitted within the voting machine booth and permitted to vote. If such applicant is unable to sign his name because of physical disability or illiteracy his name shall be written for him in the manner prescribed in Section 20 for the writing of the names of voters on the poll list at polls where paper ballots are used.

If such applicant's name is not on the list of qualified voters, or if such applicant has been challenged by a qualified elector, the chief clerk shall so notify the inspector and the inspector shall challenge such voter. No challenged voter shall be permitted to cast his vote on a voting machine but any challenged voter shall be permitted to cast a paper ballot in the same manner and under the same circumstances, rules, and regulations that challenged voters may vote at polls where paper ballots are usually and customarily used.

Section 31. (a) The election officers shall, with the aid of the diagrams herein authorized, and the mechanically operated model, instruct each voter before he enters the voting machine booth, regarding the operation of the machine, and shall give the voter opportunity personally to operate the model. No voter shall be permitted to receive any assistance in voting at any election, unless he shall first state in writing upon printed forms supplied for that purpose and under oath or affirmation, which shall be administered to him by the inspector, that he can not read the names on the voting machine, or that by reason of physical disability, he is unable to see the machine or prepare it for voting, or to enter the voting machine booth without assistance. The voter shall state the specific physical disability which requires him to receive assistance. Thereupon he shall be assisted by one of the election officials, who shall aid him in voting, and the inspector shall forthwith enter in writing on the record of assisted voters: the voter's name; the fact that the voter can not read the names on the voting machine, if that is the reason for requiring assistance and, otherwise, the specific physical disability which requires him to receive assistance; and the name of the election official furnishing the assistance. If any voter, after entering the voting machine booth, and before the closing of such booth, shall ask for further instructions concerning the manner of voting, he may choose an election officer, who shall give him such instructions, but no official giving a voter such instructions shall, in any manner, request, suggest, or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular question. After



giving such instructions, and before the elector closes the booth or votes, the election officer shall retire, and the voter shall forthwith vote.

(b) It shall be unlawful for any official to assist a voter who has not made the oath required herein, or for an official or any other person to do anything to enable himself to see how any voter votes other than in the course of assisting a voter as provided herein.

Section 32. When the time arrives for closing the polls, all qualified voters, who are then waiting within the voting room to vote, shall be permitted by the election officers to do so. As soon as the last voter has voted and the poll closed, the election officials shall immediately lock the machines against voting. They shall then sign a certificate stating that the machine was locked and sealed, giving the exact time. Such certificate shall also state the number of voters shown on the public counters, which shall be the total number of votes cast on such machine in that ward; the number on the seal; and the number registered on the protective counter. They shall then open the counting compartment in the presence of the watchers and of at least one representative of any newspaper or press association which cares to be represented, giving full view of all the counter numbers. The inspector shall, under the scrutiny of the watchers, in the order of the officers, as their titles are arranged on the machines, read and announce in distinct tones the designating number and letter on each counter for each candidate's name, if the construction of the voting machine is such as to require a designating number and letter, and the result as shown by the county numbers. He shall also read and the clerk shall tally the totals of all challenged ballots cast under the provisions of this Act. He shall in the same manner announce the result on each constitutional amendment, bond proposition, or any other question voted on. The vote as registered shall be entered on the statements of canvass in ink by the clerks, such entries to be made in the same order on the space which has the same designating number and letter, if the construction of the voting machine is such as to require a designating number and letter, after which the figures shall again be verified by being called off in the same manner from the counters of the machines. The returns of the canvass as required by law shall then be filled out, verified, and shall show the number of votes cast for each candidate, the number of votes cast for and against any proposition submitted, and shall be signed by the election officials. The counter compartments of the voting machine shall remain open throughout the time of the making of all statements and certificates, and the official returns, and until such have been fully verified; and during such time the watchers of any candidate or any representative of any newspaper shall be admitted. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the inspector who shall read: the name of each candidate with the designating number and letter, if the construction of the voting machine is such as to require a designating number and letter; his counter and the vote registered on such counter, and also the vote cast for and against each proposition submitted. During such proclamation ample opportunity shall be given to any person lawfully entitled to be in the polling place to compare the results announced with the counter dials of the machine and any necessary corrections shall then and there be made, after which the doors of the voting machine shall be locked and sealed with the seal provided, so sealing the operating lever or electrical control, if an electrically operated machine, that the voting and counting mechanism will be prevented from operation. Challenged

ballots, sealed in the same manner prescribed in Section 25 of this Act for sealing ballots at polling places where paper ballots are used, the record of assisted voters, the oaths of assisted voters, one copy of each oath relative to challenged voters, the poll list and a copy of the list of qualified electors shall be placed in the voting machine, if such machine is so constructed that this may be done, and if these items cannot be placed in the machine then they shall be sealed in an envelope or package, across the seal of which each election official shall sign his own name, and this envelope or package shall be delivered to the municipal clerk and retained by him unopened for the time prescribed by Section 33 of this Act for the retention of records of elections. The inspector shall deliver to the municipal clerk the keys of the machine, enclosed in a sealed envelope, across the seal of which shall be written his own name, together with that of the other election officials, and on this envelope shall be recorded the date of the election, the number of the voting district, the number of the seal with which the machine was sealed, the number of the public counter, and the number on the protective counter. One copy of each affidavit made by a challenged voter and one copy of each affidavit identifying a challenged voter shall be forwarded to the solicitor of the county in the same manner and for the same purposes prescribed in Section 24 of this Act for such oaths at polling places where paper ballots are used.

Section 33. The voting machines shall remain locked against voting for the time provided by law for the filing of contests and then shall have the seal broken only on the order of the board of commissioners and if, in the opinion of such body, the contest has developed or is likely to develop, shall remain locked until such time as ordered opened by the court hearing the contest, or until a final determination thereof. Provided that on the order of any court of competent jurisdiction or on the order of the board of commissioners, the seal may be broken for the purpose of proper investigation and when such investigation is completed, the machine shall again be sealed and across the envelope containing the keys shall be written the signature of the person or persons having broken same and provided further that in the event another election is held during the time for which the machines are required by this section to be locked and the machines are needed at such election, the municipal governing body shall be authorized to break the seal and make a record of the numbers on all counters on each machine and to remove all of the election records from the machine. The board of commissioners shall securely seal all records taken from a machine in an envelope or package and on the outside thereof label the package in such manner as to indicate plainly the machine from which they were removed and the month, day and the year, of the election of which they are records. Each commissioner present when the machines were opened shall certify to the accuracy of the record of the numbers on the counters and shall sign the envelope or package across the seal. This certificate and all other records removed from the voting machines shall be delivered to the municipal clerk and preserved by him for the same length of time prescribed in Section 26 of this Act for the retention of paper ballots, and then destroyed in the same manner that paper ballots are destroyed.

Section 34. The board of commissioners of any municipality procuring voting machines shall designate a person or persons who shall have the custody of the voting machines and the keys therefor, when the machines are not in use at an election; and shall provide for his compensation and for the safe storage and care of the machines and keys. All voting machines, when not in use, shall be properly boxed or

covered, and stored in a suitable place or places, by said custodian. The same authority that caused the delivery of the voting machines shall be charged with transporting such machines back to the custodian, and shall furnish all necessary protection to see that such machines are not molested nor injured from the time such machines leave the place where they are regularly stored until they are turned into the custody of the officials of a voting district and from the time that custody ceases on the part of the voting district officials and the machines are returned to the place of regular storage.

Section 35. Not later than noon on Thursday after the election as hereinabove required the board of commissioners shall proceed to open the envelopes, addressed to such governing body, which have been delivered by the several returning officers to the municipal clerk, canvass the returns, and ascertain and determine the number of votes received by each candidate and for and against each proposition submitted at such election. If it appears that any candidate or any proposition in such election has received a majority of the votes cast for that office or on that question the board of commissioners shall declare said candidate elected to such office, or said question carried, and a certificate of election shall be given to such persons by the board of commissioners, or a majority of them, which shall entitle the person so certified to the possession of their respective offices immediately upon the expiration of the terms of their predecessors, as provided by law.

If no candidate receives a majority of all the votes cast in such election for an office for election to which there were more than two candidates, then the board of commissioners shall order a second or "run-off" election to be held not later than the third Monday of September next thereafter, at which election the two candidates having received the most and the second most votes, respectively, shall be candidates and the person receiving the highest number of votes for that office in the run-off election shall be declared elected. In the event one of the candidates for a particular office in the run-off election withdraws, then there need not be a second election to fill such office nor shall the name of the party so withdrawing be printed on the ballot of any second election held under the provisions of this Act. This second election shall be held by the same election officers who held the first election and at the same places the first election was held. If there should be a tie vote cast at any such run-off election then in such event the tie shall be decided by the board of commissioners. The municipal clerk shall file a copy of each certificate of election in the office of the judge of probate of the county in which the city or town is situated, and the judge shall file such certificate in the same manner that he files the declaration of the result of elections to county offices.

Section 36. Any mayor or other chief executive officer of a municipality who fails to give notice of any municipal election, as required in this Act, shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than five hundred dollars (\$500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Any mayor or other chief executive officer of a municipality who knowingly puts on the list of qualified electors for a municipal election the name of any person who is not registered or who has not paid all poll taxes due, as shown by the records in the probate office of the county in which such municipality lies, shall be guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred dollars (\$100).

Any mayor or other chief executive officer of a municipality, or other officer on whom the duty of the mayor may have temporarily devolved, who wilfully and knowingly neglects, fails, or refuses to perform any of the duties prescribed in this Act shall be guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred dollars (\$100) unless otherwise provided in this Act.

Section 37. Any municipal clerk who wilfully fails to properly preserve the certificate of results of an election and deliver it to the municipal governing body at the time appointed for canvassing the returns of the election, as required by Section 26 of this Act, shall be guilty of a felony, and, on conviction, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 38. Any election officer appointed such by a municipal governing body who shall fail to attend a municipal election without a lawful excuse shall, on conviction, be fined not more than one hundred dollars (\$100).

Any election officer who drinks any intoxicating liquors while any election is being held, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty dollars (\$50).

Any election officer who, without lawful excuse, neglects, fails, or refuses to perform any official duty prescribed by this Act shall be guilty of a misdemeanor unless otherwise provided, and, on conviction, shall be fined not less than fifty dollars (\$50).

Any election officer who discloses how any elector voted, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and may also be sentenced to hard labor for the county for not more than six months.

If any election officer wilfully neglects to perform any duty imposed on him by this Act, or is guilty of any corrupt conduct in the execution of the same, and no other punishment is provided for such neglect, or conduct, he must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); but no person shall be deemed an officer within the meaning of this section, until he first shall have taken an oath well and truly to discharge the duties of such office, to the best of his ability, or until he shall have performed some of the duties of such office. The failure or refusal of any person to accept office, or his failure or refusal to discharge and perform the duties of such office at any time after his appointment thereto, and prior to his taking the oath of such office, and before he shall have discharged and performed any of the duties thereof, shall not in either event, be deemed a violation of this section.

Any election officer or any other person who makes a copy of the poll list or any memoranda therefrom, or list of the persons voting, or the number of their ballots, or discloses, the number of such voter's ballot, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars (\$200).

Section 39. Any inspector of election who shall, without challenging him, permit any person to vote in a municipal election knowing that he is not a qualified elector, shall be fined not less than one hundred dollars (\$100),

Any inspector of election who shall wilfully exclude any vote duly tendered and unchallenged in a municipal election, knowing that the

person offering the same is lawfully entitled to vote at such election, or who shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as is required by law, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars (\$100), and may also be sentenced to hard labor for the county for not more than six months.

Any inspector of a municipal election who wilfully fails or refuses to advise any elector entitled thereto, that he is entitled to an assistant, or who refuses to let such elector select an assistant as required by law, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

Any inspector of a municipal election who does or performs any of the following acts shall be guilty of a felony, and, upon conviction, shall be imprisoned in the penitentiary for not less than one nor more than five years:

1. Wilfully deceives any elector in preparing his ballot;
2. Alters or changes the ballot of a voter, or substitutes a ballot for the one offered by any voter;
3. Makes a false copy of the certificate of the results of an election.

Section 40. Any returning officer of the ward who fails to deliver the statement of votes and poll list of a municipal election to the municipal clerk, within the time required by law, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and must also be imprisoned in the county jail for not more than six months.

Section 41. Any marker or helper or assistant, authorized to aid a disabled voter at a municipal election, who wilfully deceives any elector in preparing his ballot, must, on conviction, be imprisoned in the penitentiary not less than one nor more than five years.

Section 42. Any duly appointed watcher at a municipal election who drinks any intoxicating liquors while the election is being held, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars (\$50).

Section 43. If any officer on whom a duty is imposed by this Act wilfully neglects to perform such duty, or is guilty of any corrupt conduct in the execution of the same, and no other punishment is provided for such neglect or conduct, he must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

Section 44. Any elector who takes or removes, or attempts to take or remove, any ballot from the polling place at a municipal election before the close of the polls, or who remains longer than the time allowed by law in the booth or compartment after being notified his time has expired, must, on conviction, be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

Any person who wilfully makes to the inspectors of a municipal election a false declaration asserting his inability to prepare his ballot without assistance, must, on conviction, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

Any qualified elector at any municipal election who takes or receives any money or other valuable thing, upon the condition that the same shall be paid at any future time, in exchange for the vote of such elector for any particular candidate, or the promise to vote for any particular candidate, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). No witness shall be prosecuted for any offense under this section as to which he testifies before the grand jury.

Any person who falsely impersonates another and thereby or otherwise fraudulently casts a vote in a municipal election or having voted at such election votes a second time, whether in the same ward or another, shall be guilty of a felony, and, on conviction in the circuit court or court of like jurisdiction of the county, shall be punished by imprisonment in the penitentiary for a period of not less than one nor more than two years.

Any person who takes a challenged voters oath or any person who makes an affidavit of identity for a challenged voter wilfully and falsely is guilty of perjury and, upon conviction, may be imprisoned in the penitentiary for not less than two years.

Any person voting at any municipal election who has not registered and taken and subscribed to the registration oath, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or imprisoned in the county jail, or sentenced to hard labor for the county for not less than one nor more than six months.

Section 45. Any person found drunk or intoxicated at or about any polling place during any municipal election day is guilty of a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars (\$500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Any person who, at a municipal election, interferes with any elector, when inside the polling place, or when marking the ballot, or unduly influences, or attempts to unduly influence, any elector in the preparation of his ballot, must, on conviction, be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

Any person who, during or before a municipal election, wilfully removes, tears down, destroys, or defaces any booth or compartment, or any convenience provided for the purpose of enabling electors to prepare their ballots, or any card printed for the instruction of electors, must, on conviction, be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

Any person who buys or offers to buy any vote of any qualified elector at any municipal election by the payment of money or the promise to pay the same at any future time or by the gift of intoxicating liquors or other valuable thing, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100).

Any person who by bribery or offering to bribe, or by any other corrupt means attempts to influence any elector in giving his vote in a municipal election, or to deter him from giving the same or to disturb, or to hinder him in the full exercise of the right of suffrage at any municipal election, must, on conviction, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

Any person who, by the offer of money or the gift of money, or by the gift of intoxicating liquor or other valuable thing to any qualified elector at any municipal election, or by the loan of money to such elector with the intent that the same shall not be repaid, for the purpose of influencing the vote of such elector at such election, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

Any person who discloses how any elector voted at a municipal election shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and may also be sentenced to hard labor for the county for not more than six months.

Any person who fraudulently alters or changes the vote of any elector, by which such elector is prevented from voting in a municipal election as he intended, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), and imprisoned in the county jail for not less than thirty days nor more than six months.

Any person who compares the number on the ballot in a municipal election with the poll list shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars (\$100); but this shall not apply on the trial of any contested elections.

Any person who makes a copy of the poll list or any memoranda therefrom, or list of the persons voting at any municipal election, or the number of their ballots, or discloses the number of a voter's ballot, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than two hundred dollars (\$200).

Any person who, on a municipal election day, disturbs or prevents, or attempts to prevent, any elector from freely casting his ballot, must, on conviction, be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), and also be sentenced to hard labor for the county, or imprisoned in the county jail for not less than six months nor more than one year.

Any person who falsely makes or fraudulently destroys any certificate of nomination for election at a municipal election, or any part thereof, or files any certificate of nomination, knowing the same, or any part thereof, to be false, shall be guilty of a felony, and on conviction, must be imprisoned in the penitentiary not less than one nor more than five years.

Any person who suppresses any nomination for a municipal office which has been duly filed, shall be guilty of a felony, and, on conviction, must be imprisoned in the penitentiary not less than one nor more than five years.

Any person who forges or falsely writes the name or initials of any inspector of a municipal election on any ballot, shall be guilty of a felony, and, on conviction, must be imprisoned in the penitentiary not less than one nor more than five years.

Section 46. The election of any person declared elected to any office of a city or town may be contested by any person who was at the time of the election a qualified elector of such city or town for any of the following causes:

1. Malconduct, fraud, or corruption on the part of any election official, any marker, the municipal governing body, or any other person.

2. When the person whose election to office is contested was not eligible thereto at the time of such election.
3. On account of illegal votes.
4. On account of the rejection of legal votes.
5. Offers to bribe, bribery, intimidation, or other malconduct calculated to prevent a fair, free, and full exercise of the elective franchise.

Any contest of such an election must be commenced within five days after the result of the election is declared. Such contest shall be instituted in the manner prescribed by Section 245 of Title 17, Code of Alabama, 1940, and, except as herein otherwise provided, all proceedings relative to contests of elections to municipal offices shall be governed by the provisions of Articles 22 and 23, Chapter 1, Title 17, Code of Alabama, 1940, insofar as they are applicable.

Section 47. No malconduct, fraud, or corruption on the part of the ~~election officers~~, the marker, the municipal governing body, or other person, nor any offers to ~~bribe~~, bribery, intimidation or other malconduct which prevented a fair, free, and full exercise of the ~~elective franchise~~, can annul or set aside any municipal election unless thereby the person declared elected, and whose election is contested, be shown not to have received the requisite number of legal votes for election to the office for which he was a candidate, nor must any election contested under the provisions of this Act be annulled or set aside because of illegal votes given to the person whose election is contested, unless it appears that the number of illegal votes given to such person, if taken from him, would reduce the number of votes given to him below the requisite number of votes for election. Nor must any election be annulled or set aside because of the rejection of legal votes unless it appears that such legal votes, if given to the person intended, would increase the number of his legal votes to or above the requisite number of votes for election.

Section 48. If, on the trial of the contest of any municipal election, it shall appear that any person other than the one whose election is contested, received, or would have received, had the ballots intended for him and illegally rejected been received, the requisite number of votes for election, judgment must be given declaring such person duly elected, and such judgment shall have the force and effect of investing the person thereby declared elected with full right and title to have and to hold the office to which he is declared elected. If it appears that no person has, or would have had, if the ballots intended for them and illegally rejected had been received, the requisite number of votes for election, judgment must be rendered declaring this fact, and such fact must be certified to the municipal governing body and the vacancy in the office, election to which had been contested, shall be filled in the manner prescribed by law for filling the vacancy in such office. If the person whose election is contested is found to be ineligible to the office, judgment must be rendered declaring the election void, and the fact must be certified to the municipal governing body. The vacancy in such office shall be filled in the manner prescribed by law. If the party whose election is contested is found to have been duly and legally elected, judgment must be rendered declaring him entitled to have and to hold the office to which he was so elected.

Section 49. If any municipal election provided for in this Act should not take place on the day appointed, the municipal corporation shall not for that cause be dissolved, but the incumbent officers shall remain in office until their successors shall be elected and qualified. The



municipal governing body shall fix some day, as early as convenient, on which day said election shall be held; and the election shall be conducted in all respects as a regular election, and the person so elected shall hold office until the next general election, and until their successors are elected and qualified.

Section 50. There shall be no absentee voting in elections provided for by this Act.

Section 51. This Act shall not apply to cities having a population of 325,000 inhabitants or more, as determined by the 1950 decennial census, any provisions contained herein to the contrary notwithstanding.

Section 52. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 53. Act No. 465, S. 29, approved July 6, 1945 (General Acts of Alabama, 1945, page 699) is hereby expressly repealed; and any and all other laws or parts of laws in conflict herewith are to the extent of such conflict also hereby repealed. It is specifically declared, however, that the designation in this Act of certain acts and omissions relative to municipal elections as offenses shall not be exclusive and that any act or omission relative to a municipal election which is by law designated as an offense but which is not mentioned in this Act shall continue to be an offense punishable in the manner prescribed by law.

Section 54. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 63; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dodd        | Ingram                        | Powell                         |
| Adams <sup>(Houston)</sup> | Edwards     | Jenkins                       | Pruitt                         |
| Albea                      | Faulk       | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Ashworth                   | Ferguson    | Jones <sup>(Covington)</sup>  | Rast                           |
| Avery                      | Franklin    | Jones <sup>(Monroe)</sup>     | Ray                            |
| Bailey                     | Gilchrist   | Locke                         | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Gilmer      | Long <sup>(Lauderdale)</sup>  | Roberts                        |
| Bevill                     | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Rogers                         |
| Bishop                     | Gordon      | Martin                        | Rozelle                        |
| Boyd                       | Grant       | Merrill                       | Sessions                       |
| Brewer                     | Gross       | Murphy                        | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Grouby      | Nettles                       | Sullivan                       |
| Cabiness                   | Guthrie     | Oakley                        | Thomas                         |
| Callahan                   | Hawkins     | Perry                         | Trimmier                       |
| Camp                       | Hearn       | Phillips                      | Turner                         |
| Cates                      | Hocklander  | Pierce                        |                                |

—63

And said bill, H. 754, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

**Yeas:**

|                            |          |         |        |
|----------------------------|----------|---------|--------|
| Mr. Speaker                | Albea    | Barnett | Boyd   |
| Adams <sup>(Houston)</sup> | Ashworth | Bishop  | Brewer |

|           |                     |                    |                     |
|-----------|---------------------|--------------------|---------------------|
| Broadfoot | Gross               | Lee                | Ramey               |
| Camp      | Grouby              | Locke              | Reynolds (Chambers) |
| Cates     | Guthrie             | McClendon (Chamb)  | Roberts             |
| Dodd      | Hardy               | McLendon (Bullock) | Rogers              |
| Edwards   | Hawkins             | Martin             | Rozelle             |
| Faulk     | Hearn               | Meade              | Sessions            |
| Ferguson  | Hocklander          | Morrow             | Smith (Russell)     |
| Franklin  | Ingram              | Murphy             | Smith (St. Clair)   |
| Gilchrist | Jenkins             | Nettles            | Speaks              |
| Gilmer    | Johnson (J. T. Tom) | Oakley             | Sullivan            |
| Goodwyn   | Johnston (Leonard)  | Perry              | Thomas              |
| Gordon    | Jones (Covington)   | Powell             | Trimmier            |
| Grant     | Jones (Monroe)      | Pruitt             | Turner              |

—60

And the bill:

H. 755 (with amendment). To regulate further elections in the cities and towns of this state: Authorizing, regulating, and providing for the holding of municipal primary elections for the purpose of nominating candidates of political parties for municipal offices.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend H. B. 755 as follows:

In the sixth sentence of Section 12, delete the words "on or before the first Monday in July" and insert in lieu thereof "on or before the first Tuesday in August".

And the amendment was adopted.

Yeas 64; Nays 0.

#### Yeas:

|                 |            |                     |                     |
|-----------------|------------|---------------------|---------------------|
| Mr. Speaker     | Edwards    | Ingram              | Perry               |
| Adams (Houston) | Faulk      | Jenkins             | Powell              |
| Albea           | Ferguson   | Johnson (J. T. Tom) | Pruitt              |
| Ashworth        | Franklin   | Johnston (Leonard)  | Ramey               |
| Avery           | Gilchrist  | Jones (Covington)   | Rast                |
| Barnett         | Gilmer     | Jones (Monroe)      | Reynolds (Chambers) |
| Bevill          | Goodwyn    | Lee                 | Roberts             |
| Boyd            | Gordon     | Locke               | Rogers              |
| Brewer          | Grant      | McClendon (Chamb)   | Rozelle             |
| Broadfoot       | Gross      | McLendon (Bullock)  | Sessions            |
| Cabiness        | Guthrie    | Martin              | Speaks              |
| Camp            | Hardy      | Meade               | Sullivan            |
| Cates           | Harris     | Merrill             | Thomas              |
| Cornett         | Hawkins    | Murphy              | Trimmier            |
| Dickson         | Hearn      | Nettles             | Turner              |
| Dodd            | Hocklander | Oakley              | Turnham             |

—64

Mr. Harris moved to indefinitely postpone the bill, H. 755, as amended, and said motion was lost.

Yeas 10; Nays 43.

**Yeas:**

|          |           |                    |                   |
|----------|-----------|--------------------|-------------------|
| Messrs.: | Broadfoot | Harris             | Long (Lauderdale) |
| Albea    | Camp      | Hearn              | Trimmier          |
| Bishop   | Gordon    | Johnston (Leonard) | —10               |

**Nays:**

|                 |           |                     |                   |
|-----------------|-----------|---------------------|-------------------|
| Mr. Speaker     | Franklin  | Johnson (J. T. Tom) | Oakley            |
| Adams (Houston) | Gilchrist | Jones (Covington)   | Perry             |
| Ashworth        | Gilmer    | Jones (Monroe)      | Powell            |
| Barnett         | Grant     | Lee                 | Ramey             |
| Bevill          | Grouby    | Locke               | Rast              |
| Boyd            | Hain      | McClendon (Chamb)   | Sessions          |
| Brewer          | Hanby     | McLendon (Bullock)  | Smith (St. Clair) |
| Cornett         | Hardy     | Martin              | Steagall          |
| Dodd            | Hawkins   | Meade               | Sullivan          |
| Edwards         | Ingram    | Murphy              | Turner            |
| Faulk           | Jenkins   | Nettles             | —43               |

And said bill, H. 755, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

**Yeas:**

|                 |            |                     |                     |
|-----------------|------------|---------------------|---------------------|
| Mr. Speaker     | Ferguson   | Jenkins             | Powell              |
| Adams (Houston) | Franklin   | Johnson (J. T. Tom) | Ramey               |
| Ashworth        | Gilchrist  | Jones (Covington)   | Rast                |
| Avery           | Gilmer     | Jones (Monroe)      | Reynolds (Chambers) |
| Barnett         | Goodwyn    | Lee                 | Roberts             |
| Bevill          | Grant      | Locke               | Rogers              |
| Boyd            | Grouby     | McClendon (Chamb)   | Rozelle             |
| Branyon         | Hain       | Martin              | Sessions            |
| Brewer          | Hanby      | Meade               | Shumate             |
| Camp            | Hankins    | Morrow              | Smith (St. Clair)   |
| Cates           | Hardy      | Murphy              | Steagall            |
| Dodd            | Hawkins    | Nettles             | Sullivan            |
| Edwards         | Hocklander | Oakley              | Trimmier            |
| Faulk           | Ingram     | Perry               | Turner              |
|                 |            |                     | —56                 |

**MOTION TO SUSPEND RULES LOST**

The motion of Mr. Martin to suspend the rules in order to introduce a resolution was lost.

Yeas 19; Nays 57.

**Yeas:**

|           |             |                    |          |
|-----------|-------------|--------------------|----------|
| Messrs.:  | Cabiness    | Johnston (Leonard) | Morrow   |
| Avery     | Callahan    | Jones (Covington)  | Nettles  |
| Barnett   | Ferguson    | Locke              | Ramey    |
| Brewer    | Goldthwaite | Long (Lauderdale)  | Steagall |
| Broadfoot | Hocklander  | Martin             | Trimmier |
|           |             |                    | —19      |

**Nays:**

|                 |          |        |         |
|-----------------|----------|--------|---------|
| Mr. Speaker     | Albea    | Bevill | Boyd    |
| Adams (Houston) | Ashworth | Bishop | Branyon |

|           |                |                    |                   |
|-----------|----------------|--------------------|-------------------|
| Camp      | Grant          | Lee                | Rozelle           |
| Casey     | Gross          | McLendon (Bullock) | Sessions          |
| Cates     | Grouby         | Meade              | Shumate           |
| Chambers  | Guthrie        | Merrill            | Smith (Russell)   |
| Cornett   | Hain           | Murphy             | Smith (St. Clair) |
| Dodd      | Hanby          | Perry              | Solomon           |
| Edwards   | Hankins        | Pierce             | Speaks            |
| Faulk     | Hardy          | Powell             | Sullivan          |
| Franklin  | Hawkins        | Pruitt             | Thomas            |
| Gilchrist | Hearn          | Rast               | Torbert           |
| Gilmer    | Ingram         | Ray                | Turner            |
| Goodwyn   | Jones (Monroe) | Rogers             | Turnham           |
| Gordon    |                |                    |                   |

—57

## MOTION IN WRITING

Mr. Roberts offered the following Motion in Writing:

I move that when we adjourn today we adjourn to meet on Thursday, Nov 5th

And the Motion in Writing was adopted.

Yeas 63; Nays 7.

## Yeas:

|                 |           |                     |                   |
|-----------------|-----------|---------------------|-------------------|
| Mr. Speaker     | Edwards   | Johnson (J. T. Tom) | Roberts           |
| Adams (Houston) | Faulk     | Jones (Monroe)      | Rogers            |
| Albea           | Ferguson  | Lee                 | Rozelle           |
| Ashworth        | Gilchrist | Locke               | Sessions          |
| Avery           | Gilmer    | McClendon (Chamb)   | Shumate           |
| Bailey          | Goodwyn   | McLendon (Bullock)  | Smith (Russell)   |
| Barnett         | Gordon    | Martin              | Smith (St. Clair) |
| Bevill          | Grant     | Merrill             | Solomon           |
| Bishop          | Gross     | Murphy              | Speaks            |
| Boyd            | Grouby    | Oakley              | Sullivan          |
| Branyon         | Hain      | Perry               | Thomas            |
| Cabiness        | Hanby     | Pierce              | Torbert           |
| Camp            | Hardy     | Powell              | Trimmier          |
| Casey           | Hawkins   | Pruitt              | Turner            |
| Cornett         | Ingram    | Ramey               | Turnham           |
| Dickson         | Jenkins   | Ray                 |                   |

—63

## Nays:

|          |          |                    |                     |
|----------|----------|--------------------|---------------------|
| Messrs.: | Callahan | Johnston (Leonard) | Reynolds (Chambers) |
| Brewer   | Harris   | Meade              | Steagall            |

—7

## BILLS ON THIRD READING RESUMED

H. 757 (with substitute). To provide for and regulate general and special elections in the cities and towns of this state, except those cities and towns which have a commission form of government; designating the date for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections, and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives

a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for and regulate general and special elections in the cities and towns of this state, except those cities and towns which have a commission form of government; designating the date for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections, and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes and making returns of elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) General and special elections in cities and towns of this state, except cities and towns organized under a commission form of government, shall be held and conducted at the times and in the manner herein prescribed; and the expenses of and costs incident to the conduct of all such elections shall be paid out of the treasury of the city or town holding the election.

(b) Whenever in this Act an hour of the day is prescribed for the doing of any act the time used shall be that of the ninetieth degree of longitude west of Greenwich, otherwise known as standard railroad central time. Whenever the last day on which an act may be done pursuant to this Act falls on a legal holiday as defined in Section 184 of Title 39, Code of Alabama 1940, or on a day which the office in which the act must be done is authorized by law to be closed such act may be done on the next succeeding secular or working day.

Section 2. (a) The regular municipal elections in cities and towns shall be held on the first Tuesday in September 1960, and quadrennially thereafter; and when necessary as provided in Section 33 of this Act a second or "run-off" election shall be held on the third Tuesday in September. Municipal officers elected at regular elections shall assume the duties of their respective offices on the first Monday in October following their election unless herein otherwise provided.

(b) Special elections shall be held on any second or fourth Tuesday between the fifteenth day of April and the second day of the

following February when ordered by the municipal governing body, provided that notice of such election was published, in the manner prescribed in the following section, on or before the corresponding Tuesday of the second month preceding the month in which the special election is held.

Section 3. It shall be the duty of the mayor to give notice of all municipal elections by publishing notice thereof in a newspaper published in the city or town, and if no newspaper is published in such city or town then by posting notices thereof in three public places in the city or town. When the notice is of a regular election such notice shall be published on or before the first Tuesday in July preceding the election. When the notice is of a special election to be held on the second Tuesday in a month such notice shall be published on or before the second Tuesday of the second month preceding the month in which the election will be held. When the notice is of a special election to be held on the fourth Tuesday of a month such notice shall be published on or before the fourth Tuesday of the second month preceding the month of the special election. Whenever and wherever two or more municipal offices of the same name (constituting a group) are to be filled at the regular election, prior to the first day of April preceding the election the municipal governing body may, in its discretion, by ordinance designate each of such offices by number. When such offices have been so designated by number, the notice of the election shall clearly indicate that such offices have been so numbered and each candidate for any such offices, in the announcement of his candidacy, shall designate the number of the office for which he is a candidate. The notice of an election for municipal officers shall be substantially in the following form:

"Notice of Election of Municipal Officers.

"Notice is hereby given that on (day of week), (date — month, day and year), an election for the purpose of electing a mayor (or other chief executive) and board of aldermen (town or city council or other governing body, or if the positions on such governing body have been designated by number, the position numbers to be filled at such election) and such other officers as pursuant to duly enacted law or ordinance, or any or all of such officers, are to be elected at such election for the city (or town) of \_\_\_\_\_, Alabama, will be held, and that all registered and qualified electors of the state, who reside within the corporate limits of \_\_\_\_\_, Alabama, and have resided therein for three months or more immediately preceding the date of such election, will be authorized to participate in said election.

"The polls will be opened at (here list the places of voting which have been designated pursuant to Section 5 of this Act)."

The notice of a special election to determine the sentiment of the people on any question shall be substantially in the following form:

"Notice of Special Municipal Election.

"Notice is hereby given that on (day of the week), (date—month, day and year) a special election for the purpose of ascertaining the sentiment of the citizens of the city (or town) relative to (the subject to be voted upon) will be held. The question which will be submitted is: (here state the question), and all registered and qualified electors of the state who reside within the corporate limits of \_\_\_\_\_, Alabama, and have resided therein for three months or more immediately preceding the date of such election, will be authorized to participate in said election.

"The polls will be opened at (here list the places of voting which have been designated pursuant to Section 5 of this Act)."

Section 4. The boundaries of wards within municipalities which have been divided into wards as now defined shall so remain until changed by ordinance. Hereafter the municipal governing body may, in its discretion, readjust the boundary lines of wards and may divide or consolidate any number of wards and resubdivide the same into voting districts; provided that no such adjustment is made within three months of an election. Whenever the municipal governing body readjusts any ward lines or divides a ward into voting districts the ordinance whereby the ward is established or subdivided into voting districts shall describe the territory composing the ward, and when the ward has been subdivided the territory composing each district therein, by metes and bounds; and the municipal clerk, within five days after adoption of the ordinances, shall file with the judge of probate of the county in which the municipality lies a certified copy of such ordinance, accompanied by a map or plat of the city or town showing the boundaries of all wards and voting districts in wards into which the municipality is then divided, and shall also publish notice of all such changes or adjustments of boundaries of wards and voting districts within wards, in a newspaper published in such city or town, or if no newspaper is published therein then by posting notice thereof at three public places in such city or town. This published notice need not be accompanied by a map or plat of the city or town.

Section 5. The municipal governing body shall, when it orders an election, designate at least one place of voting in each ward, and if such ward has been divided into voting districts then at least one place of voting in each district. In wards or voting districts where paper ballots are used in which there are more than three hundred legal voters or where voting machines are used six hundred legal voters the municipal governing body may divide alphabetically the list of qualified voters in such ward or voting district into groups and assign each qualified voter a designated voting place and a designated box or voting machine in such ward or voting district. Nothing herein shall be construed to require the municipal governing body to designate more than one voting place in any ward which has not been subdivided nor more than one voting place in any voting district, nor to provide a ballot box for every three hundred qualified electors when paper ballots are used or a voting machine for every six hundred qualified electors where voting machines are used.

Section 6. In all municipal elections on any subject which may be submitted by law to a vote of the people of the municipality and for any municipal officers, if paper ballots are used, the voting shall be by official ballot printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election unless it is provided as prescribed by law.

There shall be but one form of ballot for all the candidates for municipal office, and every ballot provided for use at any polling place in a municipal election shall contain the names of all candidates whose nominations for any office on the ballot have been duly made and not withdrawn, as hereinafter provided, together with the title of the office for which they are candidates, arranged in tickets under the titles of the respective political parties or independent bodies as certified in the certificates of nomination.

All ballots shall be printed in black ink on clear book paper. At the bottom of each ballot and at a point an equal distance from the

sides thereof there shall be printed a one-inch square in which the number of the ballot shall be placed by the inspector when the ballot is cast; and every ballot shall contain a party device for each political party represented on the ticket. The arrangement of the ballot shall in general conform substantially to the plan hereinafter given, and in all cases the party columns must be placed in alphabetical order, beginning on the left of the ballot. The list of candidates of the several parties shall be printed in parallel and perpendicular columns, each column shall be headed by the chosen device of such party, as shown by the certificate of the secretary of state filed with the probate judge of the county immediately prior to the last preceding general election for state officers, and the party name or other designation. There shall be a column for each separate ticket of candidates and such columns as are required for independent candidates to be voted for at the polling place for which the ballot is provided, and in the appropriate place the words "vote for one" (or "two" or other number as the case may be) to indicate the number which may be elected to each office.

Ballots shall be fastened together in convenient numbers in books or blocks in such manner that each ballot may be detached and removed separately and each ballot shall have attached to it a stub of sufficient size to enable one of the inspectors to write or stamp his name or initials thereon and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

In case of nomination by independent bodies, the ballot shall be so arranged that at the right of the last column for party nomination the several tickets of the names of independent candidates shall be printed in one or more columns according to the space required, having above each of the tickets the political or other names selected to designate such independent nominations. The ballot herein provided shall be substantially in the following form, viz:

| Name of officers<br>to be voted for | (Emblem)<br>Democratic<br>O | (Emblem)<br>Republican<br>O | (Emblem)<br>Independent<br>O      |
|-------------------------------------|-----------------------------|-----------------------------|-----------------------------------|
| Mayor                               |                             |                             |                                   |
| Vote for one                        | ( ) John Doe                | ( ) Richard Roe             | ( ) J. W. Smith<br>( ) Jas. Jones |
| Alderman:                           |                             |                             |                                   |
| Place No. 1                         | .....                       | .....                       | .....                             |
| Place No. 2                         | .....                       | .....                       | .....                             |

The names of all the candidates who have been put in nomination by any caucus, convention, mass meeting, primary election, or other assembly of any political party or political faction in the municipality, and certified in writing and filed in the office of the municipal clerk by five o'clock p.m. on the first Tuesday in August preceding the date of the election shall be printed on the ballots. The certificate must contain the name of each person nominated and the office for which he is nominated, and must be signed by the presiding officer and secretary of the caucus, convention, mass meeting or other assembly, or by the chairman and secretary of the canvassing board of the primary election at which such candidates were nominated.

The mayor, except when he is a candidate in such election, in which case some person appointed by the municipal governing body to serve in his stead, shall also cause to be printed on the ballots the name of



any qualified elector who has, by five o'clock p.m., on the first Tuesday in August preceding the date set for the election, filed a statement of candidacy, accompanied by an affidavit taken and certified by an officer authorized to take acknowledgments in this state, that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be substantially in the following form: "State of Alabama, \_\_\_\_\_ County, I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city (or town) of \_\_\_\_\_ in said county, and reside at \_\_\_\_\_ in said city (or town); that I desire to become a candidate for the office of \_\_\_\_\_ in said city (or town) for the term of \_\_\_\_\_ years at the election for such office to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. (Signed) \_\_\_\_\_ Subscribed and sworn to before me by said \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. (signed) \_\_\_\_\_ (Style of officer)."

No names shall be printed upon the ballot as a candidate for election except the names of such persons as become candidates in the manner above prescribed, nor may any person be a candidate or be permitted to file his declaration for more than one place or position in a group of offices of the same name when such offices have been designated by number as authorized by Section 3 of this Act.

All certificates of nomination and statements of candidacy filed with the mayor, or person appointed to act in his stead when he is a candidate in such election, within the time prescribed above shall be preserved for six months after the election for which such nominations or statements of candidacy were filed.

Section 7. The municipal governing body, or a majority of them, must, not more than twenty nor less than fifteen days before the holding of any municipal election, appoint from the qualified electors of the respective wards or voting districts, officers to hold the election as follows: where paper ballots are used one returning officer for each ward and three inspectors and two clerks for each box at each voting place; and where voting machines are used an inspector, a chief clerk and a first and second assistant clerk for each voting machine.

The chairman of the municipal executive committee of any political party which has made nominations for office or the nominees thereof, may furnish the municipal governing body a list of not less than three names of qualified electors from each voting place, and an inspector and a clerk shall be appointed from said lists for each voting place; provided, that where there are more than two lists filed, the appointments shall be made from the lists presented by the two political parties having received the highest number of votes in the preceding regular municipal election, if each of said parties presents a list.

In the event a person appointed as an election official is excused from serving or otherwise disqualifies himself prior to election day, the vacancy created thereby shall be filled by the municipal governing body, or a majority of them, in the same manner that original appointments are made. It is provided, however, that if the vacancy is among the officers appointed to serve at a polling place where voting machines will be used, after the school of instruction for election officials has been held as prescribed in Section 10 of this Act, a person who has received a certificate from a previous school of instruction shall, if possible, be appointed to fill the vacancy.

The mayor or other chief executive officer of the municipality, or when he is a candidate in such election the person appointed to act in his stead shall publish a list of the election officers so appointed, either by posting a list thereof, showing the voting places and the election officers appointed for each such voting place, at three public places in the city or town, or by publishing such list in a newspaper published in the city or town at least ten days prior to the election.

The mayor or other chief executive officer of the municipality, or when he is a candidate in such election the person appointed to act in his stead, shall notify the inspectors, clerks and returning officers of their appointments.

The returning officer, the inspectors and the clerks at polling places where voting is solely by paper ballots shall each be entitled to five dollars, and each election officer at a polling place where elections are conducted in whole or in part by voting machines shall be entitled to eight dollars. The compensation of the election officials shall be paid as preferred claims out of the general fund of the municipality holding the election, on proper proof of service rendered.

Section 8. The election officers at voting places where paper ballots are used shall meet at the respective places of holding elections for which they have been appointed, by eight o'clock of the morning of the election; and before nine o'clock open the several polling places as designated, and keep them open without adjournment or recess until six o'clock in the afternoon, and no longer.

The election officials at voting places where voting machines are used shall meet at the place of holding elections for which they have been appointed by 7:30 o'clock, a.m., the morning of the election; and at eight o'clock, a.m., shall open the polls and keep them open without adjournment until six o'clock, p.m., and no longer, except that in counties having a population of 400,000 or more inhabitants, according to the last or any subsequent federal decennial census, the poll shall be kept open until seven o'clock, p.m., and any qualified elector entitled to vote at such polling place who has identified himself with the election officials at such polling place by such closing time shall be permitted to cast his ballot. Before entering upon their duties the election officers must take an oath to perform their duties at the election according to law, and such oath may be administered either by any person authorized by law to administer oaths, or by an election inspector.

When paper ballots are used, the inspectors shall select one of their number, on opening the polls, to act as challenger, and the challenger shall ascertain if each person presenting himself to vote has registered and paid all poll taxes due, such finding to be from an examination of the official list of the voters furnished by the mayor or other chief executive officer, or person acting in his stead.

Before the election officials commence receiving ballots the election inspectors must cause it to be proclaimed aloud at the places of voting that the election is opened.

After the polls have been opened no adjournment or recess shall be taken until the certificate of the result of the election is signed.

Where voting machines are used the election officials shall also comply with the provisions of Section 26 of this Act and upon completing the duties thereby imposed shall formally declare the polls opened.

The marshal, chief of police, or other chief law enforcement officer of the city or town shall preserve good order at all municipal elec-

tions held in the city or town, but not more than one officer shall at the same time be allowed to enter the polling place. Except as electors are admitted to vote and persons to assist them, as provided in this Act, and except the above mentioned law enforcement officers, the election officials and the watchers, no person shall be permitted within thirty feet of the polling place.

Section 9. On the failure of any person who has been duly appointed an election officer to attend the polls at the hour prescribed for his attendance such of the election officers appointed for that voting box or machine as are present may appoint such election officers as are needed to complete the number of election officials for the box or machine. All persons so appointed shall be qualified electors who are entitled to vote at that polling place. Should all the appointed election officers fail to be present at a polling place by the hour prescribed on election day, then any three qualified electors who are entitled by law to vote at that polling place at the election then to be held may open the polls, act as three of the election officers for such box, and appoint such other officers as are required to fill the place of those absent, provided every person so appointed shall be a qualified elector entitled to vote at the polling place.

Section 10. When voting machines are to be used in any municipal election the municipal governing body shall provide for holding a school or schools of instruction for those who will actually conduct the election. The municipal clerk shall notify those persons who have been appointed election officials of the time and place of the holding of such school of instruction and shall also publish notice thereof at least forty-eight hours before the same is to be held.

No election official shall serve in any election district in which a voting machine is used, unless he has received such instruction, is fully qualified to perform the duties in connection with the machine, and has received a certificate to that effect from the authorized instructor; provided, however, that this requirement shall not prevent the appointment of an uninstructed person as an election official to fill a vacancy among the election officials.

Section 11. During the thirty days next preceding an election at which voting machines will be used, the municipal governing body shall place on public exhibition in such public places and at such times as may be deemed most suitable for the information and instruction of the voters, one or more voting machines, containing the ballot labels, and showing the offices and questions to be voted upon, the names and arrangement of the parties, and, so far as practicable, the names and arrangements of the candidates for office. Such machines shall be under the charge and care of a person competent as custodian and instructor. No voting machine which is to be assigned for use in an election shall be used for such public exhibition and instruction after having been prepared and sealed for the election. Prior to any election the municipal governing body may cause copies of any diagram or diagrams, required to be furnished with voting machines at polling places, to be made, either in full size or reduced size, and to be posted, published, advertised or distributed among the electors in such manner as they may deem desirable.

Section 12. The mayor or other chief executive officer of the municipality shall, at the expense of the municipality, procure and superintend and insure the delivery to the election officers at each polling place within the corporate limits of the municipality of the necessary election supplies.

When paper ballots are used such supplies shall consist of: at least one hundred ballots for each fifty registered electors at each voting place; the same number of black seals, two inches square, around the outer edge of which is a mucilaginous surface one-fourth inch wide, so designed that a seal may be placed securely over the square bearing the ballot number in such manner that it will make it impossible to read such number without removing the seal yet such seal may be removed without obliterating the number; ballot boxes, blank poll lists; for each ward or voting district three or more cards of instruction to voters, which shall be printed in large clear type and shall contain full instructions to electors as to what should be done, first, to obtain ballots for voting, second, to prepare the ballot for deposit in the ballot box, third, to obtain a new ballot in place of one accidentally spoiled, and, fourth, to instruct as to the right and manner of obtaining a watcher for each political party having candidates to be voted for; certificates of results; oaths, and any other stationary, blank forms, or supplies necessary in the conduct of the election.

When voting machines are used such supplies shall consist of: ballot labels, diagrams, blanks for keeping a record of assisted voters, seals, blank forms for a statement of canvass of the votes cast on each machines, such forms to conform to the type of voting machine to be used, and the designating number and letter if the construction of the machine is such as to require a designating number and letter of each candidate (or proposition) shall be printed next to the candidate's name on the statement of canvass, and all other necessary election supplies for use on voting machines.

Section 13. Whenever voting machines are to be used in any municipal election the municipal clerk shall: cause the proper ballot labels to be placed on the voting machines; cause the machines to be placed in proper working order for voting; examine all voting machines in the presence of authorized watchers for any interested persons, before they are sent out to the polling places; see that all the registering counters are set at zero; lock, in the presence of authorized watchers, all voting machines so that the counting machinery cannot be operated; and seal each one with a numbered seal, a list of which numbered seals and the number one the protective counters, together with the number of the voting place to which it was sent, shall be kept as a permanent record in such clerk's office, open to any citizen. The inspection and sealing of voting machines shall begin not later than nine o'clock, a.m., of the Friday before any election at which such machines are to be used, and shall continue until all machines are sealed. When all machines are locked and sealed, the key to each machine shall be placed in an envelope and sealed, the signature of the municipal clerk and the signature of two watchers of opposed interest (if such there be) shall be placed across the seal, and on the envelope shall be written the number then on the protective counter and the number on the seal of the voting machines. This envelope shall be delivered to the election inspector who will serve as an election officer at the polling place where such machine is used. It shall be the duty of the municipal clerk to see that a voting machine, or machines, together with an instruction model for each machine, showing a portion of the face of such machine in use at such election, is delivered to each and every polling place where machines are required by law to be used, at least one hour before the time set for opening the polls in such ward. After the machine has been delivered the clerk shall cause such machine to be set up in the proper manner and cause protection to be given so that such machine shall be free from molestation and injury. The protective curtains shall be examined to see that they properly conceal the actions of the voter

while such voter is operating the machine. All poll lists and necessary supplies shall be delivered to the inspector at the same time the key or keys to the machine are delivered.

Section 14. For all elections at which paper ballots will be used, the chief executive officer of the municipality, at the expense of the municipality, shall provide at each polling place in all municipalities having a population of over three thousand inhabitants, a room or covered enclosure, and in such room or covered enclosure shall provide booths or compartments, one booth or compartment for each one hundred, or fraction of one hundred over fifty, electors registered in the ward or wards in such municipality for that election, and shall furnish each booth or compartment with a shelf or table for the convenience of the electors in the preparation of their ballots. Each booth or compartment shall be so arranged that it will be impossible for one elector at a shelf or table in one compartment to see an elector at a shelf or table in another compartment in the act of marking his ballot. Each voting shelf or table shall be kept supplied with conveniences for marking the ballots. In voting places in cities having a population of three thousand or less no booths shall be required.

Section 15. Each political party having nominated candidates, by the chairman of the municipal executive committee or by the nominees for office or by the beat committeeman, and each independent candidate may name a watcher for every polling place where paper ballots are used and a watcher for every machine where voting machines are used. The watcher, upon presentation of his appointment in writing and being sworn faithfully to observe the rule of law prescribed for the conduct of elections, shall be permitted to be present at the place where ballots are cast from the time the polls are opened until the ballots are counted and certificates of the result of the election are duly signed by the proper election officers.

When paper ballots are used at the election the watcher shall be permitted to see the ballots as they are called during the count.

When voting machines are used the watchers, shall, upon presentation of their appointment in writing, be permitted to be present when the machines are being prepared and sealed for use at the election. On election morning the watcher may witness the breaking of the seal on the envelope containing the key or keys to the voting machine, and, when the machine has been unlocked and the counters exposed, he shall carefully examine each and every counter to see that it registers zero, and he shall also examine the ballots and satisfy himself that they are in their proper places on the machine and that the machine is properly placed. Such watcher must also sign a certificate setting out the above facts, as required by Section 26. He may also be present and witness the opening of the machine after the polls have closed, the reading and tabulating of the result of the election as recorded on the voting machine, and the resealing of the machine.

Section 16. The mayor or other chief executive officer of the city or town shall cause to be made a list of the registered and qualified voters who reside within the corporate limits of such city or town, dividing the same into separate alphabetical lists of the qualified voters of each ward, where such city or town has been divided into wards and all qualified voters thereof vote at one box or voting machine, or dividing such list into separate alphabetical lists of voters authorized to vote at each respective box or voting machine if the list of qualified voters has been divided alphabetically and each alphabetical group assigned a box or machine at which to vote. He shall have such lists compared with

the official list of electors qualified to vote during the current year on file in the probate office of the county in which the municipality is situated, and shall certify on each list prepared pursuant to this section that it is a correct list of the qualified voters of the municipality, ward, ballot box or voting machine to which it appertains. He shall have full access to all registration lists of the county for this purpose. A copy of each list so prepared shall be filed with the municipal clerk, on or before the second Monday in May preceding a regular municipal election, who shall file and retain each such list as a public record in his office. The clerk shall prepare a copy of the list of qualified voters authorized to vote at each of the respective polling places in the municipality, and prior to the opening of the polls on election day he shall furnish to the inspectors, or one of them, of each ballot box or voting machine at each polling place a copy of the list of qualified voters authorized to vote at the box or voting machine for which he was appointed an inspector. The clerk shall also publish the list of qualified voters authorized to vote at the ensuing election at least five days prior to the election, either by publication in a newspaper of general circulation in the municipality or by posting copies thereof in at least three public places in the municipality, as directed by the municipal governing body.

Section 17. At all municipal elections the elector must vote only in the ward of his residence and at the box or voting machine to which he has been assigned. No person may vote at any such election unless he is a registered and qualified elector of the State of Alabama, who has resided in the county one year and in the ward three months prior to the election and who has registered not less than ten days prior to the date of the election at which he offers to vote. It is provided, however, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one ward to another ward in the same city or town shall have the right to vote in the ward from which he has removed, if he would have been entitled to vote in such ward but for such removal. If any elector attempts to vote in any ward other than that of his residence, except as hereinabove authorized, his vote must be rejected.

Any qualified elector of a ward who knows or suspects that a person proposes to vote or will offer to vote in such ward who is not entitled or duly qualified to vote in such ward may challenge such person. The challenge shall be communicated to the inspector before the challenged person is permitted to vote by the person in charge of admissions to the polling place. The person so challenged shall not be permitted to vote until he takes and subscribes the oath prescribed by Section 20 hereof and identifies himself in the manner therein prescribed.

Section 18. Where paper ballots are used, the inspector designated as challenger, upon the elector's entering the polling place shall examine the list of qualified electors furnished by the clerk pursuant to Section 16 of this Act; and if it appears from this examination that the person is a qualified elector of the state authorized to vote at that box, unless such elector has been challenged by another qualified elector in the manner prescribed by Section 17 hereof, the inspectors shall then give him one ballot, on the stub of which one of the inspectors shall write or shall have already written his name or initials. If such person's name does not appear on the list of qualified voters for that ward or box then the challenger shall challenge said person. Any person so challenged or challenged by a qualified elector, as authorized in Section 17, above, shall not be allowed to vote until he has taken and subscribed to the oath prescribed in Section 20 hereof, and proved his identity in the manner therein prescribed. However, if such person duly executes

the oath and establishes his identity in the manner prescribed then his ballot must be received and deposited in the ballot box in the same manner as the ballots of qualified electors.

In cities or towns of more than three thousand inhabitants each elector on receiving his ballot shall forthwith and without leaving the polling place retire alone to one of the booths or compartments provided for that purpose and there prepare his ballot in the manner hereinafter provided. In all other cities or towns the elector may prepare his ballot at any point within the polling place.

Any elector who shall by accident or mistake spoil a ballot so that he cannot conveniently or safely vote the same, may return it to the inspectors and receive another in lieu thereof, which must be voted or returned by such elector.

After preparing his ballot the elector shall fold the same so as to conceal the face thereof and show the stub thereto attached with the name or initial of the inspector, and hand it to the receiving inspector, who must receive the folded ballot and call the name of the elector audibly and distinctly.

One of the clerks shall immediately enter on one of the lists, headed "names of voters" and called "poll lists," the name of such elector opposite the number indicating the order in which electors vote, the first elector voting being numbered one, the second two, and so on, to the last elector voting; and at the same time the other clerk shall see that the elector whose name was called shall immediately sign his own name on another poll list, on a line bearing the same number appearing opposite such elector's name on the above-mentioned poll list, unless such elector, because of physical handicap or illiteracy, is unable to write his own name on such list. If the voter is physically handicapped an election official shall write the name of such voter on said list together with the cause of assistance, and shall sign his own name on the poll list on the same line with the voter's name. If the voter is unable to sign his name because of illiteracy, his name shall be written for him and the voter shall, in the presence of one of the election officials, make his mark upon the poll list. The election official witnessing the act shall record his name, as witness, on the same line with the name of the voter.

The receiving inspector shall then write the number of the ballot in the square provided therefor, and forthwith, in the presence of the voter, shall place one of the black seals, furnished along with the other election supplies, over the square in such manner as to make it impossible to see the number placed therein without removing the seal, yet so that the seal may be removed without obliterating the number placed in the square. After numbering the ballot the inspector shall detach the stub and pass the ballot to each of the other inspectors, and it must then, without being opened or examined, be deposited in the proper ballot box.

Section 19. When paper ballots are used any elector applying to vote, who shall state under oath to any of the inspectors (which oath may be administered by any one of the inspectors) that by reason of his inability to write the English language, or by reason of blindness or the loss of the use of his hand or hands, he is unable to prepare his ballot, may have the assistance of any person he may select. In such case, said elector must remain within the polling place and the inspector shall send for the person selected. If the person first selected can not be found, then such elector may select another person to assist him. The

person so selected shall render said elector all such assistance in the preparation of his ballot as he may require, so that the ballot may be voted for the candidate of his choice, in the manner herein provided. In cities or towns of more than three thousand inhabitants the elector and the person selected to assist him shall retire to a booth or compartment and there prepare the elector's ballot. In all other cities or towns they shall be permitted to prepare it at any point in the polling place.

No candidate for election shall act as assistant to any elector in the preparation of his ballot.

Section 20. Before any person who has been challenged by an inspector or a qualified elector, as hereinabove authorized, shall be allowed to vote, he shall take and subscribe to an oath, in the form hereinafter prescribed, and, in addition prove his identity and residence in the state, county, municipality, and ward in which he offers to vote by the oath of some elector personally known to one of the inspectors to be a qualified elector and a freeholder and householder.

Before administering the oath prescribed, one of the inspectors shall inform the challenged person that if he takes the oath willfully and falsely, he is guilty of perjury and on conviction may be imprisoned in the penitentiary for not less than two years. One of the inspectors shall also inform any person making the affidavit of identity that if he make such oath wilfully and falsely, he is guilty of perjury, and, on conviction, may be imprisoned in the penitentiary for not less than two years.

The oath hereinabove required of the challenged elector shall be tendered, read, and administered to him by one of the inspectors; shall be executed in duplicate; and shall be in the following form:

"State of Alabama, County of . . . . . I do solemnly swear (or affirm): 1. That I am a duly qualified elector under the Constitution and laws of the State of Alabama. 2. That I have resided in the State of Alabama two years next preceding this day. 3. That I have resided twelve months in this county next preceding this day. 4. That I have actually resided three months in this ward next preceding this day, or within three months next preceding this day have removed from this ward to another ward in this incorporated town or city, and would have been entitled to vote but for such removal. 5. That I am twenty-one years of age or upwards. 6. That I have not been convicted of any crime which disfranchises me. 7. That I have been duly registered and have paid all poll taxes due by me at the time prescribed by law, am exempt by law from the payment of poll taxes. 8. I know of no reason why I am not entitled to vote. 9. I am generally known by the name under which I now desire to vote, which is . . . . . 10. I have not voted and will not vote in any other ward, (or if the ward has been divided into districts, in any other voting district) in this election. 11. My occupation is . . . . ., the name of my employer is . . . . . 12. My residence is . . . . . (if in a city or town, give street number). 13. During the last twelve months I have resided at . . . . . 14. During the last three months I have resided at . . . . . 15. That . . . . . and . . . . . have personal knowledge of my residence in the State of Alabama for two years, in this county for twelve months



and in this ward for three months next preceding this day. 16. This affidavit has been read to me. So help me God.

..... Signature.

"Subscribed and sworn to before me this ..... day of  
....., 19 ....."

The oath to establish identity of a challenged applicant to vote shall be executed in duplicate and shall be in the following form:

"State of Alabama, County of ..... I, ..  
..... do solemnly swear (or affirm) that I have  
known ..... (here insert the name of  
the person offering to vote) for the last two years next preceding this  
election, and that he has been a resident of this state for said time,  
twelve months in this county, and he has actually resided in this ward  
for the last three months preceding this election (or in case of change  
of residence provided for by Section 178 of the Constitution, he has  
resided in this state for two years next preceding this election, twelve  
months in this county, and within three months next preceding the  
date of this election, he removed from this ward to another ward in  
this incorporated town or city, and would have been entitled to vote  
but for such removal), all immediately preceding this election; I do  
solemnly swear (or affirm) that I am a qualified elector of this ward;  
that I have been a freeholder and householder in this ward for one year  
next preceding this election; that my occupation is .....;  
my residence is .....;  
my business address is ....."

..... Signature.

"Subscribed and sworn to before me this ..... day of  
....., 19 ....."

After the above mentioned oaths have been duly taken and subscribed, the ballot of the person offering to vote must be received and deposited in the ballot box as the ballots of qualified electors.

Should a person be challenged after he has received a ballot and refuse to take the oath or fail to prove his identity and residence by the oath of a freeholder or householder, as hereinabove required, his vote shall be rejected, and his ballot marked with his name shall be laid aside by the inspectors.

Section 21. Where paper ballots are used no more than ten electors shall be allowed in the polling place at the same time. In all elections for which voting booths or compartments have been provided if all such booths or compartments are occupied and other electors are waiting to vote, no elector shall occupy a booth or compartment for a longer time than five minutes. No elector shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with any one except as herein provided while in the polling place. After having voted, or declined or failed to vote within five minutes, the elector shall immediately withdraw from the polling place and go beyond the prohibited distance and shall not enter the polling place again.

Section 22. Every voter in a municipal election shall have the right to vote a secret ballot, which shall be kept secret and inviolate.

Electors shall not be entitled to vote for any person whose name

does not appear on the ballot, and no elector shall write in the name of any person on the ballot. Nor may any elector cast a ballot commonly known or referred to as a "single shot." When two or more candidates are to be elected to the same office, the voter must express his choice for as many candidates as there are places to be filled, and if he fails to do so, his ballot, so far as that particular office is concerned shall not be counted or recorded.

If the elector desires to vote a straight ticket, that is, for each and every candidate for one party for whatever office nominated, he shall mark a cross mark (x) in the circle under the name of the party at the head of the ticket.

If the elector does not desire to vote for each and every candidate nominated by his party he may vote blank for any office on his party ticket by making a cross mark (x) in the circle at the top of the ticket and striking out with pen or pencil the name or names of candidates he does not desire to vote for on the ballot.

Any elector who desires to vote a split ticket, that is, for candidates of different parties, may do so: (1) By making a cross mark in the voting space before the name of each candidate for whom he desires to vote on whatever ticket he may be; or (2) when the elector desires to vote for all of a party's nominees, except the candidate or candidates for one office, then if only one candidate is to be elected to any office the elector may make a cross mark (x) in the circle under the name of the party at the head of the ticket, and a cross mark before the name of the candidate for whom he desires to vote on the other ticket and mark through with a pen or pencil the name of the candidate for whom he does not desire to vote on his party ticket; or if two or more candidates are to be elected to the same office the elector may make his cross mark in the circle at the top of his party's column, make a cross mark (x) before the names of the candidates for whom he desires to vote on the other ticket and mark through with a pen or pencil an equal number of names of candidates on his party ticket for the same office for whom he does not desire to vote.

Section 23. No votes shall be counted until the polls are closed. Immediately after the polls are closed at elections where paper ballots are used the poll list signed by the voters and the poll list made by one of the clerks shall be sealed in separate envelopes and labelled before the inspectors begin to count the votes; and one copy of each affidavit made by a challenged voter and one copy of each affidavit identifying a challenged voter shall be sealed in a package by the inspectors, and the other copy of each of such affidavits shall be sealed in a package and forwarded to the solicitor of the county, who shall lay them before the next grand jury sitting for the county. As soon as this is done the ballots cast shall be counted in the following manner. The returning officer or one of the inspectors must take the ballots, one by one, from the box in which they were deposited, at the same time reading aloud the name of each person receiving a vote and the office for which he received such vote; and they must separately keep a calculation of the number of votes each person receives and for what office he receives them. When two or more candidates are to be elected to the same office if the elector has failed to express his choice for as many candidates as there are places to be filled his ballot so far as that particular office is concerned shall not be counted and recorded. If the elector has marked more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the elector's choice for any office to be filled, his ballot shall not be

counted for such office, but this shall not vitiate the ballot so far as properly marked, nor shall any ballot be rejected for any technical error which does not make it impossible to determine the elector's choice.

Section 24. At elections where paper ballots are used, as soon as the ballots are all counted, the inspectors must ascertain the number of votes received for each person and for what office, and must make a statement of same in writing. Each of the inspectors must sign this statement and must also certify in writing on the sealed envelope containing the poll list signed by the electors that such poll list is the poll list of the election in the ward or voting place at which they were inspectors, the day and year on which such election was held, and for what offices. The statement of the vote and the poll list thus certified, together with a list of the registered electors qualified to vote at such voting place at such election on such day, must be sealed up in an envelope, furnished along with the other election supplies, and addressed to the municipal governing body. Each of the inspectors shall write his name across every fold at which the envelope when fastened could be opened; and such envelope shall be delivered immediately to the returning officer of the ward, who shall deliver it to the municipal clerk along with the ballot box within the time herein-after prescribed.

As soon as the ballots contained in a ballot box have been counted and the statement of the vote prepared as above directed, the inspectors shall roll up the ballots so counted, seal the bundle thereof, and label the same so as to show for what officer or officers the ballots contained therein were received. The rejected ballots, if any, shall also be rolled up, the package thereof labelled as rejected ballots and sealed up as the other parcel of ballots. These sealed packages, together with the sealed poll list made by one of the clerks, and the oaths relative to challenged voters, shall be returned by the inspectors to the ballot box from which the ballots were taken and the ballot box shall be securely sealed and labelled so as to show the nature of its contents. The inspectors shall also attach to the outside of the box a slip of paper, or other device, showing the total votes received by each candidate voted for in such election.

The envelope containing the statement of the votes, prepared pursuant to the first paragraph of this section, and the sealed ballot box shall be delivered to the returning officer of the ward who shall immediately and in any event not later than twenty-four hours after the polls have closed deliver them to the municipal clerk, who shall thereupon give such returning officer his receipt, stating therein the condition of the box when received.

Section 25. At the time appointed by the municipal governing body to canvass the returns of the election (which must be not later than noon on Thursday following the election) the municipal clerk shall deliver to such governing body the envelopes addressed to such governing body, which were delivered to him by the returning officers of the several wards in the city or town immediately after the votes had been counted and the returns thereof prepared. The clerk shall securely keep the ballot boxes until it is known that there will be no contest, but in any event not less than six months, and if in that time no contest has been properly instituted the clerk shall then destroy the contents of such boxes without examining the same; and no ballot box shall be opened except in one or the other of the follow-

ing events: First, in the event of a contest, where the opening of a box has been ordered by the court hearing the contest, in which event the ballot box shall be opened by or under the supervision of the judge of such court and in the manner prescribed by him; and second for the purpose of canvassing the returns and obtaining the result of the election in a particular ward or voting district from the contents of the box when such box has been returned, but no certificate of the result of the election has been separately delivered to the municipal governing body by the election inspectors. If a box is opened for this latter purpose the certificate of result contained therein, if any, and if no certificate of result is enclosed then any other of the contents of the box, so far as necessary may be used to determine the result of the election, after which the papers shall be returned into the box and the box shall be resealed in the presence of the municipal governing body, and the box shall then be retained, without again opening it for the time prescribed above.

Section 26. Whenever voting machines are used for municipal elections the key or keys to the voting machine or machines, still in the envelopes in which they were placed when the machines were sealed for this election pursuant to Section 13 of this Act and with the seals thereof unbroken, and all other necessary election supplies, shall be delivered to the inspector of each poll at least thirty minutes before the time for opening the polls. The inspector shall compare the number appearing on the envelope containing the key or keys with the number shown in the protective counter and if these numbers are not identical he shall not break the seal on the envelope containing the keys, and he shall immediately so notify the municipal clerk or his representative, who shall immediately deliver the correct key or keys or another properly sealed machine. If the numbers on the envelope and the respective numbers on the seal and on the protective counter are found to be the same, the inspectors shall open the door concealing the counters. Before the polls are declared open the election officials and each authorized watcher, or any interested person, shall carefully examine each and every counter and see that it registers zero, and shall examine the ballots and satisfy themselves that the ballots are in their proper place on the machine. The election officials shall post the sample ballots and the model for the guidance of voters at conspicuous points about the polling place. All persons authorized to be in the polling place shall satisfy themselves that the voting machine is properly placed, and that the face of the machine is turned so that the election officials and the public may obtain a clear and unobstructed view of the same at all times except when the curtain on the machine is closed for the casting of the ballot. The election officials and at least two watchers of opposing interests (if any there be) shall then sign a certificate setting out that the keys were delivered intact, that the numbers on the protective counter and seal correspond with that on the envelope, that all the counters were set at zero, and that the ballot labels were in their proper places. If any counter, however, does not register zero, the inspector shall summon the custodian of the machine, who shall set the counter back to zero. The machine shall then be opened for voting, and the polls formally declared open.

Section 27. The municipal clerk shall furnish and deliver with each voting machine: Lighting facilities which shall give sufficient light to enable voters, while in the voting machine booth, to read the ballot labels, and suitable for the use of election officers in examining the counters; a model and two diagrams or sample ballots, of suitable

size, representing such part of the face of such voting machine as will be in use in the election, and accompanied by directions for voting on the machine; a seal, or seals, for sealing the machine after the polls are closed; an envelope for the return of the keys, if the construction of the voting machine shall permit their separate return; such other election materials and supplies as may be necessary.

The lighting facilities, above mentioned, shall be prepared and in good order for use before the opening of the polls. The diagrams shall be posted prominently outside the voting booth for the instruction of electors. The model shall be placed in the polling place and at or outside the guard rail or barrier.

Section 28. At all elections where voting machines are used there shall be the following election officers for each voting machine: an inspector, a chief clerk and a first and a second assistant clerk.

The inspector shall be in general charge of the poll, shall see that the counter compartments of the machine are never unlocked or opened so that the counters are exposed during voting, shall see that the other election officers perform the duties hereinafter imposed on them, shall keep a record of all voters at such machine who received assistance pursuant to Section 30 (a) of this Act, and all other records required by this Act, and immediately after the polls have closed and the statement of the returns has been made shall deliver such statement and the key or keys to the machine to the municipal clerk. He shall also act as challenger.

The chief clerk shall examine the list of qualified electors and check off the names of voters which appear thereon as they vote.

The first assistant clerk shall attend the poll list and see that each voter signs his name thereon in the order in which he votes.

The second assistant clerk shall attend the voting machine at all times, and see that it is not tampered with. He shall also inspect the ballot labels at frequent intervals to see that none have been tampered with and that the machine has not been injured.

Section 29. The election officials, where voting machines are used, shall ascertain whether each applicant to vote is entitled to vote, and each applicant found to be entitled to vote shall be permitted to vote in the manner hereafter provided. Each applicant to vote shall identify himself to the chief clerk, who shall examine the list of qualified electors, furnished by the municipal clerk, and if such voter's name appears on such list, unless such voter has been challenged, the chief clerk shall mark the applicant's name off the list. The applicant, unless he is unable to write his own name, because of physical handicap or illiteracy, shall then sign his name on the poll list on the line numbered to indicate the order in which the voters cast their ballots, and thereafter he shall be admitted within the voting machine booth and permitted to vote. If such applicant is unable to sign his name because of physical disability or illiteracy his name shall be written for him in the manner prescribed in Section 18 for the writing of the names of voters on the poll list at polls where paper ballots are used.

If such applicant's name is not on the list of qualified voters, or if such applicant has been challenged by a qualified elector, the chief clerk shall so notify the inspector and the inspector shall challenge such voter. No challenged voter shall be permitted to cast his vote

on a voting machine but any challenged voter shall be permitted to cast a paper ballot in the same manner and under the same circumstances, rules, and regulations that challenged voters may vote at polls where paper ballots are usually and customarily used.

Section 30. (a) The election officers shall, with the aid of the diagrams herein authorized, and the mechanically operated model, instruct each voter before he enters the voting machine booth, regarding the operation of the machine, and shall give the voter opportunity personally to operate the model. No voter shall be permitted to receive any assistance in voting at any election, unless he shall first state in writing, upon printed forms supplied for that purpose, and under oath or affirmation, which shall be administered to him by the inspector, that he can not read the names on the voting machine, or that, by reason of physical disability, he is unable to see the machine or prepare it for voting, or to enter the voting machine booth without assistance. The voter shall state the specific physical disability which requires him to receive assistance. Thereupon he shall be assisted by one of the election officials, who shall aid him in voting, and the inspector shall forthwith enter in writing on the record of assisted voters: the voter's name; the fact that the voter can not read the names on the voting machine, if that is the reason for requiring assistance and, otherwise, the specific physical disability which requires him to receive assistance; and the name of the election official furnishing the assistance. If any voter, after entering the voting machine booth, and before the closing of such booth, shall ask for further instructions concerning the manner of voting, he may choose an election officer, who shall give him such instructions, but no official giving a voter such instructions shall, in any manner, request, suggest, or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular question. After giving such instructions, and before the elector closes the booth or votes, the election officer shall retire, and the voter shall forthwith vote.

(b) It shall be unlawful for any official to assist a voter who has not made the oath required herein, or for an official or any other person to do anything to enable himself to see how any voter votes other than in the course of assisting a voter as provided herein.

Section 31. When the time arrives for closing the polls, all qualified voters, who are then waiting within the voting room to vote, shall be permitted by the election officers to do so. As soon as the last voter has voted and the poll closed, the election officials shall immediately lock the machines against voting. They shall then sign a certificate stating that the machine was locked and sealed, giving the exact time. Such certificate shall also state the number of voters shown on the public counters, which shall be the total number of votes cast on such machine in that ward; the number on the seal; and the number registered on the protective counter. They shall then open the counting compartment in the presence of the watchers and of at least one representative of any newspaper or press association which cares to be represented, giving full view of all the counter numbers. The inspector shall, under the scrutiny of the watchers, in the order of the officers, as their titles are arranged on the machines, read and announce in distinct tones the designating number and letter on each counter for each candidate's name, if the construction of the voting machine is such as to require a designating number and letter, and the result as shown by the counter numbers. He shall also read and the clerk shall tally the totals of all challenged ballots cast under the

provisions of this Act. He shall in the same manner announce the result on each constitutional amendment, bond proposition, or any other question voted on. The vote as registered shall be entered on the statements of canvass in ink by the clerks, such entries to be made in the same order on the space which has the same designating number and letter, if the construction of the voting machine is such as to require a designating number and letter, after which the figures shall again be verified by being called off in the same manner from the counters of the machines. The returns of the canvass as required by law shall then be filled out, verified, and shall show the number of votes cast for each candidate, the number of votes cast for and against any proposition submitted, and shall be signed by the election officials. The counter compartments of the voting machine shall remain open throughout the time of the making of all statements and certificates, and the official returns, and until such have been fully verified; and during such time the watchers of any candidate or any representative of any newspaper shall be admitted. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the inspector who shall read: the name of each candidate with the designating number and letter, if the construction of the voting machine is such as to require a designating number and letter; his counter and the vote registered on such counter; and also the vote cast for and against each proposition submitted. During such proclamation ample opportunity shall be given to any person lawfully entitled to be in the polling place to compare the results announced with the counter dials of the machine and any necessary corrections shall then and there be made, after which the doors of the voting machine shall be locked and sealed with the seal provided, so sealing the operating lever or electrical control, if an electrically operated machine, that the voting and counting mechanism will be prevented from operation. Challenged ballots, sealed in the same manner prescribed in Section 24 of this Act for sealing ballots at polling places where paper ballots are used, the record of assisted voters, the oaths of assisted voters, one copy of each oath relative to challenged voters, the poll list and a copy of the list of qualified electors shall be placed in the voting machine, if such machine is so constructed that this may be done, and if these items cannot be placed in the machine then they shall be sealed in an envelope or package, across the seal of which each election official shall sign his own name, and this envelope or package shall be delivered to the municipal clerk and retained by him unopened for the time prescribed by Section 32 of this Act for the retention of records of elections. The inspector shall deliver to the municipal clerk the keys of the machine, enclosed in a sealed envelope, across the seal of which shall be written his own name, together with that of the other election officials, and on this envelope shall be recorded the date of the election, the number of the voting district, the number of the seal with which the machine was sealed, the number of the public counter, and the number on the protective counter. One copy of each affidavit made by a challenged voter and one copy of each affidavit identifying a challenged voter shall be forwarded to the solicitor of the county in the same manner and for the same purposes prescribed in Section 23 of this Act for such oaths at polling places where paper ballots are used.

Section 32. The voting machines shall remain locked against voting for the time provided by law for the filing of contests and then shall have the seal broken only on the order of the municipal governing body and if, in the opinion of such body, the contest has developed or is likely to develop, shall remain locked until such time

as ordered opened by the court hearing the contest, or until a final determination thereof. Provided that on the order of any court of competent jurisdiction or on the order of the municipal governing body, the seal may be broken for the purpose of proper investigation and when such investigation is completed, the machine shall again be sealed and across the envelope containing the keys shall be written the signature of the person or persons having broken same and provided further that in the event another election is held during the time for which the machines are required by this section to be locked and the machines are needed at such election, the municipal governing body shall be authorized to break the seal and make a record of the numbers on all counters on each machine and to remove all of the election records from the machine. The municipal governing body shall securely seal all records taken from a machine in an envelope or package and on the outside thereof label the package in such manner as to indicate plainly the machine from which they were removed and the month, day and the year, of the election of which they are records. Each member of the municipal governing body present when the machines were opened shall certify to the accuracy of the records of the numbers on the counters and shall sign the envelope or package across the seal. This certificate and all other records removed from the voting machines shall be delivered to the municipal clerk and preserved by him for the same length of time prescribed in Section 25 of this Act for the retention of paper ballots, and then destroyed in the same manner that paper ballots are destroyed.

Section 33. The governing body of any municipality procuring voting machines shall designate a person or persons who shall have the custody of the voting machines and the keys therefor, when the machines are not in use at an election; and shall provide for his compensation and for the safe storage and care of the machines and keys. All voting machines, when not in use, shall be properly boxed or covered, and stored in a suitable place or places, by said custodian. The same authority that caused the delivery of the voting machines shall be charged with transporting such machines back to the custodian, and shall furnish all necessary protection to see that such machines are not molested nor injured from the time such machines leave the place where they are regularly stored until they are turned into the custody of the officials of a voting district and from the time that custody ceases on the part of the voting district officials and the machines are returned to the place of regular storage.

Section 34. Not later than noon on Thursday after the election as hereinabove required the municipal governing body shall proceed to open the envelopes, addressed to such governing body, which have been delivered by the several returning officers to the municipal clerk, canvass the returns, and ascertain and determine the number of votes received by each candidate and for and against each proposition submitted at such election. If it appears that any candidate or any proposition in such election has received a majority of the votes cast for that office or on that question the municipal governing body shall declare said candidate elected to such office, or said question carried, and a certificate of election shall be given to such persons by the municipal governing body, or a majority of them, which shall entitle the persons so certified to the possession of their respective offices immediately upon the expiration of the terms of their predecessors, as provided by law.

If a single office is to be filled at the election and there is more than one candidate therefor, then the majority of the votes cast



for said office in such election shall be ascertained by dividing the total votes cast for all candidates for said office by two, and any number of votes in excess of one-half of such total votes cast for all candidates for such office shall be a majority within the meaning of this section. If two or more offices constituting a group are to be filled, and there are more candidates for election than there are such offices, then the majority of the votes cast for said office in such election shall be ascertained by dividing the total vote cast for all candidates for such offices by the number of positions to be filled, and then dividing the result by two. Any number of votes in excess of the number ascertained by such last division shall be the majority herein prescribed as necessary for election. If in ascertaining the result in this way, it appears that more candidates have obtained this majority than there are positions to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared elected to fill such positions.

If no candidate receives a majority of all the votes cast in such election for any one office or offices for the election to which there were more than two candidates, then the municipal governing body shall order a second or "run-off" election to be held on the third Monday of September next thereafter, at which election the two candidates having received the most and the second most votes, respectively, shall be candidates and the person receiving the highest number of votes for that office in the run-off election shall be declared elected. In the event one of the candidates for a particular office in the run-off election withdraws, then there need not be a second election to fill such office nor shall the name of either the party so withdrawing or the remaining candidate be printed on the ballot of any second election held under the provisions of this Act. This second election shall be held by the same election officers who held the first election and at the same places the first election was held. If there should be a tie vote cast at any such run-off election then in such event the tie shall be decided by the municipal governing body. A vote for a particular candidate by a majority of the total membership of the governing body shall be necessary to decide the election in his favor. The municipal clerk shall file a copy of each certificate of election in the office of the judge of probate of the county in which the city or town is situated, and the judge shall file such certificate in the same manner that he files the declaration of the result of elections to county offices.

Section 35. Any mayor or other chief executive officer of a municipality who fails to give notice of any municipal election as required by this Act shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than five hundred dollars (\$500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Any mayor or other chief executive officer of a municipality who knowingly puts on the list of qualified electors for a municipal election the name of any person who is not registered or who has not paid all poll taxes due, as shown by the records in the probate office of the county in which such municipality lies, shall be guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred dollars (\$100).

Any mayor or other chief executive officer of a municipality, or other officer on whom the duty of the mayor may have temporarily devolved, who wilfully and knowingly neglects, fails, or refuses to

perform any of the duties prescribed in this Act shall be guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred dollars (\$100) unless otherwise provided in this Act.

Section 36. Any municipal clerk who wilfully fails to properly preserve the certificate of results of an election and deliver it to the municipal governing body at the time appointed for canvassing the returns of the election, as required by Section 25 of this Act, shall be guilty of a felony, and on conviction, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 37. Any election officer appointed such by a municipal governing body who shall fail to attend a municipal election without a lawful excuse shall, on conviction, be fined not more than one hundred dollars (\$100).

Any election officer who drinks any intoxicating liquors while any election is being held, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty dollars (\$50).

Any election officer who, without lawful excuse, neglects, fails, or refuses to perform any official duty prescribed by this Act, shall be guilty of a misdemeanor unless otherwise provided, and, on conviction, shall be fined not less than fifty dollars (\$50).

Any election officer who discloses how any elector voted, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and may also be sentenced to hard labor for the county for not more than six months.

If any election officer wilfully neglects to perform any duty imposed on him by this Act, or is guilty of any corrupt conduct in the execution of the same, and no other punishment is provided for such neglect, or conduct, he must, on conviction be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); but no person shall be deemed an officer within the meaning of this section, until he first shall have taken an oath well and truly to discharge the duties of such office, to the best of his ability, or until he shall have performed some of the duties of such office. The failure or refusal of any person to accept office, or his failure or refusal to discharge and perform the duties of such office at any time after his appointment thereto, and prior to his taking the oath of such office, and before he shall have discharged and performed any of the duties thereof, shall not in either event, be deemed a violation of this section.

Any election officer or any other person who makes a copy of the poll list or any memoranda therefrom, or list of the persons voting, or the number of their ballots, or discloses, the number of such voter's ballot, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars (\$200).

Section 38. Any inspector of election who shall, without challenging him, permit any person to vote in a municipal election knowing that he is not a qualified elector, shall be fined not less than one hundred dollars (\$100).

Any inspector of election who shall wilfully exclude any vote duly tendered and unchallenged in a municipal election, knowing that the person offering the same is lawfully entitled to vote at such election,

or who shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as is required by law, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

Any inspector of a municipal election who does or performs any of the following acts shall be guilty of a felony, and, upon, conviction shall be imprisoned in the penitentiary for not less than one nor more than five years:

1. Willfully deceives any elector in preparing his ballot;
2. Alters or changes the ballot of a voter, or substitutes a ballot for the one offered by any voter;
3. Makes a false copy of the certificate of the results of an election.

Section 39. Any returning officer of the ward who fails to deliver the statement of votes and poll list of a municipal election to the municipal clerk, within the time required by law, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and must also be imprisoned in the county jail for not more than six months.

Section 40. Any marker or helper or assistant, authorized to aid a disabled voter at a municipal election, who wilfully deceives any elector in preparing his ballot, must, on conviction, be imprisoned in the penitentiary not less than one nor more than five years.

Section 41. Any duly appointed watcher at a municipal election who drinks any intoxicating liquors while the election is being held, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars (\$50).

Section 42. If any officer on whom a duty is imposed by this Act wilfully neglects to perform such duty, or is guilty of any corrupt conduct in the execution of the same, and no other punishment is provided for such neglect or conduct, he must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

Section 43. Any elector who takes or removes, or attempts to take or remove, any ballot from the polling place at a municipal election before the close of the polls, or who remains longer than the time allowed by law in the booth or compartment after being notified his time has expired, must, on conviction, be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

Any person who wilfully makes to the inspectors of a municipal election a false declaration asserting his inability to prepare his ballot without assistance, must, on conviction, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

Any qualified elector at any municipal election who takes or receives any money or other valuable thing, upon the condition that the same shall be paid at any future time, in exchange for the vote of such elector for any particular candidate, or the promise to vote for any particular candidate, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars (\$50) nor

more than five hundred dollars (\$500). No witness shall be prosecuted for any offense under this section as to which he testifies before the grand jury.

Any person who falsely impersonates another and thereby or otherwise fraudulently casts a vote in a municipal election; or having voted at such election votes a second time, whether in the same ward or another, shall be guilty of a felony, and, on conviction in the circuit court or court of like jurisdiction of the county shall be punished by imprisonment in the penitentiary for a period of not less than one nor more than two years.

Any person who takes a challenged voter's oath or any person who makes an affidavit of identity for a challenged voter wilfully and falsely is guilty of perjury and, upon conviction, may be imprisoned in the penitentiary for not less than two years.

Any person voting at any municipal election who has not registered and taken and subscribed to the registration oath, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or imprisoned in the county jail, or sentenced to hard labor for the county for not less than one nor more than six months.

Section 44. Any person found drunk or intoxicated at or about any polling place during any municipal election day is guilty of a misdemeanor, and, upon conviction, shall be fined not more than five hundred dollars (\$500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Any person who, at a municipal election, interferes with any elector, when inside the polling place, or when marking the ballot, or unduly influences, or attempts to unduly influence, any elector in the preparation of his ballot, must, on conviction, be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

Any person who, during or before a municipal election, wilfully removes, tears down, destroys, or defaces any booth or compartment, or any convenience provided for the purpose of enabling electors to prepare their ballots, or any card printed for the instruction of electors, must, on conviction, be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

Any person who buys or offers to buy any vote of any qualified elector at any municipal election by the payment of money or the promise to pay the same at any future time or by the gift of intoxicating liquors or other valuable thing, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100).

Any person who by bribery or offering to bribe, or by any other corrupt means attempts to influence any elector in giving his vote in a municipal election, or to deter him from giving the same or to disturb, or to hinder him in the full exercise of the right of suffrage at any municipal election, must, on conviction, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

Any person who, by the offer of money or the gift of money, or by the gift of intoxicating liquor or other valuable thing to any qualified elector at any municipal election, or by the loan of money to such

elector with the intent that the same shall not be repaid, for the purpose of influencing the vote of such elector at such election, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).

Any person who discloses how any elector voted at a municipal election shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and may also be sentenced to hard labor for the county for not more than six months.

Any person who fraudulently alters or changes the vote of any elector, by which such elector is prevented from voting in a municipal election as he intended, must, on conviction, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), and imprisoned in the county jail for not less than thirty days nor more than six months.

Any person who compares the number on the ballot in a municipal election with the poll list shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars (\$100); but this shall not apply on the trial of any contested elections.

Any person who makes a copy of the poll list or any memoranda therefrom, or list of the persons voting at any municipal election, or the number of their ballots, or discloses the number of a voter's ballot, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than two hundred dollars (\$200).

Any person who, on a municipal election day, disturbs or prevents, or attempts to prevent, any elector from freely casting his ballot, must, on conviction, be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), and also be sentenced to hard labor for the county, or imprisoned in the county jail for not less than six months nor more than one year.

Any person who falsely makes or fraudulently destroys any certificate of nomination for election at a municipal election, or any part thereof, or files any certificate of nomination, knowing the same, or any part thereof, to be false, shall be guilty of a felony, and on conviction, must be imprisoned in the penitentiary for not less than one nor more than five years.

Any person who suppresses any nomination for a municipal office which has been duly filed, shall be guilty of a felony, and, on conviction, must be imprisoned in the penitentiary for not less than one nor more than five years.

Any person who forges or falsely writes the name or initials of any inspector of a municipal election on any ballot, shall be guilty of a felony, and, on conviction, must be imprisoned in the penitentiary for not less than one nor more than five years.

Section 45. The election of any person declared elected to any office of a city or town may be contested by any person who was at the time of the election a qualified elector of such city or town for any of the following causes:

1. Malconduct, fraud, or corruption on the part of any election official, any marker, the municipal governing body, or any other person.

2. When the person whose election to office is contested was not eligible thereto at the time of such election.

3. On account of illegal votes.

4. On account of the rejection of legal votes.

5. Offers to bribe, bribery, intimidation, or other malconduct calculated to prevent a fair, free, and full exercise of the elective franchise.

Any contest of such an election must be commenced within five days after the result of the election is declared. Such contest shall be instituted in the manner prescribed by Section 245 of Title 17, Code of Alabama, 1940, and, except as herein otherwise provided, all proceedings relative to contests of elections to municipal offices shall be governed by the provisions of Articles 22 and 23, Chapter 1, Title 17, Code of Alabama 1940, insofar as they are applicable.

Section 46. No malconduct, fraud, or corruption on the part of the election officers, the marker, the municipal governing body, or other person, nor any offers to bribe, bribery, intimidation or other malconduct which prevented a fair, free, and full exercise of the elective franchise, can annul or set aside any municipal election unless thereby the person declared elected, and whose election is contested, be shown not to have received the requisite number of legal votes for election to the office for which he was a candidate, nor must any election contested under the provisions of this Act be annulled or set aside because of illegal votes given to the person whose election is contested, unless it appears that the number of illegal votes given to such person, if taken from him, would reduce the number of votes given to him below the requisite number of votes for election. Nor must any election be annulled or set aside because of the rejection of legal votes unless it appears that such legal votes, if given to the person intended, would increase the number of his legal votes to or above the requisite number of votes for election.

Section 47. If, on the trial of the contest of any municipal election, it shall appear that any person other than the one whose election is contested, received, or would have received, had the ballots intended for him and illegally rejected been received, the requisite number of votes for elections, judgment must be given declaring such person duly elected, and such judgment shall have the force and effect of investing the person thereby declared elected with full right and title to have and to hold the office to which he is declared elected. If it appears that no person has, or would have had, if the ballots intended for him and illegally rejected had been received, the requisite number of votes for election, judgment must be rendered declaring this fact, and such fact must be certified to the municipal governing body and the vacancy in the office, election to which had been contested, shall be filled in the manner prescribed by law for filling the vacancy in such office. If the person whose election is contested is found to be ineligible to the office, judgment must be rendered declaring the election void, and the fact must be certified to the municipal governing body. The vacancy in such office shall be filled in the manner prescribed by law. If the party whose election is contested is found to have been duly and legally elected, judgment must be rendered declaring him entitled to have and to hold the office to which he was so elected.

Section 48. There shall be no absentee voting in municipal elections covered by this Act.

Section 49. If any municipal election provided for in this Act should not take place on the day appointed, the municipal corporation shall not for that cause be dissolved, but the incumbent officers shall remain in office until their successors shall be elected and qualified. The municipal governing body shall fix some day, as early as convenient, or which day said election shall be held; and the election shall be conducted in all respects as a regular election, and the persons so elected shall hold office until the next general election and until their successors are elected and qualified.

Section 50. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 51. Act No. 465, S. 29, approved July 6, 1945 (General Acts of Alabama, 1945, page 699) is hereby expressly repealed; and any and all other laws or parts of laws in conflict herewith are to the extent of such conflict also hereby repealed. It is specifically declared, however, that the designation in this Act of certain acts and omissions relative to municipal elections as offenses shall not be exclusive and that any act or omission relative to a municipal election which is by law designated as an offense but which is not mentioned in this Act shall continue to be an offense punishable in the manner prescribed by law.

Section 52. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 59; Nays 0.

#### Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dodd        | Hocklander                     | Rast                           |
| Adams <sup>(Houston)</sup> | Edwards     | Ingram                         | Reynolds <sup>(Chambers)</sup> |
| Albea                      | Ferguson    | Jenkins                        | Rogers                         |
| Ashworth                   | Gilchrist   | Johnson <sup>(J. T. Tom)</sup> | Rozelle                        |
| Avery                      | Goldthwaite | Johnston <sup>(Leonard)</sup>  | Sessions                       |
| Bevill                     | Goodwyn     | Jones <sup>(Monroe)</sup>      | Shumate                        |
| Boyd                       | Grant       | Locke                          | Smith <sup>(Russell)</sup>     |
| Branyon                    | Gross       | McClendon <sup>(Chamb)</sup>   | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Grouby      | McLendon <sup>(Bullock)</sup>  | Solomon                        |
| Cabiness                   | Guthrie     | Meade                          | Speaks                         |
| Camp                       | Hain        | Morrow                         | Steagall                       |
| Casey                      | Hanby       | Murphy                         | Sullivan                       |
| Cates                      | Hankins     | Nettles                        | Trimmier                       |
| Cornett                    | Hawkins     | Perry                          | Turner                         |
| Dickson                    | Hearn       | Powell                         |                                |

—59

The motion of Mr. Grouby to postpone further consideration of the bill, H. 757, as amended, temporarily, was adopted.

#### MOTION TO ADJOURN LOST

The motion of Mr. Jenkins that the House adjourn until Thursday, November 5, 1959, at one o'clock P.M. was lost.

Yeas 34; Nays 45.

**Yeas:**

|          |                    |                     |          |
|----------|--------------------|---------------------|----------|
| Messrs.: | Gilmer             | Jones (Covington)   | Rozelle  |
| Albea    | Goldthwaite        | Jones (Monroe)      | Sessions |
| Avery    | Grant              | McClendon (Chamb)   | Shumate  |
| Barnett  | Hardy              | Martin              | Solomon  |
| Branyon  | Harris             | Meade               | Steagall |
| Brewer   | Hocklander         | Merrill             | Torbert  |
| Chambers | Ingram             | Murphy              | Trimmier |
| Edwards  | Jenkins            | Ramey               | Turnham  |
| Ferguson | Johnston (Leonard) | Reynolds (Chambers) |          |

—34

**Nays:**

|                 |          |                     |                   |
|-----------------|----------|---------------------|-------------------|
| Mr. Speaker     | Cates    | Hain                | Powell            |
| Adams (Houston) | Cornett  | Hanby               | Pruitt            |
| Ashworth        | Dickson  | Hearn               | Ray               |
| Bailey          | Dodd     | Johnson (J. T. Tom) | Roberts           |
| Bevill          | Faulk    | Lee                 | Rogers            |
| Bishop          | Guchrist | Locke               | Smith (Russell)   |
| Boyd            | Goodwyn  | McLendon (Bullock)  | Smith (St. Clair) |
| Broadfoot       | Gordon   | Morrow              | Speaks            |
| Cabiness        | Gross    | Oakley              | Sullivan          |
| Callahan        | Grouby   | Perry               | Thomas            |
| Camp            | Guthrie  | Pierce              | Turner            |
| Casey           |          |                     |                   |

—45

**BILLS ON THIRD READING RESUMED**

H. 343. To provide for the management, control and ownership of McDuffie Island in Mobile Bay; to provide for the transfer of deeds and records to the Department of State Docks pertaining to McDuffie Island; to provide for the lease, sale or other disposition of properties on McDuffie Island; to provide for the disposition of all revenues obtained from the sale or other disposition of lands on McDuffie Island; to repeal all laws in conflict with the provisions of this act.

Was taken up.

The motion of Mr. Murphy to indefinitely postpone the bill, H. 343, was lost.

Yeas 32; Nays 32.

**Yeas:**

|           |                    |                   |          |
|-----------|--------------------|-------------------|----------|
| Messrs.:  | Edwards            | Lee               | Powell   |
| Albea     | Ferguson           | Long (Lauderdale) | Ramey    |
| Avery     | Grant              | Martin            | Rozelle  |
| Barnett   | Harris             | Meade             | Shumate  |
| Bevill    | Hearn              | Merrill           | Speaks   |
| Branyon   | Jenkins            | Murphy            | Steagall |
| Broadfoot | Johnston (Leonard) | Nettles           | Thomas   |
| Cabiness  | Jones (Monroe)     | Oakley            | Trimmier |
| Cates     |                    |                   |          |

—32

**Nays:**

|                 |          |           |                     |
|-----------------|----------|-----------|---------------------|
| Mr. Speaker     | Callahan | Gilchrist | Hocklander          |
| Adams (Houston) | Casey    | Gilmer    | Johnson (J. T. Tom) |
| Ashworth        | Chambers | Gordon    | Locke               |
| Bailey          | Cornett  | Gross     | McClendon (Chamb)   |
| Boyd            | Dodd     | Hain      | McLendon (Bullock)  |



|        |          |                            |         |
|--------|----------|----------------------------|---------|
| Perry  | Roberts  | Smith <sup>(Russell)</sup> | Torbert |
| Pierce | Rogers   | Solomon                    | Turner  |
| Pruitt | Sessions | Sullivan                   | Turnham |

—32

## MOTION TO ADJOURN LOST

Mr. Shumate moved that the House adjourn until Thursday, November 5, 1959, at ten o'clock A.M.

The substitute motion of Mr. Reynolds (Chambers) that the House adjourn until Thursday, November 5, 1959, at one o'clock P.M. was lost.

Yeas 31; Nays 44.

## Yeas:

|           |                               |                              |                                |
|-----------|-------------------------------|------------------------------|--------------------------------|
| Messrs.:  | Ferguson                      | Jones <sup>(Monroe)</sup>    | Reynolds <sup>(Chambers)</sup> |
| Albea     | Gilmer                        | Lee                          | Shumate                        |
| Avery     | Grant                         | McClendon <sup>(Chamb)</sup> | Solomon                        |
| Barnett   | Hanby                         | Martin                       | Steagall                       |
| Branyon   | Harris                        | Meade                        | Sullivan                       |
| Broadfoot | Hearn                         | Murphy                       | Thomas                         |
| Chambers  | Jenkins                       | Nettles                      | Trimmier                       |
| Edwards   | Johnston <sup>(Leonard)</sup> | Ramey                        | Turnham                        |

—31

## Nays:

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Cates     | Hawkins                        | Pruitt                       |
| Adams <sup>(Houston)</sup> | Cornett   | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Ashworth                   | Dodd      | Locke                          | Roberts                      |
| Bailey                     | Franklin  | Long <sup>(Lauderdale)</sup>   | Rogers                       |
| Bevill                     | Gilchrist | McLendon <sup>(Bullock)</sup>  | Rozelle                      |
| Bishop                     | Goodwyn   | Merrill                        | Sessions                     |
| Boyd                       | Gordon    | Morrow                         | Smith <sup>(Russell)</sup>   |
| Brewer                     | Gross     | Oakley                         | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Grouby    | Perry                          | Speaks                       |
| Camp                       | Guthrie   | Pierce                         | Torbert                      |
| Casey                      | Hain      | Powell                         | Turner                       |

—44

The question was then on the motion of Mr. Shumate that the House adjourn until Thursday, November 5, 1959, at ten o'clock A.M., and the motion was lost.

Yeas 21; Nays 52.

## Yeas:

|          |                           |         |          |
|----------|---------------------------|---------|----------|
| Messrs.: | Ferguson                  | Lee     | Oakley   |
| Albea    | Gilmer                    | Martin  | Ramey    |
| Avery    | Grant                     | Meade   | Shumate  |
| Barnett  | Harris                    | Murphy  | Steagall |
| Brewer   | Hearn                     | Nettles | Trimmier |
| Edwards  | Jones <sup>(Monroe)</sup> |         |          |

—21

## Nays:

|                            |        |           |          |
|----------------------------|--------|-----------|----------|
| Mr. Speaker                | Bailey | Boyd      | Callahan |
| Adams <sup>(Houston)</sup> | Bevill | Broadfoot | Camp     |
| Ashworth                   | Bishop | Cabiness  | Casey    |

|           |                                |         |                              |
|-----------|--------------------------------|---------|------------------------------|
| Cates     | Hain                           | Merrill | Rozelle                      |
| Cornett   | Hankins                        | Morrow  | Sessions                     |
| Dodd      | Hawkins                        | Perry   | Smith <sup>(Russell)</sup>   |
| Franklin  | Hocklander                     | Pierce  | Smith <sup>(St. Clair)</sup> |
| Gilchrist | Jenkins                        | Powell  | Speaks                       |
| Goodwyn   | Johnson <sup>(J. T. Tom)</sup> | Pruitt  | Sullivan                     |
| Gordon    | Johnston <sup>(Leonard)</sup>  | Rast    | Thomas                       |
| Gross     | Locke                          | Ray     | Torbert                      |
| Grouby    | Long <sup>(Lauderdale)</sup>   | Roberts | Turner                       |
| Guthrie   | McClendon <sup>(Chamb)</sup>   | Rogers  | Turnham                      |

—52

## BILLS ON THIRD READING RESUMED

## CONSIDERATION OF H. 343 POSTPONED

The motion of Mr. Hocklander to postpone consideration of the bill, H. 343, for five minutes was adopted.

Yeas 50; Nays 10.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Cornett   | Hearn                         | Ray                          |
| Adams <sup>(Houston)</sup> | Dodd      | Jones <sup>(Covington)</sup>  | Roberts                      |
| Albea                      | Edwards   | Lee                           | Rogers                       |
| Ashworth                   | Ferguson  | Locke                         | Rozelle                      |
| Bailey                     | Franklin  | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Barnett                    | Gilchrist | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup>   |
| Bevill                     | Gilmer    | Merrill                       | Smith <sup>(St. Clair)</sup> |
| Bishop                     | Gordon    | Morrow                        | Speaks                       |
| Boyd                       | Grouby    | Perry                         | Sullivan                     |
| Branyon                    | Guthrie   | Pierce                        | Thomas                       |
| Cabiness                   | Hain      | Powell                        | Turner                       |
| Casey                      | Hankins   | Rast                          | Turnham                      |
| Cates                      | Hawkins   |                               |                              |

—50

**Nays:**

|           |                               |         |         |
|-----------|-------------------------------|---------|---------|
| Messrs.:  | Goodwyn                       | Meade   | Oakley  |
| Avery     | Johnston <sup>(Leonard)</sup> | Murphy  | Shumate |
| Broadfoot | Long <sup>(Lauderdale)</sup>  | Nettles |         |

—10

And the bill:

H. 291. To provide for the construction, maintenance and repair of streets, roads, drives, and parking areas on the campus of any state institution of higher learning.

Was taken up.

Mr. Ashworth offered the following amendment to the bill, H. 291:

## AMENDMENT TO H. B. 291

In Section 1, strike out "and shall be constructed, maintained, and repaired by the State Highway Department" and insert "and may be constructed, maintained, and repaired by the State Highway Department"

Also, in Section 1, strike out "and to the extent"

And the amendment was adopted.

Yeas 52; Nays 4.

**Yeas:**

|                 |           |                     |                   |
|-----------------|-----------|---------------------|-------------------|
| Mr. Speaker     | Cates     | Hankins             | Powell            |
| Adams (Houston) | Dickson   | Hocklander          | Pruitt            |
| Albea           | Dodd      | Johnson (J. T. Tom) | Rast              |
| Ashworth        | Edwards   | Johnston (Leonard)  | Ray               |
| Barnett         | Ferguson  | Locke               | Roberts           |
| Bevill          | Gilchrist | Long (Lauderdale)   | Rogers            |
| Bishop          | Gilmer    | McClendon (Chamb)   | Rozelle           |
| Boyd            | Gordon    | Merrill             | Sessions          |
| Branyon         | Grant     | Murphy              | Smith (Russell)   |
| Brewer          | Gross     | Oakley              | Smith (St. Clair) |
| Cabiness        | Grouby    | Oden                | Steagall          |
| Callahan        | Hain      | Perry               | Sullivan          |
| Casey           | Hanby     | Pierce              | Thomas            |

—52

**Nays:** Messrs. Meade, Nettles, Speaks and Turnham

—4

Messrs. Callahan and Ferguson offered the following amendment to the bill, H. 291, as amended:

Amend Section I of H. B. 291 by adding after the words "Institutions of higher learning," the words "the Alabama State Hospitals and the Partlow State School," and amend the title of the bill by adding at the end thereof the words "the Alabama State Hospitals and the Partlow State School."

And the amendment was adopted.

Yeas 70; Nays 0.

**Yeas:**

|                 |            |                    |                   |
|-----------------|------------|--------------------|-------------------|
| Mr. Speaker     | Dodd       | Jenkins            | Powell            |
| Adams (Houston) | Edwards    | Johnston (Leonard) | Pruitt            |
| Albea           | Ferguson   | Lee                | Rast              |
| Ashworth        | Franklin   | Locke              | Ray               |
| Avery           | Gilchrist  | Long (Lauderdale)  | Roberts           |
| Bailey          | Gilmer     | McClendon (Chamb)  | Rogers            |
| Barnett         | Gordon     | McLendon (Bullock) | Rozelle           |
| Bevill          | Grant      | Martin             | Sessions          |
| Bishop          | Gross      | Meade              | Shumate           |
| Boyd            | Grouby     | Merrill            | Smith (St. Clair) |
| Branyon         | Guthrie    | Morrow             | Speaks            |
| Brewer          | Hain       | Murphy             | Sullivan          |
| Broadfoot       | Hanby      | Nettles            | Thomas            |
| Cabiness        | Hankins    | Oakley             | Torbert           |
| Callahan        | Harris     | Oden               | Trimmier          |
| Camp            | Hawkins    | Perry              | Turner            |
| Casey           | Hearn      | Pierce             | Turnham           |
| Dickson         | Hocklander |                    |                   |

—70

And said bill, H. 291, as thus amended, was read a third time at length and passed.

Yeas 72; Nays 0.

**Yeas:**

|                 |          |        |         |
|-----------------|----------|--------|---------|
| Mr. Speaker     | Albea    | Avery  | Barnett |
| Adams (Houston) | Ashworth | Bailey | Bevill  |

|           |                                |                               |                              |
|-----------|--------------------------------|-------------------------------|------------------------------|
| Bishop    | Goodwyn                        | Lee                           | Pruitt                       |
| Boyd      | Gordon                         | Locke                         | Rast                         |
| Branyon   | Grant                          | Long <sup>(Lauderdale)</sup>  | Ray                          |
| Brewer    | Gross                          | McClendon <sup>(Chamb)</sup>  | Roberts                      |
| Broadfoot | Grouby                         | McLendon <sup>(Bullock)</sup> | Rogers                       |
| Cabiness  | Guthrie                        | Martin                        | Rozelle                      |
| Callahan  | Hain                           | Meade                         | Sessions                     |
| Camp      | Hanby                          | Merrill                       | Shumate                      |
| Cornett   | Hankins                        | Morrow                        | Smith <sup>(St. Clair)</sup> |
| Dickson   | Harris                         | Murphy                        | Speaks                       |
| Dodd      | Hawkins                        | Nettles                       | Sullivan                     |
| Edwards   | Hearn                          | Oakley                        | Thomas                       |
| Ferguson  | Hocklander                     | Oden                          | Torbert                      |
| Franklin  | Jenkins                        | Perry                         | Trimmier                     |
| Gilchrist | Johnson <sup>(J. T. Tom)</sup> | Pierce                        | Turner                       |
| Gilmer    | Johnston <sup>(Leonard)</sup>  | Powell                        | Turnham                      |

—72

## CONSIDERATION OF H. 343 RESUMED

H. 343. To provide for the management, control and ownership of McDuffie Island in Mobile Bay; to provide for the transfer of deeds and records to the Department of State Docks pertaining to McDuffie Island; to provide for the lease, sale or other disposition of properties on McDuffie Island; to provide for the disposition of all revenues obtained from the sale or other disposition of lands on McDuffie Island; to repeal all laws in conflict with the provisions of this act.

Was again taken up.

Mr. Hocklander offered the following substitute for the bill, H 343:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the management, control and ownership of McDuffie Island in Mobile Bay; to provide for the transfer of deeds and records to the Department of State Docks pertaining to McDuffie Island; to provide for the lease, sale or other disposition of properties on McDuffie Island; to provide for the disposition of all revenues obtained from the sale or other disposition of lands on McDuffie Island; to repeal all laws in conflict with the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Docks Department is hereby charged with the management, control and is invested with the ownership of that certain area of state lands in Mobile Bay known as McDuffie Island.

Section 2. The Department of Conservation shall transfer all deeds and records of whatever nature pertaining to McDuffie Island to the State Docks Department and upon the effective date of this Act, all revenues from leases, easements, sales or contracts derived from McDuffie Island shall be paid into the State Docks fund to be used as other monies in such fund are used.

Section 3. The Director of the State Docks Department, with the approval of the Governor is authorized to lease such property under the best terms obtainable and to the best interests of the State. Such

area may also be utilized in whole or in part by the State Docks Department for expansion of its own facilities if same is needed for such purposes.

Section 4. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 55; Nays 7.

**Yeas:**

|                 |            |                     |                   |
|-----------------|------------|---------------------|-------------------|
| Mr. Speaker     | Gilchrist  | Johnson (J. T. Tom) | Rast              |
| Adams (Houston) | Gilmer     | Lee                 | Ray               |
| Albea           | Goodwyn    | Locke               | Roberts           |
| Ashworth        | Gordon     | McClendon (Chamb)   | Rogers            |
| Boyd            | Gross      | McLendon (Bullock)  | Rozelle           |
| Broadfoot       | Grouby     | Merrill             | Sessions          |
| Camp            | Guthrie    | Morrow              | Smith (Russell)   |
| Casey           | Hain       | Murphy              | Smith (St. Clair) |
| Cates           | Hanby      | Oakley              | Sullivan          |
| Cornett         | Hankins    | Oden                | Thomas            |
| Dickson         | Hawkins    | Perry               | Torbert           |
| Dodd            | Hearn      | Pierce              | Trimmier          |
| Ferguson        | Hocklander | Powell              | Turner            |
| Franklin        | Jenkins    | Pruitt              |                   |

—55

**Nays:**

|          |                    |         |         |
|----------|--------------------|---------|---------|
| Messrs.: | Cabiness           | Meade   | Shumate |
| Bevill   | Johnston (Leonard) | Nettles | Speaks  |

—7

Mr. Murphy offered the following amendment to the bill, H. 343, as amended:

Amend H. B. 343 by striking from Section 2 thereof the words "shall be paid into the State Docks fund" and insert in lieu thereof the words "shall be paid into the funds of the Department of Conservation"

On motion of Mr. Hocklander the amendment offered by Mr. Murphy was laid upon the table.

Yeas 33; Nays 28.

**Yeas:**

|                 |                     |                    |                 |
|-----------------|---------------------|--------------------|-----------------|
| Mr. Speaker     | Gilchrist           | Locke              | Rogers          |
| Adams (Houston) | Goodwyn             | McClendon (Chamb)  | Sessions        |
| Ashworth        | Gordon              | McLendon (Bullock) | Smith (Russell) |
| Bailey          | Gross               | Oden               | Sullivan        |
| Callahan        | Hain                | Perry              | Thomas          |
| Casey           | Hocklander          | Pierce             | Torbert         |
| Cates           | Johnson (J. T. Tom) | Pruitt             | Turner          |
| Cornett         | Lee                 | Ray                | Turnham         |
| Dodd            |                     |                    |                 |

—33

**Nays:**

|           |          |                               |          |
|-----------|----------|-------------------------------|----------|
| Messrs.:  | Cabiness | Harris                        | Oakley   |
| Albea     | Camp     | Hearn                         | Powell   |
| Avery     | Edwards  | Johnston <sup>(Leonard)</sup> | Ramey    |
| Barnett   | Ferguson | Meade                         | Rozelle  |
| Bevill    | Grant    | Merrill                       | Shumate  |
| Bishop    | Hanby    | Murphy                        | Speaks   |
| Branyon   | Hankins  | Nettles                       | Trimmier |
| Broadfoot |          |                               |          |

—28

Mr. Trimmier offered the following amendment to the bill, H. 343, as amended:

Line 2 Sect 3 — insert after the words "to lease"

Provided that no lease shall extend beyond the term of the governor in office on the effective date of the lease

The motion of Mr. Hocklander to lay on the table the amendment offered by Mr. Trimmier was lost.

And the motion of Mr. Gilchrist to indefinitely postpone the amendment offered by Mr. Trimmier was adopted.

Yeas 37; Nays 25.

**Yeas:**

|                            |                                |                               |                            |
|----------------------------|--------------------------------|-------------------------------|----------------------------|
| Mr. Speaker                | Gilchrist                      | Lee                           | Pierce                     |
| Adams <sup>(Houston)</sup> | Goodwyn                        | Locke                         | Powell                     |
| Ashworth                   | Gordon                         | McClendon <sup>(Chamb)</sup>  | Pruitt                     |
| Bailey                     | Gross                          | McLendon <sup>(Bullock)</sup> | Ray                        |
| Bevill                     | Guthrie                        | Meade                         | Rogers                     |
| Boyd                       | Hain                           | Merrill                       | Sessions                   |
| Callahan                   | Hanby                          | Morrow                        | Smith <sup>(Russell)</sup> |
| Casey                      | Hocklander                     | Murphy                        | Steagall                   |
| Cornett                    | Johnson <sup>(J. T. Tom)</sup> | Oden                          | Torbert                    |
| Dodd                       |                                |                               |                            |

—37

**Nays:**

|           |                               |                                |                              |
|-----------|-------------------------------|--------------------------------|------------------------------|
| Messrs.:  | Harris                        | Perry                          | Smith <sup>(St. Clair)</sup> |
| Albea     | Jenkins                       | Ramey                          | Speaks                       |
| Avery     | Johnston <sup>(Leonard)</sup> | Rast                           | Sullivan                     |
| Branyon   | Long <sup>(Lauderdale)</sup>  | Reynolds <sup>(Chambers)</sup> | Thomas                       |
| Broadfoot | Martin                        | Rozelle                        | Trimmier                     |
| Cabiness  | Nettles                       | Shumate                        | Turnham                      |
| Edwards   | Oakley                        |                                |                              |

—25

And said bill, H. 343, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 26.

**Yeas:**

|                            |           |            |                                |
|----------------------------|-----------|------------|--------------------------------|
| Mr. Speaker                | Casey     | Goodwyn    | Johnson <sup>(J. T. Tom)</sup> |
| Adams <sup>(Houston)</sup> | Cates     | Gordon     | Lee                            |
| Ashworth                   | Cornett   | Grant      | Locke                          |
| Bailey                     | Dickson   | Gross      | McClendon <sup>(Chamb)</sup>   |
| Boyd                       | Dodd      | Hain       | McLendon <sup>(Bullock)</sup>  |
| Callahan                   | Gilchrist | Hocklander | Morrow                         |

|        |                            |          |         |     |
|--------|----------------------------|----------|---------|-----|
| Oden   | Ray                        | Steagall | Torbert |     |
| Perry  | Rogers                     | Sullivan | Turner  |     |
| Pierce | Sessions                   | Thomas   | Turnham |     |
| Pruitt | Smith <sup>(Russell)</sup> |          |         | —38 |

**Nays:**

|           |          |         |          |     |
|-----------|----------|---------|----------|-----|
| Messrs.:  | Cabiness | Jenkins | Powell   |     |
| Albea     | Camp     | Martin  | Ramey    |     |
| Avery     | Edwards  | Meade   | Rozelle  |     |
| Bevill    | Hanby    | Merrill | Shumate  |     |
| Bishop    | Hankins  | Murphy  | Speaks   |     |
| Branyon   | Harris   | Nettles | Trimmier |     |
| Broadfoot | Hearn    | Oakley  |          | —26 |

And the bill:

H. 504. To authorize commissioned officers and warrant officers of the Alabama army and air national guard to organize into an association; and to prescribe the power and authority of the association.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

**Yeas:**

|                            |            |                               |                              |     |
|----------------------------|------------|-------------------------------|------------------------------|-----|
| Mr. Speaker                | Dodd       | Johnston <sup>(Leonard)</sup> | Ramey                        |     |
| Adams <sup>(Houston)</sup> | Edwards    | Lee                           | Rast                         |     |
| Albea                      | Franklin   | Locke                         | Ray                          |     |
| Ashworth                   | Gilchrist  | Long <sup>(Lauderdale)</sup>  | Roberts                      |     |
| Avery                      | Gilmer     | McClendon <sup>(Chamb)</sup>  | Rogers                       |     |
| Bailey                     | Goodwyn    | McLendon <sup>(Bullock)</sup> | Rozelle                      |     |
| Bevill                     | Gordon     | Martin                        | Sessions                     |     |
| Bishop                     | Grant      | Meade                         | Shumate                      |     |
| Boyd                       | Gross      | Morrow                        | Smith <sup>(Russell)</sup>   |     |
| Branyon                    | Grouby     | Murphy                        | Smith <sup>(St. Clair)</sup> |     |
| Brewer                     | Guthrie    | Nettles                       | Speaks                       |     |
| Broadfoot                  | Hain       | Oakley                        | Sullivan                     |     |
| Cabiness                   | Hanby      | Oden                          | Thomas                       |     |
| Callahan                   | Hankins    | Perry                         | Torbert                      |     |
| Camp                       | Harris     | Pierce                        | Trimmier                     |     |
| Casey                      | Hawkins    | Powell                        | Turner                       |     |
| Cates                      | Hocklander | Pruitt                        | Turnham                      |     |
| Dickson                    | Jenkins    |                               |                              | —70 |

And the bill:

H. 683. To amend Act No. 664, H. 791, approved July 5, 1940 (General Acts of Alabama, 1939, p. 1050), which provides for the levy, assessment, and collection of mileage taxes from motor carriers in the State of Alabama, so as to eliminate the imposition of such tax on vehicles transporting property for hire.

Was taken up.

Mr. Harris moved that the bill, H. 683, be recommitted to the Standing Committee on Ways and Means.

The motion of Mr. Nettles to lay on the table the motion of Mr. Harris that the bill, H. 683, be recommitted to the Standing Committee on Ways and Means, was adopted.

Yeas 56; Nays 11.

**Yeas:**

|                            |            |                                |                              |
|----------------------------|------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cornett    | Jenkins                        | Pruitt                       |
| Adams <sup>(Houston)</sup> | Dickson    | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Albea                      | Dodd       | Locke                          | Roberts                      |
| Ashworth                   | Edwards    | McClendon <sup>(Chamb)</sup>   | Rogers                       |
| Bailey                     | Franklin   | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Bevill                     | Gilchrist  | Merrill                        | Shumate                      |
| Bishop                     | Goodwyn    | Morrow                         | Smith <sup>(Russell)</sup>   |
| Brewer                     | Gordon     | Murphy                         | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Grant      | Nettles                        | Sullivan                     |
| Cabiness                   | Gross      | Oakley                         | Thomas                       |
| Callahan                   | Guthrie    | Oden                           | Torbert                      |
| Camp                       | Hankins    | Perry                          | Trimmier                     |
| Casey                      | Hawkins    | Pierce                         | Turner                       |
| Cates                      | Hocklander | Powell                         | Turnham                      |

—56

**Nays:**

|          |        |                              |        |
|----------|--------|------------------------------|--------|
| Messrs.: | Hanby  | Lee                          | Meade  |
| Avery    | Harris | Long <sup>(Lauderdale)</sup> | Ramey  |
| Barnett  | Hearn  | Long <sup>(Perry)</sup>      | Speaks |

—11

And said bill, H. 683, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 13.

**Yeas:**

|                            |            |                                |                              |
|----------------------------|------------|--------------------------------|------------------------------|
| Mr. Speaker                | Dickson    | Jenkins                        | Powell                       |
| Adams <sup>(Houston)</sup> | Dodd       | Johnson <sup>(J. T. Tom)</sup> | Pruitt                       |
| Albea                      | Edwards    | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Ashworth                   | Franklin   | Locke                          | Roberts                      |
| Bailey                     | Gilchrist  | McClendon <sup>(Chamb)</sup>   | Rogers                       |
| Bevill                     | Goodwyn    | McLendon <sup>(Bullock)</sup>  | Sessions                     |
| Bishop                     | Gordon     | Merrill                        | Shumate                      |
| Brewer                     | Grant      | Morrow                         | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Gross      | Murphy                         | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Guthrie    | Nettles                        | Sullivan                     |
| Callahan                   | Hankins    | Oakley                         | Torbert                      |
| Camp                       | Hawkins    | Oden                           | Trimmier                     |
| Casey                      | Hearn      | Perry                          | Turner                       |
| Cates                      | Hocklander | Pierce                         | Turnham                      |
| Cornett                    |            |                                |                              |

—57

**Nays:**

|          |        |                              |        |
|----------|--------|------------------------------|--------|
| Messrs.: | Hain   | Long <sup>(Lauderdale)</sup> | Ramey  |
| Avery    | Hanby  | Martin                       | Speaks |
| Barnett  | Harris | Meade                        | Thomas |
| Branyon  | Lee    |                              |        |

—13

And the bill:

H. 684. To amend further Section 713, Title 51, Code of Alabama (1940), which relates to the distribution of motor vehicle and trailer license tax funds.

Was taken up.



Mr. Harris offered the following amendment to the bill, H. 684:  
Amend Section 1.

Strike out the term "thirty-seven percent" where ever it appears and insert therein the term "thirty-five percent."

Also strike out the term "sixty-three percent" and insert therein the term sixty-five percent.

On motion of Mr. Smith (Russell) the amendment offered by Mr. Harris was laid upon the table.

And said bill, H. 684, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 8.

**Yeas:**

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Dickson   | Hocklander                     | Powell                       |
| Adams <sup>(Houston)</sup> | Dodd      | Jenkins                        | Pruitt                       |
| Albea                      | Edwards   | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Ashworth                   | Franklin  | Johnston <sup>(Leonard)</sup>  | Roberts                      |
| Bailey                     | Gilchrist | Locke                          | Rogers                       |
| Bevill                     | Gilmer    | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Bishop                     | Gordon    | McLendon <sup>(Bullock)</sup>  | Shumate                      |
| Brewer                     | Grant     | Merrill                        | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Gross     | Morrow                         | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Guthrie   | Murphy                         | Sullivan                     |
| Callahan                   | Hain      | Nettles                        | Torbert                      |
| Camp                       | Hanby     | Oakley                         | Trimmier                     |
| Casey                      | Hankins   | Oden                           | Turner                       |
| Cates                      | Hawkins   | Perry                          | Turnham                      |
| Cornett                    | Hearn     | Pierce                         |                              |

—59

**Nays:**

|          |        |        |        |
|----------|--------|--------|--------|
| Messrs.: | Harris | Martin | Speaks |
| Avery    | Lee    | Ramey  | Thomas |
| Barnett  |        |        |        |

—8

And the bill:

H. 685 (with substitute). To amend Section 703, Title 51, Code of Alabama (1940), which relates to the license tax payable on trailers and semi-trailers.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 703, Title 51, Code of Alabama (1940), which relates to the license tax payable on trailers and semi-trailers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 703, Title 51, Code of Alabama (1940) is amended to read as follows:

"Section 703. Every trailer, small trailer, and semi-trailer subject to a license shall pay a license fee as herein provided. On each trailer, small trailer or semi-trailer for which the owner submits a sworn statement as a part of the registration application to the effect that the vehicle is used on and is domiciled upon a farm, or upon a woodlot (which is defined as an area devoted to the growing of forest trees) and is used primarily for the carriage of logs or pulpwood, except vehicles owned or leased by sawmill operators for this purpose, the license fee shall be five dollars. On every trailer, small trailer or semi-trailer, not eligible to qualify as a farm trailer, the license fee shall be ten dollars. The cost of the license plate or tag issued for such trailer or semi-trailer shall not be deemed a part of the license tax of any motor truck or truck-tractor with which the trailer or semi-trailer may be operated in combination. Trailers of any kind or description for hauling passengers for hire are prohibited by law. Small trailers attached to passenger cars, which are used for the transporting of less than fifteen hundred pounds except such units as are leased, rented, or otherwise operated for hire, are exempt from payment of any license. Provided that small trailers supported by their own wheels when used on a highway by a farmer for the purpose of transporting to and from his farm, farm products or products to be used on the farm, but for all other purposes they are prohibited, except as permission is given in other provisions of this article."

Section 2. This Act shall become effective on October 1, 1960.

And the substitute was adopted.

Yeas 58; Nays 2.

**Yeas:**

|                 |            |                     |                   |
|-----------------|------------|---------------------|-------------------|
| Mr. Speaker     | Dickson    | Jenkins             | Pruitt            |
| Adams (Houston) | Dodd       | Johnson (J. T. Tom) | Rast              |
| Albea           | Edwards    | Locke               | Ray               |
| Ashworth        | Franklin   | McClendon (Chamb)   | Rogers            |
| Bailey          | Gilchrist  | McLendon (Bullock)  | Sessions          |
| Bevill          | Gilmer     | Merrill             | Shumate           |
| Bishop          | Gordon     | Morrow              | Smith (Russell)   |
| Boyd            | Grant      | Murphy              | Smith (St. Clair) |
| Brewer          | Gross      | Nettles             | Sullivan          |
| Broadfoot       | Guthrie    | Oakley              | Thomas            |
| Cabiness        | Hain       | Oden                | Torbert           |
| Camp            | Hanby      | Perry               | Trimmier          |
| Casey           | Hankins    | Pierce              | Turner            |
| Cates           | Hawkins    | Powell              | Turnham           |
| Cornett         | Hocklander |                     |                   |

—58

**Nays:** Messrs. Avery and Lee.

—2

The motion of Mr. Harris to indefinitely postpone the bill, H. 685, as amended, was lost.

Yeas 9; Nays 54.

**Yeas:**

|          |        |                   |        |
|----------|--------|-------------------|--------|
| Messrs.: | Hanby  | Long (Lauderdale) | Speaks |
| Avery    | Harris | Ramey             | Thomas |
| Barnett  | Lee    |                   |        |

—9

**Nays:**

|                 |            |                     |                   |
|-----------------|------------|---------------------|-------------------|
| Mr. Speaker     | Dickson    | Johnson (J. T. Tom) | Powell            |
| Adams (Houston) | Dodd       | Johnston (Leonard)  | Pruitt            |
| Albea           | Edwards    | Locke               | Rast              |
| Ashworth        | Franklin   | McClendon (Chamb)   | Roberts           |
| Bailey          | Gilchrist  | McLendon (Bullock)  | Rogers            |
| Bevill          | Goodwyn    | Merrill             | Sessions          |
| Bishop          | Gordon     | Morrow              | Shumate           |
| Brewer          | Grant      | Murphy              | Smith (Russell)   |
| Broadfoot       | Gross      | Nettles             | Smith (St. Clair) |
| Cabiness        | Guthrie    | Oakley              | Sullivan          |
| Camp            | Hankins    | Oden                | Torbert           |
| Casey           | Hawkins    | Perry               | Trimmier          |
| Cates           | Hocklander | Pierce              | Turnham           |
| Cornett         | Jenkins    |                     |                   |

—54

Mr. Barnett offered the following amendment to the bill, H. 685, as amended:

**Section 703**

Strike out \$10.00 where it appears and insert therein \$50.00

On motion of Mr. Smith (Russell) the amendment offered by Mr. Barnett was laid upon the table.

Mr. Avery offered the following amendment to the bill, H. 685, as amended:

In Section 1, strike out "On every trailer, small trailer or semi-trailer not eligible to qualify as a farm trailer, the license fee shall be ten dollars. The cost of the license plate or tag issued for such trailer or semi-trailer shall not be deemed a part of the license tax of any motor truck or truck-tractor with which the trailer or semi-trailer may be operated in combination.", and insert "On every trailer or semi-trailer not eligible to qualify as a farm trailer, the license fee shall be one-half the license fee for the motor truck or truck-tractor with which it is operated in combination as specified in section 697 of this title as amended; however, when such a trailer or semi-trailer license is purchased, the license fee for the truck or truck-tractor with which it is used in combination shall be one-half the amount specified in said section 697, as amended. On every small trailer not eligible to qualify as a farm trailer, the license fee shall be ten dollars."

On motion of Mr. Nettles the amendment offered by Mr. Avery was laid upon the table.

Yeas 57; Nays 7.

**Yeas:**

|                 |           |                     |                    |
|-----------------|-----------|---------------------|--------------------|
| Mr. Speaker     | Callahan  | Grant               | McClendon (Chamb)  |
| Adams (Houston) | Camp      | Gross               | McLendon (Bullock) |
| Albea           | Casey     | Guthrie             | Merrill            |
| Ashworth        | Cates     | Hain                | Morrow             |
| Bailey          | Cornett   | Hankins             | Murphy             |
| Bevill          | Dodd      | Hawkins             | Nettles            |
| Bishop          | Edwards   | Hocklander          | Oden               |
| Boyd            | Franklin  | Jenkins             | Perry              |
| Brewer          | Gilchrist | Johnson (J. T. Tom) | Pierce             |
| Broadfoot       | Goodwyn   | Lee                 | Powell             |
| Cabiness        | Gordon    | Locke               | Pruitt             |

|         |                              |          |          |
|---------|------------------------------|----------|----------|
| Rast    | Sessions                     | Sullivan | Trimmier |
| Ray     | Smith <sup>(Russell)</sup>   | Thomas   | Turner   |
| Roberts | Smith <sup>(St. Clair)</sup> | Torbert  | Turnham  |
| Rogers  |                              |          | —57      |

**Nays:**

|          |         |                              |        |
|----------|---------|------------------------------|--------|
| Messrs.: | Barnett | Long <sup>(Lauderdale)</sup> | Ramey  |
| Avery    | Hanby   | Martin                       | Speaks |
|          |         |                              | —7     |

And said bill, H. 685, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 9.

**Yeas:**

|                            |            |                                |                              |
|----------------------------|------------|--------------------------------|------------------------------|
| Mr. Speaker                | Edwards    | Jenkins                        | Pruitt                       |
| Adams <sup>(Houston)</sup> | Franklin   | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Albea                      | Gilchrist  | Johnston <sup>(Leonard)</sup>  | Ray                          |
| Ashworth                   | Gilmer     | Locke                          | Roberts                      |
| Bevill                     | Goodwyn    | McClendon <sup>(Chamb)</sup>   | Rogers                       |
| Bishop                     | Grant      | Merrill                        | Sessions                     |
| Brewer                     | Gross      | Morrow                         | Shumate                      |
| Broadfoot                  | Guthrie    | Murphy                         | Smith <sup>(Russell)</sup>   |
| Callahan                   | Hain       | Nettles                        | Smith <sup>(St. Clair)</sup> |
| Camp                       | Hankins    | Oakley                         | Sullivan                     |
| Casey                      | Hawkins    | Oden                           | Torbert                      |
| Cates                      | Hearn      | Perry                          | Trimmier                     |
| Dodd                       | Hocklander | Powell                         | Turner                       |
|                            |            |                                | —52                          |

**Nays:**

|          |        |        |        |
|----------|--------|--------|--------|
| Messrs.: | Hanby  | Martin | Speaks |
| Avery    | Harris | Ramey  | Thomas |
| Barnett  | Lee    |        | —9     |

And the bill:

H. 686 (with substitute). To amend Section 697 of Title 51, Code of Alabama (1940), which prescribes the license taxes imposed upon motor trucks using fuel on which tax has been paid or is to be paid, to provide for the basing of such licenses on owner-declared gross vehicle weight.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 697 of Title 51, Code of Alabama (1940), which prescribes the license taxes imposed upon motor trucks using fuel on which tax has been paid or is to be paid, to provide for the basing of such licenses on owner-declared gross vehicle weight.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 697 of Title 51, Code of Alabama (1940), is amended to read as follows:

"Section 697. — (a) Each motor truck using exclusively motor fuel on which the excise tax imposed by this state has been paid, or motor fuel which will be included in the report required to be made to the department of revenue of motor fuel sold or stored and on which the state excise tax on motor fuel will be paid when same becomes due, shall pay a license tax in accordance with the following schedules, based on owner-declared gross vehicle weight. For purposes of computing the license tax payable hereunder, the term 'gross vehicle weight' shall mean the empty weight of the truck or truck-tractor, and, in the case of combinations, the empty weight of the heaviest trailer or semi-trailer with which the power unit shall be placed in combination, plus the heaviest load to be carried. No tolerance or margin of error allowable under any other provisions of law shall be deemed applicable to the provisions of this section.

"(b) Trucks and Truck-Tractors used on Farms. Motor trucks and truck-tractors for which the owner submits a sworn statement as a part of the registration application to the effect that the vehicle is used on and is domiciled upon a farm, or upon a woodlot (which for the purposes of this section means an area devoted to the growing of forest trees) and is used primarily for the carriage of logs or pulpwood (not including, however, vehicles owned or operated by forest products operators exclusively for this purpose), shall pay the following licenses:

| Gross Vehicle Weight in Pounds | Amount of License Tax |
|--------------------------------|-----------------------|
| 0 to 8,000                     | \$ 3.00               |
| 8,001 to 12,000                | 6.00                  |
| 12,001 to 16,000               | 9.00                  |
| 16,001 to 20,000               | 12.00                 |
| 20,001 to 24,000               | 15.00                 |
| 24,001 to 30,000               | 28.00                 |
| 30,001 to 36,000               | 34.00                 |
| 36,001 to 42,000               | 40.00                 |
| 42,001 and over                | 70.00                 |

"(c) Trucks and Truck-Tractors For-Hire. — Exclusive of trucks used for the transportation of household goods, personal furniture or other personal household effects and except as otherwise hereinafter provided, motor trucks and truck-tractors with more than two axles when a single unit truck, and all tractor-semi-trailer or truck-trailer combinations which are used to transport goods, wares, merchandise, or commodities of any kind or nature for compensation of any kind or operated under any rental lease, or other agreement where compensation is charged for the use of such vehicle except motor vehicles used in the transportation of commodities exempt under the Alabama Motor Carrier Act of 1939 as amended, either directly or indirectly, shall pay the following licenses:

| Gross Vehicle Weight in Pounds | Amount of License Tax |
|--------------------------------|-----------------------|
| 0 to 8,000                     | \$ 15.00              |
| 8,001 to 12,000                | 20.00                 |
| 12,001 to 16,000               | 30.00                 |
| 16,001 to 20,000               | 40.00                 |
| 20,001 to 24,000               | 50.00                 |
| 24,001 to 30,000               | 195.00                |
| 30,001 to 36,000               | 240.00                |
| 36,001 to 42,000               | 280.00                |
| 42,001 and over                | 400.00                |

"It is provided, however, that vehicles as described in this subsection which operate exclusively within 15 miles of the corporate limits of the incorporated municipality in which they are customarily domiciled (but not including vehicles operated beyond the borders of Alabama) are not considered to be for-hire, and shall be registered as not-for-hire vehicles.

"(d) Trucks and Truck-Tractors Not For Hire. — Motor trucks and truck-tractors which do not qualify for registration as either farm trucks or trucks for-hire or which are used exclusively for the transportation of household goods, personal furniture, or other personal household effects, or any truck, or tractor-semi-trailer, combination operated under any rental, lease or other agreement when the person furnishing the transportation is legally and regularly in the business of transporting his own property exclusively, shall pay the following licenses:

| Gross Vehicle Weight in Pounds | Amount of License Tax |
|--------------------------------|-----------------------|
| 0 to 8,000                     | \$ 15.00              |
| 8,001 to 12,000                | 20.00                 |
| 12,001 to 16,000               | 30.00                 |
| 16,001 to 20,000               | 40.00                 |
| 20,001 to 24,000               | 50.00                 |
| 24,001 to 30,000               | 70.00                 |
| 30,001 to 36,000               | 85.00                 |
| 36,001 to 42,000               | 100.00                |
| 42,001 and over                | 175.00                |

"(e) Except for trucks purchased prior to November fifteenth of any tax year, the licenses called for under this section shall be purchased on a monthly declining basis of one-twelfth, or for each month of the tax year, and the purchaser shall only buy a license for the then remaining months of the tax year; provided, however, that licenses costing less than twelve dollars (\$12.00) a year may not be purchased on such monthly declining basis. In figuring the license on a one-twelfth reduction for each month, the amount of any fraction shall be figured to the nearest ten cents above the fraction thereof. The purchaser of a motor truck purchased after November fifteenth of any tax year shall have such time to purchase the license called for hereunder as may be prescribed by rules and regulations affecting the purchase of said license promulgated by the department of revenue.

"(f) The owner of a motor truck or truck-tractor may voluntarily increase the allowable gross weight for which his vehicle is licensed by purchasing the license hereinabove prescribed for the appropriate weight classification and paying the difference in fees between the license which is surrendered and that for the higher weight classification desired. The license classification may not be decreased for a vehicle, however, except once a year at the time new license tags or plates are purchased for such vehicle. If upon inspection any vehicle licensed hereunder is found to weigh more than is permitted by the license plates which it carries (regardless of whether such weight is below the legal maximum permitted for other than licensing purposes), the owner of such vehicle shall purchase immediately a new license for the weight of the vehicle as inspected. In such an event, no credit shall be allowed for the surrendered under-rated license plates or tags, and the owner of the vehicle shall be subject to the penalty prescribed by law for using a motor vehicle with an improper license."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on October 1, 1960.

And the substitute was adopted.

Yeas 56; Nays 6.

**Yeas:**

|                 |            |                    |                   |
|-----------------|------------|--------------------|-------------------|
| Mr. Speaker     | Dodd       | Jenkins            | Pruitt            |
| Adams (Houston) | Edwards    | Johnston (Leonard) | Rast              |
| Albea           | Franklin   | Locke              | Ray               |
| Ashworth        | Gilchrist  | McClendon (Chamb)  | Roberts           |
| Bailey          | Gilmer     | McLendon (Bullock) | Rogers            |
| Bevill          | Goodwyn    | Merrill            | Sessions          |
| Bishop          | Grant      | Morrow             | Shumate           |
| Brewer          | Gross      | Murphy             | Smith (Russell)   |
| Broadfoot       | Guthrie    | Nettles            | Smith (St. Clair) |
| Camp            | Hain       | Oakley             | Speaks            |
| Casey           | Hanby      | Oden               | Sullivan          |
| Cates           | Hankins    | Perry              | Torbert           |
| Cook            | Hawkins    | Pierce             | Trimmier          |
| Cornett         | Hocklander | Powell             | Turnham           |

—56

**Nays:**

|          |         |                   |        |
|----------|---------|-------------------|--------|
| Messrs.: | Barnett | Lee               | Thomas |
| Avery    | Harris  | Long (Lauderdale) |        |

—6

Mr. Smith (Russell) offered the following amendment to the bill, H. 686, as amended:

Amend Section 1, paragraph (b) by striking out "used on and is domiciled upon a farm, or upon a woodlot (which for the purpose of this section means an area devoted to the growing of forest trees) and is used primarily for the carriage of logs or pulpwood (not including, however, vehicles owned or operated by forest products operators exclusively for this purpose)," and inserting in lieu thereof, "either (I) used and domiciled upon a farm; or (II) used exclusively for the transportation of limestone or limestone products; or (III) primarily used and designed for the transportation of logs, lumber, poles, pulpwood or other forest products, as exempt under the Alabama Motor Carrier Act of 1939, as amended,"

Amend Section 1, paragraph (d) by inserting the words "or trucks primarily used and designed for the transportation of logs, lumber, poles, pulpwood or other forest products", so as to read:

"(d) Trucks and Truck-Tractors Not For Hire. — Motor trucks and truck-tractors which do not qualify for registration as either farm trucks or trucks primarily used and designed for the transportation of logs, lumber, poles, pulpwood or other forest products or limestone and limestone products or trucks for-hire or which are used exclusively for the transportation of household goods, personal furniture, or other personal household effects, or any truck, or tractor-semi-trailer combination operated under any rental, lease or other agreement when the person furnishing the transportation is legally and regularly in the business of transporting his own property exclusively, shall pay the following licenses:

And the amendment was adopted.

Yeas 60; Nays 6.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Dodd      | Hocklander                    | Powell                       |
| Adams <sup>(Houston)</sup> | Edwards   | Jenkins                       | Pruitt                       |
| Albea                      | Franklin  | Johnson (J. T. Tom)           | Rast                         |
| Ashworth                   | Gilchrist | Johnston <sup>(Leonard)</sup> | Ray                          |
| Bailey                     | Gilmer    | Locke                         | Roberts                      |
| Bevill                     | Goodwyn   | McClendon <sup>(Chamb)</sup>  | Rogers                       |
| Bishop                     | Gordon    | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Brewer                     | Grant     | Merrill                       | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Gross     | Morrow                        | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Guthrie   | Murphy                        | Speaks                       |
| Callahan                   | Hain      | Nettles                       | Sullivan                     |
| Camp                       | Hanby     | Oakley                        | Torbert                      |
| Casey                      | Hankins   | Oden                          | Trimmier                     |
| Cates                      | Hawkins   | Perry                         | Turner                       |
| Cornett                    | Hearn     | Pierce                        | Turnham                      |

—60

**Nays:**

|          |        |                              |        |
|----------|--------|------------------------------|--------|
| Messrs.: | Harris | Long <sup>(Lauderdale)</sup> | Thomas |
| Avery    | Lee    | Ramey                        | —6     |

Mr. Avery offered the following amendment to the bill, H. 686, as amended:

## AMENDMENT TO H. B. 686

In paragraph (b) of Section 1, strike out the words "on and is domiciled."

On motion of Mr. Nettles the amendment offered by Mr. Avery was laid upon the table.

Yeas 41; Nays 20.

**Yeas:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker                | Dodd      | Hawkins                       | Perry                      |
| Adams <sup>(Houston)</sup> | Edwards   | Hocklander                    | Powell                     |
| Albea                      | Franklin  | Johnson (J. T. Tom)           | Pruitt                     |
| Bailey                     | Gilchrist | Jones <sup>(Covington)</sup>  | Rast                       |
| Bevill                     | Goodwyn   | McClendon <sup>(Chamb)</sup>  | Sessions                   |
| Bishop                     | Gordon    | McLendon <sup>(Bullock)</sup> | Smith <sup>(Russell)</sup> |
| Cabiness                   | Grant     | Merrill                       | Sullivan                   |
| Callahan                   | Gross     | Murphy                        | Torbert                    |
| Camp                       | Guthrie   | Nettles                       | Trimmier                   |
| Cates                      | Hankins   | Oden                          | Turnham                    |
| Cornett                    |           |                               |                            |

—41

**Nays:**

|           |                               |                              |        |
|-----------|-------------------------------|------------------------------|--------|
| Messrs.:  | Gilmer                        | Lee                          | Oakley |
| Avery     | Hain                          | Locke                        | Pierce |
| Barnett   | Hanby                         | Long <sup>(Lauderdale)</sup> | Ramey  |
| Boyd      | Harris                        | Martin                       | Speaks |
| Broadfoot | Johnston <sup>(Leonard)</sup> | Meade                        | Thomas |
| Dickson   |                               |                              |        |

—20

Mr. Harris offered the following amendment to the bill, H. 686, as amended:



Amend HB 686 by adding in Sec. 1 paragraph (B) thereof after the word "exclusively" in line 6 of said paragraph, the following:

"or any truck used primarily in the transportation of steel fabrication products, prefabricated houses or road building materials or equipment,".

On motion of Mr. Nettles the amendment offered by Mr. Harris was laid upon the table.

Yeas 43; Nays 12

**Yeas:**

|                            |                                |                               |                            |
|----------------------------|--------------------------------|-------------------------------|----------------------------|
| Mr. Speaker                | Goodwyn                        | McClendon <sup>(Chamb)</sup>  | Pruitt                     |
| Adams <sup>(Houston)</sup> | Gordon                         | McLendon <sup>(Bullock)</sup> | Rast                       |
| Albea                      | Grant                          | Merrill                       | Ray                        |
| Bevill                     | Gross                          | Morrow                        | Roberts                    |
| Brewer                     | Guthrie                        | Murphy                        | Sessions                   |
| Camp                       | Hawkins                        | Nettles                       | Smith <sup>(Russell)</sup> |
| Casey                      | Hearn                          | Oakley                        | Sullivan                   |
| Cates                      | Hocklander                     | Oden                          | Torbert                    |
| Cornett                    | Johnson <sup>(J. T. Tom)</sup> | Perry                         | Trimmier                   |
| Franklin                   | Jones <sup>(Covington)</sup>   | Pierce                        | Turnham                    |
| Gilchrist                  | Locke                          | Powell                        |                            |

—43

**Nays:**

|          |           |                               |        |
|----------|-----------|-------------------------------|--------|
| Messrs.: | Broadfoot | Harris                        | Meade  |
| Avery    | Cabiness  | Johnston <sup>(Leonard)</sup> | Speaks |
| Bailey   | Hanby     | Long <sup>(Lauderdale)</sup>  | Thomas |
| Barnett  |           |                               |        |

—12

Mr. Avery offered the following amendment to the bill, H. 686, as amended:

**AMENDMENT TO H. B. 686**

**Amend Subsection (b)**

Under Gross Vehicle weight in pounds and amount of License Tax, strike out "30,001 lbs. to 36,000 lbs — \$34.00; 36,001 lbs. to 42,000 lbs. at \$40.00 and 42,001 & over at \$70.00" and insert "30,001 and over \$28.00."

Mr. Nettles moved to lay on the table the amendment offered by Mr. Avery.

**MOTION TO ADJOURN LOST**

The motion of Mr. Brewer that the House adjourn until Thursday, November 5, 1959 at twelve o'clock, noon, was lost.

Yeas 32; Nays 36.

**Yeas:**

|           |          |                               |                              |
|-----------|----------|-------------------------------|------------------------------|
| Messrs.:  | Cates    | Johnston <sup>(Leonard)</sup> | Ray                          |
| Albea     | Dickson  | Lee                           | Shumate                      |
| Avery     | Franklin | McClendon <sup>(Chamb)</sup>  | Smith <sup>(St. Clair)</sup> |
| Barnett   | Gilmer   | Martin                        | Speaks                       |
| Boyd      | Grant    | Meade                         | Taylor                       |
| Branyon   | Hain     | Merrill                       | Thomas                       |
| Brewer    | Hanby    | Oakley                        | Trimmier                     |
| Broadfoot | Jenkins  | Ramey                         | Turnham                      |
| Cabiness  |          |                               |                              |

—32

**Nays:**

|                 |            |                     |                 |
|-----------------|------------|---------------------|-----------------|
| Mr. Speaker     | Gilchrist  | Johnson (J. T. Tom) | Perry           |
| Adams (Houston) | Goodwyn    | Jones (Covington)   | Pierce          |
| Ashworth        | Gordon     | Locke               | Powell          |
| Bailey          | Gross      | Long (Lauderdale)   | Pruitt          |
| Bevill          | Grouby     | McLendon (Bullock)  | Rast            |
| Camp            | Guthrie    | Morrow              | Sessions        |
| Cornett         | Hawkins    | Murphy              | Smith (Russell) |
| Dodd            | Hearn      | Nettles             | Sullivan        |
| Edwards         | Hocklander | Oden                | Torbert         |

—36

**ADJOURNMENT**

The hour of 12:00 o'clock, midnight, having arrived, the Speaker declared the House adjourned to meet again at 12:01 A. M. Thursday, November 5, 1959, in accordance with the Motion in Writing by Mr. Roberts heretofore adopted.

**THIRTY-FOURTH DAY**

House of Representatives  
Montgomery, Alabama  
Thursday, November 5, 1959

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Representative Charles S. Trimmier, member of the House of Representatives from Mobile County, Mobile, Alabama.

**ROLL CALL**

On a call of the roll of the House the following members answered to their names:

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Cornett     | Hardy               | Morrow              |
| Adams (Houston) | Daniel      | Harris              | Murphy              |
| Albea           | Dickson     | Hawkins             | Nettles             |
| Ashworth        | Dodd        | Hearn               | Nichols             |
| Avery           | Edwards     | Hocklander          | Oakley              |
| Bailey          | Faulk       | Ingram              | Oden                |
| Barnett         | Ferguson    | Jenkins             | Owens               |
| Bevill          | Franklin    | Johnson (Hardaway)  | Perry               |
| Bishop          | Gilchrist   | Johnson (J. T. Tom) | Phillips            |
| Boyd            | Gilmer      | Johnston (Leonard)  | Pierce              |
| Brannan         | Glass       | Jones (Covington)   | Powell              |
| Branyon         | Goldthwaite | Jones (Monroe)      | Pruitt              |
| Brewer          | Goodwyn     | Lee                 | Ramey               |
| Broadfoot       | Gordon      | Locke               | Rast                |
| Cabiness        | Grant       | Long (Lauderdale)   | Ray                 |
| Callahan        | Gross       | Long (Perry)        | Reynolds (Chambers) |
| Camp            | Grouby      | McClendon (Chamb)   | Roberts             |
| Casey           | Guthrie     | McLendon (Bullock)  | Rogers              |
| Cates           | Hain        | Martin              | Rozelle             |
| Chambers        | Hanby       | Meade               | Salter              |
| Copeland        | Hankins     | Merrill             | Sessions            |

|                   |          |         |          |
|-------------------|----------|---------|----------|
| Shumate           | Solomon  | Taylor  | Trimmier |
| Smith (Russell)   | Speaks   | Thomas  | Turner   |
| Smith (St. Clair) | Sullivan | Torbert | Turnham  |

—96

A quorum was present.

### LEAVES OF ABSENCE

On motion of Mr. Ashworth leaves of absence were granted to Messrs. Cook and McCorquodale because of personal illness.

### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirty-third legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the thirty-third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirty-third legislative day was approved.

Yeas 52; Nays 10.

#### Yeas:

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Mr. Speaker     | Franklin  | Hocklander         | Perry             |
| Adams (Houston) | Gilchrist | Jenkins            | Pierce            |
| Albea           | Gilmer    | Johnston (Leonard) | Powell            |
| Ashworth        | Goodwyn   | Jones (Covington)  | Pruitt            |
| Bailey          | Gordon    | Locke              | Rast              |
| Bevill          | Grant     | McClendon (Chamb)  | Roberts           |
| Bishop          | Gross     | McLendon (Bullock) | Sessions          |
| Boyd            | Grouby    | Meade              | Smith (Russell)   |
| Camp            | Hain      | Morrow             | Smith (St. Clair) |
| Cates           | Hanby     | Murphy             | Speaks            |
| Dickson         | Hankins   | Nettles            | Sullivan          |
| Dodd            | Hawkins   | Oakley             | Torbert           |
| Edwards         | Hearn     | Oden               | Trimmier          |

—52

#### Nays:

|          |                   |         |         |
|----------|-------------------|---------|---------|
| Messrs.: | Harris            | Martin  | Thomas  |
| Avery    | Lee               | Ramey   | Turnham |
| Cabiness | Long (Lauderdale) | Shumate |         |

—10

### RECESS

On motion of Mr. Murphy the House recessed until 2:00 o'clock this afternoon.

Yeas 41; Nays 24.

#### Yeas:

|          |         |         |           |
|----------|---------|---------|-----------|
| Messrs.: | Avery   | Branyon | Broadfoot |
| Albea    | Barnett | Brewer  | Cabiness  |

|          |                               |          |                              |
|----------|-------------------------------|----------|------------------------------|
| Camp     | Hankins                       | Merrill  | Shumate                      |
| Cates    | Harris                        | Morrow   | Smith <sup>(St. Clair)</sup> |
| Dodd     | Hocklander                    | Murphy   | Speaks                       |
| Edwards  | Jenkins                       | Oakley   | Sullivan                     |
| Franklin | Johnston <sup>(Leonard)</sup> | Ramey    | Taylor                       |
| Gilmer   | Lee                           | Rast     | Thomas                       |
| Gordon   | Locke                         | Ray      | Trimmier                     |
| Hain     | Martin                        | Sessions | Turnham                      |
| Hanby    | Meade                         |          |                              |

—41

**Nays:**

|                            |           |                                |                            |
|----------------------------|-----------|--------------------------------|----------------------------|
| Mr. Speaker                | Cornett   | Grouby                         | Perry                      |
| Adams <sup>(Houston)</sup> | Dickson   | Johnson <sup>(J. T. Tom)</sup> | Pierce                     |
| Ashworth                   | Gilchrist | McClendon <sup>(Chamb)</sup>   | Powell                     |
| Bailey                     | Goodwyn   | McLendon <sup>(Bullock)</sup>  | Pruitt                     |
| Bevill                     | Grant     | Nettles                        | Smith <sup>(Russell)</sup> |
| Boyd                       | Gross     | Oden                           | Torbert                    |

—24

## AFTERNOON SESSION

The hour of 2:00 o'clock P. M. having arrived, the House reconvened.

SUPREME COURT ADVISORY OPINION  
OFFICE OF  
CLERK OF THE SUPREME COURT  
STATE OF ALABAMA  
MONTGOMERY

J. Render Thomas  
Clerk

November 5, 1959

Mr. Oakley Melton, Jr.  
Clerk of The House of Representatives  
The Legislature of Alabama  
State Capitol  
Montgomery, Alabama

In re:— Request for an Advisory Opinion by House Resolution No. 69, concerning House Bill No. 821.

Dear Mr. Melton:—

I enclose herewith two copies of the Opinion of the Justices of the Supreme Court of Alabama in response and answer to the request of The House of Representatives by House Resolution No. 69 adopted on October 2, 1959, for an advisory opinion of the Justices concerning important constitutional questions that have arisen relative to House Bill No. 821, now pending before The House of Representatives.

Yours very truly,

/s/ J. RENDER THOMAS,  
Clerk, Supreme Court  
of Alabama

JRT/ld  
Encls: 2.

## SUPREME COURT ADVISORY OPINION

Received, read and ordered filed.

SUPREME COURT ADVISORY OPINION  
OFFICE OF  
CLERK OF THE SUPREME COURT  
STATE OF ALABAMA  
MONTGOMERY

J. Render Thomas  
Clerk

November 5, 1959

Mr. Oakley Melton, Jr.  
Clerk of The House of Representatives  
The Legislature of Alabama  
State Capitol  
Montgomery, Alabama

In re:— Request for an Advisory Opinion by House Resolution No. 68, concerning House Bill No. 782

Dear Mr. Melton:—

I enclose herewith two copies of the Opinions of the Justices of the Supreme Court of Alabama in response and answer to the request of The House of Representatives by House Resolution No. 68 adopted on October 2, 1959, for an advisory opinion of the Justices concerning important constitutional questions that have arisen relative to House Bill No. 782, now pending before The House of Representatives.

/s/ J. Render Thomas,  
Clerk of the Supreme Court  
of Alabama

JRT/lid  
Encls: 2

## SUPREME COURT ADVISORY OPINION

Received, read and ordered filed.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules beg leave to report that said committee in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 291. To provide for the construction, maintenance and repair of streets, roads, drives, and parking areas on the campus of any state institution of higher learning, the Alabama State Hospitals and the Partlow State School.

CHAS. C. ADAMS,  
Chairman.

The above and foregoing report of the Standing Committee on Rules was concurred in and adopted.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Smith (Russell) to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 1116, was adopted.

And the bill:

H. 1116. To make an additional appropriation for payment of expenses of the Legislature.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 74; Nays 6.

## Yeas:

|                            |           |                                |                              |
|----------------------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker                | Daniel    | Hawkins                        | Pruitt                       |
| Adams <sup>(Houston)</sup> | Dodd      | Hocklander                     | Ramey                        |
| Albea                      | Edwards   | Ingram                         | Rast                         |
| Ashworth                   | Ferguson  | Jenkins                        | Ray                          |
| Avery                      | Franklin  | Johnson <sup>(J. T. Tom)</sup> | Rogers                       |
| Bailey                     | Gilchrist | Johnston <sup>(Leonard)</sup>  | Rozelle                      |
| Barnett                    | Gilmer    | Jones <sup>(Monroe)</sup>      | Salter                       |
| Bevill                     | Glass     | Locke                          | Sessions                     |
| Bishop                     | Goodwyn   | McClendon <sup>(Chamb)</sup>   | Shumate                      |
| Boyd                       | Gordon    | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Brannan                    | Grant     | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Gross     | Merrill                        | Sullivan                     |
| Broadfoot                  | Grouby    | Murphy                         | Taylor                       |
| Callahan                   | Guthrie   | Nichols                        | Thomas                       |
| Camp                       | Hain      | Oden                           | Torbert                      |
| Casey                      | Hanby     | Perry                          | Trimmier                     |
| Cates                      | Hankins   | Phillips                       | Turner                       |
| Chambers                   | Hardy     | Pierce                         | Turnham                      |
| Cornett                    | Harris    |                                |                              |

—74

## Nays:

|          |         |                                |        |
|----------|---------|--------------------------------|--------|
| Messrs.: | Lee     | Oakley                         | Speaks |
| Cabiness | Nettles | Reynolds <sup>(Chambers)</sup> |        |

—6

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Smith (Russell) to suspend the rules in order to allow the Standing Committee on Ways and Means to report, was adopted.

Yeas 71; Nays 6.

## Yeas:

|                            |           |           |                                |
|----------------------------|-----------|-----------|--------------------------------|
| Mr. Speaker                | Brewer    | Faulk     | Guthrie                        |
| Adams <sup>(Houston)</sup> | Broadfoot | Ferguson  | Hain                           |
| Albea                      | Callahan  | Franklin  | Hanby                          |
| Ashworth                   | Camp      | Gilchrist | Hankins                        |
| Avery                      | Casey     | Gilmer    | Hardy                          |
| Bailey                     | Cates     | Glass     | Hawkins                        |
| Bevill                     | Chambers  | Goodwyn   | Ingram                         |
| Bishop                     | Cornett   | Gordon    | Johnson <sup>(J. T. Tom)</sup> |
| Boyd                       | Dickson   | Gross     | Johnston <sup>(Leonard)</sup>  |
| Brannan                    | Dodd      | Grouby    | Jones <sup>(Covington)</sup>   |

|                    |          |                   |          |
|--------------------|----------|-------------------|----------|
| Locke              | Oden     | Roberts           | Speaks   |
| Long (Lauderdale)  | Perry    | Rogers            | Sullivan |
| McClendon (Chamb)  | Phillips | Rozelle           | Thomas   |
| McLendon (Bullock) | Pierce   | Salter            | Torbert  |
| Merrill            | Powell   | Sessions          | Trimmier |
| Morrow             | Pruitt   | Shumate           | Turner   |
| Murphy             | Rast     | Smith (Russell)   | Turnham  |
| Nichols            | Ray      | Smith (St. Clair) |          |

—71

**Nays:**

|          |        |        |                     |
|----------|--------|--------|---------------------|
| Messrs.: | Harris | Martin | Reynolds (Chambers) |
| Cabiness | Lee    | Ramey  |                     |

—6

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Brewer to suspend the rules in order to allow all Standing Committees to report was adopted.

**BILLS ON SECOND READING**

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 96. Relating to privilege license taxes on businesses, vocations, or occupations; amending further Section 556 of Title 51, Code of Alabama (1940), in relation to the license for the privilege of operating an iron ore mine.

S. 354. To amend Section 1 of Act No. 296, page 493, 1945 General Acts of Alabama, approved July 7, 1945, entitled "An Act To amend Section 55 of Title 8 of the Code of Alabama 1940" which pertains to the fees of arresting officers in game and fish cases.

S. 284. To amend Act No. 743, H. 150, approved September 23, 1957, Acts of Alabama, 1957, p. 1173), entitled "An Act To provide for a refund of a portion of the state tax paid on gasoline which is used in propelling or operating tractors used exclusively for agricultural purposes, or which is used in operating auxiliary engines attached to and made a part of certain farm machinery; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the commissioner of revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor; and repealing Act No. 323, H. 35, approved August 7, 1949 (Acts of Alabama, 1949, p. 469)."

Mr. Ashworth, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 133 (with amendment). To revise and amend Title 24, Code of Alabama 1940, which relates to hotels and innkeepers.

Mr. Reynolds (Chambers) Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 439. To further regulate the office of Circuit Solicitor of the 20th Judicial Circuit of Alabama; creating special funds for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in each county of said Circuit and to provide for supplies, books, fixtures and facilities for use by or in the Office of Circuit Judge, Circuit Solicitor or in the Court room of each county in said Circuit.

S. 429. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

#### MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor, relative to House Bill No. 806.

Respectfully submitted,

JOSEPH G. ROBERTSON,  
Executive Secretary.

NOVEMBER 5, 1959

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which this bill originated, House Bill 806, with a suggested executive amendment, as follows:

Amend House Bill 806 by striking out Section 2 and inserting in lieu thereof the following:

"Section 2. This Act shall become effective on the same date that the Act proposed by House Bill No. 807 becomes effective, and if the Act proposed by said House Bill No. 807 does not become law this Act shall have no effect."

This bill is being returned with the full knowledge and approval of the authors of the bill, and if the amendment is adopted, it will remove my objection to the bill.

Respectfully,

JOHN PATTERSON,  
Governor.

#### GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 806, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 80; Nays 1.



**Yeas:**

|                            |           |                                |                                |
|----------------------------|-----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dodd      | Hocklander                     | Pierce                         |
| Adams <sup>(Houston)</sup> | Edwards   | Ingram                         | Powell                         |
| Albea                      | Faulk     | Jenkins                        | Pruitt                         |
| Ashworth                   | Ferguson  | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Avery                      | Franklin  | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Bailey                     | Gilchrist | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Gilmer    | Locke                          | Roberts                        |
| Bevill                     | Glass     | Long <sup>(Lauderdale)</sup>   | Rogers                         |
| Bishop                     | Goodwyn   | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Boyd                       | Gordon    | McLendon <sup>(Bullock)</sup>  | Salter                         |
| Brannan                    | Grant     | Martin                         | Sessions                       |
| Brewer                     | Gross     | Merrill                        | Shumate                        |
| Broadfoot                  | Grouby    | Murphy                         | Smith <sup>(St. Clair)</sup>   |
| Callahan                   | Guthrie   | Nettles                        | Solomon                        |
| Camp                       | Hain      | Nichols                        | Speaks                         |
| Cates                      | Hanby     | Oakley                         | Sullivan                       |
| Chambers                   | Hankins   | Oden                           | Taylor                         |
| Cornett                    | Hardy     | Owens                          | Thomas                         |
| Daniel                     | Harris    | Perry                          | Trimmier                       |
| Dickson                    | Hawkins   | Phillips                       | Turnham                        |

—80

**Nay:** Mr. Cabiness.

—1

Which was a majority of the whole number elected to the House.

And said bill:

H. 806: To make an annual appropriation from the general fund of Walker County to support the Peoples' Hospital of Walker County.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 77; Nays 0.

**Yeas:**

|                            |           |                                |                                |
|----------------------------|-----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dickson   | Hocklander                     | Pierce                         |
| Adams <sup>(Houston)</sup> | Dodd      | Ingram                         | Powell                         |
| Albea                      | Faulk     | Jenkins                        | Pruitt                         |
| Ashworth                   | Ferguson  | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Avery                      | Gilchrist | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Bailey                     | Gilmer    | Lee                            | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Glass     | Locke                          | Roberts                        |
| Bevill                     | Goodwyn   | McClendon <sup>(Chamb)</sup>   | Rogers                         |
| Bishop                     | Gordon    | McLendon <sup>(Bullock)</sup>  | Rozelle                        |
| Boyd                       | Grant     | Martin                         | Salter                         |
| Brannan                    | Gross     | Merrill                        | Shumate                        |
| Brewer                     | Grouby    | Murphy                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Guthrie   | Nettles                        | Solomon                        |
| Cabiness                   | Hain      | Nichols                        | Speaks                         |
| Callahan                   | Hanby     | Oakley                         | Sullivan                       |
| Camp                       | Hankins   | Oden                           | Taylor                         |
| Cates                      | Hardy     | Owens                          | Thomas                         |
| Chambers                   | Harris    | Perry                          | Trimmier                       |
| Cornett                    | Hawkins   | Phillips                       | Turnham                        |
| Daniel                     |           |                                |                                |

—77

Which was a majority of the whole number elected to the House.

## MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor, relative to House Bill No. 805.

Respectfully,

JOSEPH G. ROBERTSON,  
Executive Secretary.

NOVEMBER 5, 1959

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which this bill originated, House Bill 805, with a suggested executive amendment, as follows:

Amend House Bill 805 by striking out Section 13 and inserting in lieu thereof the following:

"Section 13. This Act shall become effective on the same date that the Act proposed by House Bill No. 807 becomes effective, and if the Act proposed by said House Bill No. 807 does not become law this Act shall have no effect."

This bill is being returned with the full knowledge and approval of the authors of the bill, and if the above amendment is adopted, it will remove my objection to the bill.

Respectfully,

JOHN PATTERSON,  
Governor.

## GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 805, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 78; Nays 1.

## Yeas:

|                            |          |           |            |
|----------------------------|----------|-----------|------------|
| Mr. Speaker                | Brewer   | Faulk     | Grouby     |
| Adams <sup>(Houston)</sup> | Camp     | Ferguson  | Guthrie    |
| Albea                      | Casey    | Franklin  | Hain       |
| Ashworth                   | Cates    | Gilchrist | Hanby      |
| Bailey                     | Chambers | Gilmer    | Hankins    |
| Barnett                    | Cornett  | Glass     | Hardy      |
| Bevill                     | Daniel   | Goodwyn   | Harris     |
| Bishop                     | Dickson  | Gordon    | Hawkins    |
| Boyd                       | Dodd     | Grant     | Hocklander |
| Brannan                    | Edwards  | Gross     | Ingram     |

|                     |          |                     |                   |
|---------------------|----------|---------------------|-------------------|
| Jenkins             | Merrill  | Powell              | Shumate           |
| Johnson (J. T. Tom) | Murphy   | Pruitt              | Smith (St. Clair) |
| Johnston (Leonard)  | Nettles  | Rast                | Solomon           |
| Jones (Covington)   | Nichols  | Ray                 | Speaks            |
| Lee                 | Oakley   | Reynolds (Chambers) | Sullivan          |
| Locke               | Oden     | Roberts             | Taylor            |
| Long (Perry)        | Owens    | Rogers              | Thomas            |
| McClendon (Chamb)   | Perry    | Rozelle             | Trimmier          |
| McLendon (Bullock)  | Phillips | Salter              | Turnham           |
| Martin              | Pierce   |                     |                   |

—78

**Nay:** Mr. Cabiness.

—1

Which was a majority of the whole number elected to the House.

And said bill:

H. 805. To levy in Walker County a county license tax, in addition to all other taxes or licenses now required by law, on each package of cigarettes sold, stored, or received, for the purpose of distribution to any person, firm, corporation, club, or association within the county; to provide for the payment of the tax by the purchase and sale of stamps to be affixed to each package of cigarettes sold or distributed in such county; to provide for the ascertainment, collection, payment, distribution, and use of such license tax and for the enforcement of this Act; and to prescribe penalties and fix the punishment for violations of the Act.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 80; Nays 0.

**Yeas:**

|                 |            |                     |                   |
|-----------------|------------|---------------------|-------------------|
| Mr. Speaker     | Faulk      | Johnson (J. T. Tom) | Pruitt            |
| Adams (Houston) | Ferguson   | Johnston (Leonard)  | Ramey             |
| Ashworth        | Franklin   | Lee                 | Rast              |
| Avery           | Gilchrist  | Locke               | Ray               |
| Bailey          | Gilmer     | Long (Lauderdale)   | Rogers            |
| Barnett         | Glass      | Long (Perry)        | Rozelle           |
| Bevill          | Gordon     | McClendon (Chamb)   | Salter            |
| Bishop          | Grant      | McLendon (Bullock)  | Sessions          |
| Boyd            | Gross      | Martin              | Shumate           |
| Brannan         | Grouby     | Meade               | Smith (Russell)   |
| Brewer          | Guthrie    | Merrill             | Smith (St. Clair) |
| Cabiness        | Hain       | Morrow              | Solomon           |
| Camp            | Hanby      | Murphy              | Speaks            |
| Casey           | Hankins    | Nettles             | Sullivan          |
| Chambers        | Hardy      | Nichols             | Taylor            |
| Cornett         | Harris     | Oden                | Thomas            |
| Daniel          | Hearn      | Owens               | Torbert           |
| Dickson         | Hocklander | Perry               | Trimmier          |
| Dodd            | Ingram     | Phillips            | Turner            |
| Edwards         | Jenkins    | Powell              | Turnham           |

—80

Which was a majority of the whole number elected to the House.

#### GOVERNOR'S MESSAGE

On motion of Mr. Speaks, consideration of the suggested Executive amendment to the bill, H. 812, as contained in the Message from the

Governor and set out in the Journal of the House on the thirty-second legislative day, was postponed until the next legislative day.

### MOTION TO SUSPEND RULES LOST

The motion of Mr. Bishop to suspend the rules in order to introduce a resolution was lost.

Yeas 49; Nays 26.

#### Yeas:

|                            |                               |                              |                                |
|----------------------------|-------------------------------|------------------------------|--------------------------------|
| Messrs.:                   | Chambers                      | Lee                          | Rast                           |
| Adams <sup>(Houston)</sup> | Daniel                        | Long <sup>(Lauderdale)</sup> | Reynolds <sup>(Chambers)</sup> |
| Avery                      | Dickson                       | Long <sup>(Perry)</sup>      | Rogers                         |
| Barnett                    | Ferguson                      | Martin                       | Rozelle                        |
| Bishop                     | Glass                         | Morrow                       | Salter                         |
| Brannan                    | Goldthwaite                   | Murphy                       | Smith <sup>(Russell)</sup>     |
| Branyon                    | Grant                         | Nettles                      | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Hankins                       | Nichols                      | Solomon                        |
| Broadfoot                  | Harris                        | Oakley                       | Speaks                         |
| Cabiness                   | Hawkins                       | Owens                        | Sullivan                       |
| Callahan                   | Hearn                         | Phillips                     | Taylor                         |
| Camp                       | Jenkins                       | Ramey                        | Thomas                         |
| Casey                      | Johnston <sup>(Leonard)</sup> |                              |                                |

—49

#### Nays:

|             |           |                                |          |
|-------------|-----------|--------------------------------|----------|
| Mr. Speaker | Franklin  | Hocklander                     | Perry    |
| Ashworth    | Gilchrist | Ingram                         | Pierce   |
| Boyd        | Gilmer    | Johnson <sup>(J. T. Tom)</sup> | Powell   |
| Cates       | Gordon    | Jones <sup>(Monroe)</sup>      | Pruitt   |
| Cornett     | Gross     | Locke                          | Sessions |
| Dodd        | Grouby    | Merrill                        | Turner   |
| Faulk       | Guthrie   |                                |          |

—26

### BILLS ON THIRD READING

#### H. 997 INDEFINITELY POSTPONED

On motion of Mr. Broadfoot, the bill, H. 997, was indefinitely postponed.

And the bill:

S. 399. To extend, alter and rearrange the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama.

Was read a third time at length and passed.

Yeas 80; Nays 0.

#### Yeas:

|                            |           |             |         |
|----------------------------|-----------|-------------|---------|
| Mr. Speaker                | Branyon   | Dickson     | Grant   |
| Adams <sup>(Houston)</sup> | Brewer    | Dodd        | Gross   |
| Albea                      | Broadfoot | Edwards     | Grouby  |
| Ashworth                   | Cabiness  | Faulk       | Hain    |
| Bailey                     | Camp      | Ferguson    | Hanby   |
| Barnett                    | Casey     | Franklin    | Hankins |
| Bevill                     | Cates     | Gilmer      | Hardy   |
| Bishop                     | Chambers  | Glass       | Harris  |
| Boyd                       | Cornett   | Goldthwaite | Hawkins |
| Brannan                    | Daniel    | Gordon      | Hearn   |

|                    |         |          |                   |
|--------------------|---------|----------|-------------------|
| Hocklander         | Martin  | Phillips | Smith (Russell)   |
| Ingram             | Meade   | Pierce   | Smith (St. Clair) |
| Johnston (Leonard) | Merrill | Powell   | Solomon           |
| Jones (Covington)  | Morrow  | Ramey    | Speaks            |
| Lee                | Murphy  | Rast     | Sullivan          |
| Locke              | Nettles | Ray      | Taylor            |
| Long (Lauderdale)  | Nichols | Rogers   | Thomas            |
| Long (Perry)       | Oakley  | Rozelle  | Torbert           |
| McClendon (Chamb)  | Owens   | Salter   | Trimmier          |
| McLendon (Bullock) | Perry   | Sessions | Turnham           |

—80

## H. 949 INDEFINITELY POSTPONED

On motion of Mr. Broadfoot, the bill, H. 949, was indefinitely postponed.

## H. 1044 INDEFINITELY POSTPONED

On motion of Mr. Trimmier, the bill, H. 1044, was indefinitely postponed.

And the bill:

S. 418. To amend Section 1 of the Act of the Legislature approved on the 9th day of August, 1949, General and Local Acts, 1949, Page 536, entitled: "To provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being served by the Mobile Public Library."

Was read a third time at length and passed.

Yeas 71; Nays 0.

## Yeas:

|                 |             |                    |                   |
|-----------------|-------------|--------------------|-------------------|
| Mr. Speaker     | Cornett     | Harris             | Phillips          |
| Adams (Houston) | Dickson     | Hawkins            | Pierce            |
| Albea           | Dodd        | Hearn              | Powell            |
| Ashworth        | Edwards     | Hocklander         | Ramey             |
| Bailey          | Faulk       | Ingram             | Rast              |
| Barnett         | Ferguson    | Johnston (Leonard) | Ray               |
| Bevill          | Franklin    | Jones (Covington)  | Rogers            |
| Bishop          | Gilmer      | Lee                | Rozelle           |
| Boyd            | Glass       | Locke              | Sessions          |
| Brannan         | Goldthwaite | Long (Perry)       | Smith (Russell)   |
| Branyon         | Gordon      | McClendon (Chamb)  | Smith (St. Clair) |
| Brewer          | Grant       | McLendon (Bullock) | Solomon           |
| Broadfoot       | Grouby      | Merrill            | Speaks            |
| Cabiness        | Guthrie     | Morrow             | Sullivan          |
| Camp            | Hain        | Nettles            | Taylor            |
| Casey           | Hanby       | Oakley             | Thomas            |
| Cates           | Hankins     | Owens              | Trimmier          |
| Chambers        | Hardy       | Perry              |                   |

—71

And the bill:

H. 653. To amend Act No. 245, H. 343, approved June 26, 1945 (General Acts of Alabama, 1945, p. 367), which created the office of Commissioner of Licenses in counties having a population of not less than 140,000 nor more than 400,000 inhabitants, according to the last or

any subsequent federal census, and which provided for his election, term, powers, duties, authority and compensation.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 0.

**Yeas:**

|                            |             |                     |                     |
|----------------------------|-------------|---------------------|---------------------|
| Mr. Speaker                | Dodd        | Jenkins             | Powell              |
| Adams <sup>(Houston)</sup> | Edwards     | Johnson (J. T. Tom) | Ramey               |
| Albea                      | Faulk       | Johnston (Leonard)  | Rast                |
| Ashworth                   | Ferguson    | Jones (Covington)   | Ray                 |
| Bailey                     | Franklin    | Jones (Monroe)      | Reynolds (Chambers) |
| Barnett                    | Gilmer      | Lee                 | Rogers              |
| Bevill                     | Glass       | Locke               | Rozelle             |
| Bishop                     | Goldthwaite | Long (Perry)        | Salter              |
| Boyd                       | Gordon      | McClendon (Chamb)   | Sessions            |
| Brannan                    | Grant       | McLendon (Bullock)  | Shumate             |
| Branyon                    | Gross       | <del>Meade</del>    | Smith (St. Clair)   |
| Brewer                     | Grouby      | Merrill             | Solomon             |
| Broadfoot                  | Guthrie     | Murphy              | Speaks              |
| Cabiness                   | Hain        | Nettles             | Sullivan            |
| Camp                       | Hanby       | Nichols             | Taylor              |
| Casey                      | Hankins     | Oakley              | Thomas              |
| Cates                      | Hardy       | Oden                | Torbert             |
| Chambers                   | Hawkins     | Perry               | Trimmier            |
| Cornett                    | Hearn       | Phillips            | Turner              |
| Daniel                     | Hocklander  | Pierce              | Turnham             |
| Dickson                    | Ingram      |                     |                     |

—82

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Brewer to suspend the rules in order to introduce a resolution was adopted.

**RESOLUTION**

The following resolution was introduced:

By Mr. Brewer:

H. R. 90. WHEREAS, the members of the House have come to know, respect and love the Honorable Drexel Cook, and have enjoyed his fellowship and comradeship since the Legislature has been in session; and

WHEREAS our friend the said Drexel Cook is now in a hospital in Enterprise, and

WHEREAS his presence in this body is sorely missed, now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That the members thereof do hereby express their regret at the illness of Drexel Cook, and express their wish for his early recovery and return to active service in this body.

BE IT FURTHER RESOLVED That a copy of this resolution be forwarded to Honorable Drexel Cook.

On motion of Mr. Brewer the rules were suspended and H. R. 90 was adopted.

## BILLS ON THIRD READING RESUMED

H. 1000. To propose and provide for the submission of an amendment to the Constitution of Alabama amending Amendment XVIII to said constitution, which pertains to Mobile County and the issuance of bonds and the levy of an ad valorem tax by said county for certain specified purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

## Yeas:

|                 |            |                     |                     |
|-----------------|------------|---------------------|---------------------|
| Mr. Speaker     | Dodd       | Johnson (J. T. Tom) | Phillips            |
| Adams (Houston) | Edwards    | Johnston (Leonard)  | Pierce              |
| Albea           | Ferguson   | Jones (Covington)   | Powell              |
| Ashworth        | Franklin   | Jones (Monroe)      | Pruitt              |
| Bailey          | Gilchrist  | Lee                 | Ramey               |
| Barnett         | Gilmer     | Locke               | Ray                 |
| Bishop          | Gordon     | Long (Perry)        | Reynolds (Chambers) |
| Boyd            | Grant      | McClendon (Chamb)   | Rogers              |
| Brannan         | Gross      | McLendon (Bullock)  | Salter              |
| Branyon         | Grouby     | Meade               | Sessions            |
| Brewer          | Hain       | Merrill             | Smith (St. Clair)   |
| Cabiness        | Hankins    | Morrow              | Speaks              |
| Camp            | Hardy      | Murphy              | Thomas              |
| Casey           | Harris     | Nettles             | Torbert             |
| Cates           | Hearn      | Nichols             | Trimmier            |
| Cornett         | Hocklander | Oakley              | Turner              |
| Daniel          | Ingram     | Oden                | Turnham             |
| Dickson         | Jenkins    | Perry               |                     |

—71

## And the bill:

H. 1001. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County to issue its general obligation bonds not exceeding \$3,000,000 in principal amount for capital improvements in said county, including not exceeding \$1,000,000 principal amount for public school houses and not exceeding \$2,000,000 principal amount for public hospital buildings, said bonds to be secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said constitution, and authorizing the continued levy and collection of said tax for payment of bonds issued hereunder.

Was taken up.

Mr. Trimmier offered the following amendment to the bill, H. 1001:

## AMENDMENT TO H. B. 1001

Amend the caption to read as follows:

"To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County to issue its general obligation bonds for capital improvements in the county."

Also, in Section 1, on line 4, strike out "\$3,000,000" and insert "\$4,000,000";

Also, in Section 1, on line 7, strike out "\$1,000,000" and insert "\$2,000,000"

Mr. Murphy moved to lay the amendment offered by Mr. Trimmier on the table.

Mr. Trimmier requested leave of the House to withdraw the amendment offered by him to the bill, H. 1001, and it was so granted.

And said bill, H. 1001, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dodd        | Hocklander                    | Perry                          |
| Adams <sup>(Houston)</sup> | Edwards     | Ingram                        | Phillips                       |
| Albea                      | Faulk       | Jenkins                       | Pierce                         |
| Ashworth                   | Ferguson    | Johnson (J. T. Tom)           | Powell                         |
| Bailey                     | Gilchrist   | Jones <sup>(Monroe)</sup>     | Pruitt                         |
| Barnett                    | Gilmer      | Locke                         | Rast                           |
| Boyd                       | Goldthwaite | Long <sup>(Lauderdale)</sup>  | Ray                            |
| Brannan                    | Grant       | Long <sup>(Perry)</sup>       | Reynolds <sup>(Chambers)</sup> |
| Branyon                    | Gross       | McClendon <sup>(Chamb)</sup>  | Roberts                        |
| Brewer                     | Grouby      | McLendon <sup>(Bullock)</sup> | Rogers                         |
| Cabiness                   | Guthrie     | Meade                         | Rozelle                        |
| Callahan                   | Hain        | Merrill                       | Sessions                       |
| Camp                       | Hankins     | Morrow                        | Smith <sup>(St. Clair)</sup>   |
| Casey                      | Hardy       | Murphy                        | Speaks                         |
| Cates                      | Harris      | Nichols                       | Sullivan                       |
| Cornett                    | Hawkins     | Oakley                        | Trimmier                       |
| Daniel                     | Hearn       | Oden                          | Turner                         |
| Dickson                    |             |                               |                                |

—69

**And the bill:**

H. 1112. Relating to Baldwin County: Authorizing the County Commissioners of Baldwin County, Alabama, to pay the salaries of additional deputy sheriffs, designate the fund out of which said salaries shall be paid. To prescribe their method of appointment and fix their duties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

**Yeas:**

|                            |             |                               |                               |
|----------------------------|-------------|-------------------------------|-------------------------------|
| Mr. Speaker                | Casey       | Grant                         | Jones <sup>(Monroe)</sup>     |
| Adams <sup>(Houston)</sup> | Cates       | Gross                         | Lee                           |
| Albea                      | Cornett     | Grouby                        | Locke                         |
| Ashworth                   | Daniel      | Guthrie                       | Long <sup>(Perry)</sup>       |
| Bailey                     | Dickson     | Hain                          | McClendon <sup>(Chamb)</sup>  |
| Barnett                    | Dodd        | Hankins                       | McLendon <sup>(Bullock)</sup> |
| Bevill                     | Edwards     | Hardy                         | Martin                        |
| Bishop                     | Faulk       | Harris                        | Meade                         |
| Boyd                       | Ferguson    | Hawkins                       | Merrill                       |
| Brannan                    | Franklin    | Hearn                         | Murphy                        |
| Branyon                    | Gilchrist   | Hocklander                    | Nettles                       |
| Brewer                     | Gilmer      | Ingram                        | Nichols                       |
| Broadfoot                  | Glass       | Johnson (J. T. Tom)           | Oakley                        |
| Cabiness                   | Goldthwaite | Johnston <sup>(Leonard)</sup> | Oden                          |
| Camp                       | Gordon      | Jones <sup>(Covington)</sup>  | Perry                         |



|          |                     |                   |          |
|----------|---------------------|-------------------|----------|
| Phillips | Ray                 | Salter            | Sullivan |
| Pierce   | Reynolds (Chambers) | Sessions          | Taylor   |
| Powell   | Roberts             | Shumate           | Trimmier |
| Pruitt   | Rogers              | Smith (St. Clair) | Turner   |
| Rast     | Rozelle             | Speaks            | —79      |

**And the bill:**

H. 1113. To amend Section four (4) of an Act of the Legislature approved March 23, 1955, entitled: An Act; To establish in Mobile County, Alabama, the positions of Administrative Assistant to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama and Legal Stenographer to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama; to prescribe their duties; to fix their term of employment and to prescribe their compensation and provide for the payment of their compensation out of the General Fund of Mobile County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Cornett     | Hearn               | Oden              |
| Adams (Houston) | Daniel      | Hocklander          | Perry             |
| Albea           | Dickson     | Ingram              | Phillips          |
| Ashworth        | Edwards     | Johnson (J. T. Tom) | Pierce            |
| Avery           | Faulk       | Johnston (Leonard)  | Powell            |
| Bailey          | Franklin    | Jones (Covington)   | Pruitt            |
| Barnett         | Gilchrist   | Jones (Monroe)      | Ramey             |
| Bevill          | Glimer      | Lee                 | Ray               |
| Bishop          | Glass       | Locke               | Rogers            |
| Boyd            | Goldthwaite | Long (Lauderdale)   | Rozelle           |
| Brannan         | Gordon      | Long (Perry)        | Salter            |
| Branyon         | Grant       | McClendon (Chamb)   | Sessions          |
| Brewer          | Gross       | McLendon (Bullock)  | Shumate           |
| Broadfoot       | Grouby      | Meade               | Smith (St. Clair) |
| Cabiness        | Hain        | Merrill             | Speaks            |
| Callahan        | Hankins     | Murphy              | Sullivan          |
| Camp            | Hardy       | Nettles             | Taylor            |
| Casey           | Harris      | Nichols             | Trimmier          |
| Cates           | Hawkins     | Oakley              | —75               |

**And the bill:**

H. 1115. To amend further Section VIII of the act approved September 15, 1939, creating and establishing the Personnel Department of Mobile County (Act No. 470, H. 952, Local Acts 1939, p. 298); to provide for the qualifications, salary and duties of the Personnel Director, to provide for the retirement of the Personnel Director and to prescribe the terms and conditions of such retirement.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

**Yeas:**

|                 |          |        |         |
|-----------------|----------|--------|---------|
| Mr. Speaker     | Albea    | Avery  | Barnett |
| Adams (Houston) | Ashworth | Bailey | Bevill  |

|           |                     |                    |                   |
|-----------|---------------------|--------------------|-------------------|
| Bishop    | Gilmer              | Jones (Monroe)     | Pruitt            |
| Boyd      | Glass               | Lee                | Ramey             |
| Brannan   | Goldthwaite         | Locke              | Rast              |
| Branyon   | Gordon              | Long (Lauderdale)  | Ray               |
| Brewer    | Grant               | Long (Perry)       | Rogers            |
| Broadfoot | Gross               | McClendon (Chamb)  | Rozelle           |
| Cabiness  | Grouby              | McLendon (Bullock) | Salter            |
| Casey     | Hain                | Merrill            | Sessions          |
| Cates     | Hankins             | Morrow             | Smith (Russell)   |
| Cornett   | Hardy               | Murphy             | Smith (St. Clair) |
| Daniel    | Harris              | Nettles            | Speaks            |
| Dickson   | Hocklander          | Oakley             | Sullivan          |
| Dodd      | Ingram              | Oden               | Taylor            |
| Edwards   | Jenkins             | Perry              | Thomas            |
| Faulk     | Johnson (J. T. Tom) | Pierce             | Trimmier          |
| Ferguson  | Johnston (Leonard)  | Powell             | Turner            |
| Gilchrist |                     |                    |                   |

—73

**And the bill:**

H. 1117. Relating to Mobile County: To amend further Section 3 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), entitled "An Act to place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer," to provide further for the compensation of the chief clerk in the office of the sheriff.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Dickson     | Ingram              | Pierce            |
| Adams (Houston) | Dodd        | Jenkins             | Powell            |
| Albea           | Edwards     | Johnson (J. T. Tom) | Pruitt            |
| Ashworth        | Faulk       | Johnston (Leonard)  | Rast              |
| Avery           | Ferguson    | Lee                 | Ray               |
| Barnett         | Gilchrist   | Locke               | Rogers            |
| Bevill          | Gilmer      | Long (Lauderdale)   | Rozelle           |
| Bishop          | Glass       | Long (Perry)        | Salter            |
| Boyd            | Goldthwaite | McClendon (Chamb)   | Sessions          |
| Brannan         | Gordon      | McLendon (Bullock)  | Smith (Russell)   |
| Branyon         | Grant       | Meade               | Smith (St. Clair) |
| Brewer          | Gross       | Merrill             | Speaks            |
| Broadfoot       | Grouby      | Morrow              | Sullivan          |
| Cabiness        | Hain        | Murphy              | Taylor            |
| Casey           | Hankins     | Nettles             | Thomas            |
| Cates           | Hardy       | Oakley              | Trimmier          |
| Cornett         | Harris      | Oden                | Turner            |
| Daniel          | Hocklander  | Perry               |                   |

—71

And the bill:

H. 1118. Relating to Mobile County: To provide further for the distribution of fines and forfeitures in certain cases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

**Yeas:**

|                 |             |                     |          |
|-----------------|-------------|---------------------|----------|
| Mr. Speaker     | Dickson     | Hocklander          | Oden     |
| Adams (Houston) | Dodd        | Ingram              | Perry    |
| Albea           | Edwards     | Jenkins             | Pierce   |
| Ashworth        | Faulk       | Johnson (J. T. Tom) | Powell   |
| Avery           | Ferguson    | Johnston (Leonard)  | Pruitt   |
| Bailey          | Gilchrist   | Jones (Monroe)      | Ramey    |
| Barnett         | Gilmer      | Lee                 | Rast     |
| Bevill          | Glass       | Locke               | Ray      |
| Bishop          | Goldthwaite | Long (Lauderdale)   | Rogers   |
| Boyd            | Gordon      | Long (Perry)        | Rozelle  |
| Brannan         | Grant       | McClendon (Chamb)   | Salter   |
| Branyon         | Gross       | McLendon (Bullock)  | Sessions |
| Brewer          | Grouby      | Meade               | Speaks   |
| Broadfoot       | Hain        | Merrill             | Sullivan |
| Casey           | Hankins     | Morrow              | Taylor   |
| Cates           | Hardy       | Murphy              | Thomas   |
| Cornett         | Harris      | Nettles             | Trimmer  |
| Daniel          | Hearn       | Oakley              | Turner   |

—72

And the bill:

H. 1119. To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said city.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Dodd        | Jenkins             | Pierce            |
| Adams (Houston) | Edwards     | Johnson (J. T. Tom) | Powell            |
| Albea           | Faulk       | Johnston (Leonard)  | Ramey             |
| Ashworth        | Gilchrist   | Lee                 | Rast              |
| Bailey          | Gilmer      | Locke               | Ray               |
| Barnett         | Glass       | Long (Lauderdale)   | Rogers            |
| Bevill          | Goldthwaite | Long (Perry)        | Rozelle           |
| Bishop          | Gordon      | McClendon (Chamb)   | Salter            |
| Boyd            | Grant       | Martin              | Sessions          |
| Brannan         | Grouby      | Meade               | Smith (Russell)   |
| Branyon         | Hain        | Merrill             | Smith (St. Clair) |
| Brewer          | Hanby       | Murphy              | Speaks            |
| Broadfoot       | Hankins     | Nettles             | Sullivan          |
| Cabiness        | Hardy       | Oakley              | Taylor            |
| Casey           | Harris      | Oden                | Thomas            |
| Cornett         | Hearn       | Owens               | Trimmer           |
| Daniel          | Ingram      | Phillips            | Turner            |
| Dickson         |             |                     |                   |

—69

**Nay:** Mr. Reynolds (Chambers)

—1

And the bill:

H. 1121. To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said City.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

**Yeas:**

|                            |           |                                 |                              |
|----------------------------|-----------|---------------------------------|------------------------------|
| Mr. Speaker                | Daniel    | Jenkins                         | Phillips                     |
| Adams <sup>(Houston)</sup> | Dickson   | Johnson <sup>(J. T. Tom)</sup>  | Pierce                       |
| Albea                      | Dodd      | Johnston <sup>(Leonard)</sup>   | Ramey                        |
| Ashworth                   | Edwards   | Lee                             | Rast                         |
| Bailey                     | Faulk     | Locke                           | Ray                          |
| Barnett                    | Gilchrist | Long <sup>(Lauderdale)</sup>    | Rogers                       |
| Bevill                     | Gilmer    | Long <sup>(Perry)</sup>         | Rozelle                      |
| Bishop                     | Glass     | McClendon <sup>(Chambers)</sup> | Salter                       |
| Boyd                       | Gordon    | Martin                          | Sessions                     |
| Brannan                    | Grant     | Meade                           | Shumate                      |
| Branyon                    | Guthrie   | Merrill                         | Smith <sup>(Russell)</sup>   |
| Brewer                     | Hain      | Morrow                          | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Hanby     | Murphy                          | Speaks                       |
| Cabiness                   | Hankins   | Nettles                         | Taylor                       |
| Camp                       | Hardy     | Oakley                          | Thomas                       |
| Casey                      | Harris    | Oden                            | Trimmier                     |
| Cates                      | Hearn     | Owens                           | Turner                       |
| Cornett                    | Ingram    | Perry                           |                              |

—71

And the bill:

H. 1122 (with amendment). To provide for and fix the compensation and duties of the Chief Assistant in the office of the Clerk of the Circuit Court of Mobile County, Alabama, in charge of the Criminal Division of said Circuit Court.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend Section 2 as follows:

In Section 2, line 2 strike therefrom the figure "\$6,600.00" and substitute in lieu thereof the figure "\$6,000.00."

And the amendment was adopted.

Yeas 75; Nays 0.

**Yeas:**

|                            |         |           |         |
|----------------------------|---------|-----------|---------|
| Mr. Speaker                | Barnett | Brewer    | Cornett |
| Adams <sup>(Houston)</sup> | Bevill  | Broadfoot | Daniel  |
| Albea                      | Bishop  | Cabiness  | Dickson |
| Ashworth                   | Boyd    | Camp      | Dodd    |
| Avery                      | Brannan | Casey     | Edwards |
| Bailey                     | Branyon | Cates     | Faulk   |

|             |                     |          |                     |
|-------------|---------------------|----------|---------------------|
| Ferguson    | Hardy               | Merrill  | Reynolds (Chambers) |
| Gilchrist   | Harris              | Morrow   | Rogers              |
| Gilmer      | Hearn               | Murphy   | Rozelle             |
| Glass       | Hocklander          | Nettles  | Salter              |
| Goldthwaite | Ingram              | Oakley   | Sessions            |
| Gordon      | Johnson (J. T. Tom) | Oden     | Shumate             |
| Grant       | Johnston (Leonard)  | Owens    | Smith (St. Clair)   |
| Gross       | Locke               | Perry    | Speaks              |
| Grouby      | Long (Lauderdale)   | Phillips | Taylor              |
| Guthrie     | Long (Perry)        | Pierce   | Thomas              |
| Hain        | McClendon (Chamb)   | Ramey    | Trimmier            |
| Hanby       | Martin              | Rast     | Turner              |
| Hankins     | Meade               | Ray      | —75                 |

And said bill, H. 1122, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Daniel      | Hearn               | Owens               |
| Adams (Houston) | Dickson     | Hocklander          | Perry               |
| Albea           | Dodd        | Ingram              | Phillips            |
| Ashworth        | Edwards     | Jenkins             | Pierce              |
| Bailey          | Faulk       | Johnson (J. T. Tom) | Rast                |
| Barnett         | Ferguson    | Johnston (Leonard)  | Ray                 |
| Bevill          | Gilmer      | Lee                 | Reynolds (Chambers) |
| Bishop          | Glass       | Locke               | Rogers              |
| Boyd            | Goldthwaite | Long (Lauderdale)   | Rozelle             |
| Brannan         | Gordon      | Long (Perry)        | Salter              |
| Branyon         | Grant       | McClendon (Chamb)   | Sessions            |
| Brewer          | Gross       | Meade               | Smith (St. Clair)   |
| Broadfoot       | Grouby      | Merrill             | Speaks              |
| Cabiness        | Guthrie     | Morrow              | Taylor              |
| Camp            | Hain        | Murphy              | Thomas              |
| Casey           | Hanby       | Nettles             | Trimmier            |
| Cates           | Hankins     | Oakley              | Turner              |
| Cornett         | Hardy       | Oden                | —71                 |

And the bill:

H. 1123. To amend Section 2 of Act No. 261, H. 808, approved August 23, 1955, an act relating to the construction, maintenance and repair of county roads and bridges in Cherokee County (Act 1955, Vol I, p. 606), in relation to the authority of the county governing body to determine, subject to the approval of the state highway department, which new county roads and bridges are to be built within the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

**Yeas:**

|                 |         |         |           |
|-----------------|---------|---------|-----------|
| Mr. Speaker     | Avery   | Bishop  | Brewer    |
| Adams (Houston) | Bailey  | Boyd    | Broadfoot |
| Albea           | Barnett | Brannan | Cabiness  |
| Ashworth        | Bevill  | Branyon | Camp      |

|          |                     |                   |                   |
|----------|---------------------|-------------------|-------------------|
| Casey    | Gross               | Long (Lauderdale) | Pierce            |
| Cates    | Grouby              | Long (Perry)      | Powell            |
| Cornett  | Hain                | McClendon (Chamb) | Rast              |
| Daniel   | Hankins             | Martin            | Ray               |
| Dickson  | Hardy               | Meade             | Rogers            |
| Dodd     | Harris              | Merrill           | Rozelle           |
| Edwards  | Hearn               | Morrow            | Salter            |
| Faulk    | Hocklander          | Murphy            | Smith (St. Clair) |
| Ferguson | Ingram              | Nettles           | Sullivan          |
| Franklin | Jenkins             | Oakley            | Taylor            |
| Gilmer   | Johnson (J. T. Tom) | Oden              | Thomas            |
| Glass    | Johnston (Leonard)  | Owens             | Trimmier          |
| Gordon   | Lee                 | Perry             | Turner            |
| Grant    | Locke               | Phillips          |                   |

—71

And the bill:

H. 1124. To provide for the compensation of the coroner of Cherokee County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

**Yeas:**

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Mr. Speaker     | Dickson   | Hocklander         | Owens             |
| Adams (Houston) | Dodd      | Ingram             | Perry             |
| Albea           | Edwards   | Jenkins            | Phillips          |
| Ashworth        | Faulk     | Johnston (Leonard) | Pierce            |
| Barnett         | Ferguson  | Lee                | Powell            |
| Bevill          | Franklin  | Locke              | Ray               |
| Bishop          | Gilchrist | Long (Lauderdale)  | Roberts           |
| Boyd            | Gilmer    | Long (Perry)       | Rogers            |
| Brannan         | Glass     | McClendon (Chamb)  | Rozelle           |
| Branyon         | Gordon    | McLendon (Bullock) | Salter            |
| Brewer          | Grant     | Martin             | Sessions          |
| Broadfoot       | Grouby    | Meade              | Shumate           |
| Cabiness        | Guthrie   | Merrill            | Smith (St. Clair) |
| Camp            | Hain      | Morrow             | Sullivan          |
| Casey           | Hankins   | Murphy             | Taylor            |
| Cates           | Hardy     | Nettles            | Thomas            |
| Cornett         | Harris    | Oakley             | Trimmier          |
| Daniel          | Hearn     | Oden               | Turner            |

—72

And the bill:

H. 1125. To authorize the court of county commissioners, board of revenue or other like governing body of Conecuh County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Conecuh County public highway and traffic fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

**Yeas:**

|                 |          |         |        |
|-----------------|----------|---------|--------|
| Mr. Speaker     | Albea    | Avery   | Bevill |
| Adams (Houston) | Ashworth | Barnett | Bishop |

|           |                    |                    |                   |
|-----------|--------------------|--------------------|-------------------|
| Boyd      | Gilmer             | Long (Lauderdale)  | Pierce            |
| Brannan   | Glass              | Long (Perry)       | Powell            |
| Branyon   | Grant              | McClendon (Chamb)  | Rast              |
| Broadfoot | Grouby             | McLendon (Bullock) | Roberts           |
| Cabiness  | Hain               | Meade              | Rogers            |
| Camp      | Hankins            | Merrill            | Rozelle           |
| Casey     | Hardy              | Morrow             | Salter            |
| Cates     | Hearn              | Murphy             | Sessions          |
| Cornett   | Hocklander         | Nettles            | Smith (St. Clair) |
| Daniel    | Ingram             | Oakley             | Sullivan          |
| Dickson   | Jenkins            | Oden               | Taylor            |
| Dodd      | Johnston (Leonard) | Owens              | Thomas            |
| Edwards   | Lee                | Perry              | Trimmier          |
| Ferguson  | Locke              | Phillips           | Turner            |
| Gilchrist |                    |                    |                   |

—65

And the bill:

H. 1130. To amend Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama entitled "An Act relating to Lawrence County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 25 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 25 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said State Use Tax; so as to adopt by reference certain provisions of the said Act No. 100 and the said Article 11, as so amended; so as to make

subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

Was taken up.

Mr. Dodd offered the following amendment to the bill, H. 1130:

AMENDMENT TO H. B. 1130

On page 4, paragraph (a), strike out the words and figures "(including The Board of Trustees of the University of Alabama, The Alabama Polytechnic Institute, and all other institutions of higher learning in the State, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of any such institution)" and insert in lieu thereof "(including the board of trustees of the University of Alabama, the board of trustees of the Alabama Polytechnic Institute or Auburn University, and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of any such institution, but not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC liquor stores)".

And the amendment was adopted.

Yeas 67; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Hocklander                    | Phillips                     |
| Adams <sup>(Houston)</sup> | Dickson     | Ingram                        | Pierce                       |
| Albea                      | Dodd        | Jenkins                       | Powell                       |
| Ashworth                   | Edwards     | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Avery                      | Faulk       | Lee                           | Rast                         |
| Bailey                     | Ferguson    | Locke                         | Roberts                      |
| Barnett                    | Franklin    | Long <sup>(Perry)</sup>       | Rogers                       |
| Bevill                     | Gilmer      | McClendon <sup>(Chamb)</sup>  | Rozelle                      |
| Bishop                     | Glass       | McLendon <sup>(Bullock)</sup> | Salter                       |
| Boyd                       | Goldthwaite | Martin                        | Sessions                     |
| Brannan                    | Gordon      | Meade                         | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Grant       | Merrill                       | Sullivan                     |
| Broadfoot                  | Grouby      | Murphy                        | Taylor                       |
| Cabiness                   | Hain        | Nettles                       | Thomas                       |
| Camp                       | Hankins     | Oakley                        | Trimmier                     |
| Casey                      | Hardy       | Owens                         | Turnham                      |
| Cornett                    | Hearn       | Perry                         |                              |

—67

And said bill, H. 1130, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

**Yeas:**

|             |         |        |           |
|-------------|---------|--------|-----------|
| Mr. Speaker | Bailey  | Bishop | Brannan   |
| Albea       | Barnett | Boyd   | Broadfoot |



|             |                                |                              |                                |
|-------------|--------------------------------|------------------------------|--------------------------------|
| Camp        | Gordon                         | Long <sup>(Perry)</sup>      | Ramey                          |
| Cates       | Grant                          | McClendon <sup>(Chamb)</sup> | Rast                           |
| Cornett     | Gross                          | Martin                       | Ray                            |
| Daniel      | Hain                           | Merrill                      | Reynolds <sup>(Chambers)</sup> |
| Dickson     | Hanby                          | Morrow                       | Salter                         |
| Dodd        | Hankins                        | Murphy                       | Sessions                       |
| Edwards     | Hearn                          | Oakley                       | Smith <sup>(Russell)</sup>     |
| Ferguson    | Hocklander                     | Oden                         | Sullivan                       |
| Franklin    | Jenkins                        | Owens                        | Taylor                         |
| Gilchrist   | Johnson <sup>(J. T. Tom)</sup> | Perry                        | Thomas                         |
| Gilmer      | Johnston <sup>(Leonard)</sup>  | Phillips                     | Trimmier                       |
| Glass       | Lee                            | Pierce                       | Turner                         |
| Goldthwaite | Locke                          | Powell                       |                                |

—59

And the bill:

H. 1131. To amend Act No. 243, House Bill 685, approved August 13, 1957, (Acts of Alabama 1957, Page 308), Relating to Colbert County: To authorize the board of revenue, court of county commissioners or like governing body of Colbert County to call an election in the county for the purpose of determining whether or not the county body may levy an additional county privilege or excise tax on tobacco products; prescribing the power, duties, and authority of the county governing body in the collection and enforcement of the tax, if imposed; prescribing the method or manner of evidencing the payment of the tax, if imposed, through the use of stamps, and allowing a discount for handling tobacco tax stamps; providing that the proceeds of the tax, if imposed, shall be used exclusively for the purpose of acquiring, constructing, equipping, enlarging, improving, maintaining, and operating a public hospital in the county; and prescribing penalties for violations of the Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel      | Harris                         | Perry                          |
| Adams <sup>(Houston)</sup> | Dickson     | Hearn                          | Phillips                       |
| Albea                      | Dodd        | Hocklander                     | Pierce                         |
| Ashworth                   | Edwards     | Jenkins                        | Powell                         |
| Avery                      | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Bailey                     | Franklin    | Johnston <sup>(Leonard)</sup>  | Rast                           |
| Barnett                    | Gilchrist   | Jones <sup>(Monroe)</sup>      | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Gilmer      | Locke                          | Rogers                         |
| Bishop                     | Goldthwaite | Long <sup>(Perry)</sup>        | Shumate                        |
| Boyd                       | Gordon      | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>     |
| Branyon                    | Grant       | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Gross       | Morrow                         | Speaks                         |
| Broadfoot                  | Grouby      | Murphy                         | Sullivan                       |
| Cabiness                   | Hain        | Nettles                        | Torbert                        |
| Camp                       | Hanby       | Oakley                         | Turner                         |
| Cates                      | Hankins     | Oden                           | Turnham                        |
| Cornett                    |             |                                |                                |

—65

And the bill:

H. 1132. To provide for the compensation of the county or deputy solicitor in all counties having a population of not less than 20,500 nor

more than 20,830, according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 2.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel      | Harris                         | Oakley                         |
| Adams <sup>(Houston)</sup> | Dodd        | Hearn                          | Perry                          |
| Albea                      | Edwards     | Hocklander                     | Phillips                       |
| Ashworth                   | Ferguson    | Jenkins                        | Pierce                         |
| Avery                      | Franklin    | Johnson <sup>(J. T. Tom)</sup> | Powell                         |
| Bailey                     | Gilchrist   | Johnston <sup>(Leonard)</sup>  | Ramey                          |
| Barnett                    | Gilmer      | Lee                            | Rast                           |
| Bevill                     | Glass       | Locke                          | Reynolds <sup>(Chambers)</sup> |
| Bishop                     | Goldthwaite | Long <sup>(Perry)</sup>        | Rogers                         |
| Boyd                       | Gordon      | McClendon <sup>(Chamb)</sup>   | Smith <sup>(St. Clair)</sup>   |
| Branyon                    | Grant       | McLendon <sup>(Bullock)</sup>  | Speaks                         |
| Brewer                     | Gross       | Merrill                        | Sullivan                       |
| Broadfoot                  | Grouby      | Morrow                         | Thomas                         |
| Cabiness                   | Hain        | Murphy                         | Torbert                        |
| Camp                       | Hanby       | Nettles                        | Turner                         |
| Cates                      | Hankins     | Nichols                        | Turnham                        |
| Cornett                    |             |                                |                                |

—65

**Nays:** Messrs. Dickson and Taylor

—2

And the bill:

H. 1134. To alter, rearrange and extend the boundaries of Dadeville, Tallapoosa County; repealing Section 2 of Act No. 286, H. B. 197, passed at the Session of 1878-1879, and approved January 16, 1879 (Acts of Alabama 1878, p. 328).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Dodd        | Hearn                          | Perry                        |
| Adams <sup>(Houston)</sup> | Edwards     | Hocklander                     | Phillips                     |
| Albea                      | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Pierce                       |
| Ashworth                   | Franklin    | Johnston <sup>(Leonard)</sup>  | Powell                       |
| Avery                      | Gilchrist   | Jones <sup>(Monroe)</sup>      | Ramey                        |
| Bailey                     | Gilmer      | Lee                            | Rast                         |
| Barnett                    | Glass       | Long <sup>(Lauderdale)</sup>   | Rogers                       |
| Bevill                     | Goldthwaite | Long <sup>(Perry)</sup>        | Sessions                     |
| Bishop                     | Gordon      | McClendon <sup>(Chamb)</sup>   | Shumate                      |
| Boyd                       | Grant       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Branyon                    | Gross       | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Grouby      | Morrow                         | Speaks                       |
| Cabiness                   | Guthrie     | Murphy                         | Sullivan                     |
| Camp                       | Hain        | Nettles                        | Taylor                       |
| Cates                      | Hanby       | Nichols                        | Thomas                       |
| Daniel                     | Hankins     | Oakley                         | Turner                       |
| Dickson                    | Harris      |                                |                              |

—66

## MOTION IN WRITING

Mr. Shumate offered the following Motion in Writing:

I move that the House Recess until 8 o'clock P.M., November 5, 1959.

And the Motion in Writing was lost.

Yeas 28; Nays 37.

**Yeas:**

|           |             |                    |                     |
|-----------|-------------|--------------------|---------------------|
| Messrs.:  | Ferguson    | Hocklander         | Murphy              |
| Avery     | Gilmer      | Johnston (Leonard) | Perry               |
| Barnett   | Glass       | Lee                | Ramey               |
| Bevill    | Goldthwaite | Long (Perry)       | Reynolds (Chambers) |
| Bishop    | Guthrie     | Martin             | Shumate             |
| Branyon   | Hankins     | Merrill            | Speaks              |
| Broadfoot | Harris      | Morrow             | Thomas              |
| Cabiness  |             |                    |                     |

—28

**Nays:**

|             |           |                     |                   |
|-------------|-----------|---------------------|-------------------|
| Mr. Speaker | Franklin  | Johnson (J. T. Tom) | Powell            |
| Bailey      | Gilchrist | Jones (Monroe)      | Pruitt            |
| Boyd        | Goodwyn   | Long (Lauderdale)   | Ray               |
| Brewer      | Gordon    | Nettles             | Rogers            |
| Camp        | Grant     | Nichols             | Smith (Russell)   |
| Cates       | Grouby    | Oakley              | Smith (St. Clair) |
| Cornett     | Hain      | Oden                | Sullivan          |
| Daniel      | Hanby     | Phillips            | Torbert           |
| Dodd        | Jenkins   | Pierce              | Turner            |
| Edwards     |           |                     |                   |

—37

## BILLS ON THIRD READING RESUMED

## S. 425 POSTPONED

On motion of Mr. Smith (St. Clair), consideration of the bill, S. 425, was postponed until the thirty-sixth legislative day.

And the bill:

S. 428. To alter, rearrange and describe the boundary lines and corporate limits of the city of Alexander City, Tallapoosa County, Alabama.

Was read a third time at length and passed.

Yeas 72; Nays 0.

**Yeas:**

|                 |           |             |                     |
|-----------------|-----------|-------------|---------------------|
| Mr. Speaker     | Brannan   | Dickson     | Gross               |
| Adams (Houston) | Branyon   | Dodd        | Grouby              |
| Albea           | Brewer    | Edwards     | Hain                |
| Ashworth        | Broadfoot | Ferguson    | Hanby               |
| Avery           | Cabiness  | Franklin    | Hankins             |
| Bailey          | Camp      | Gilchrist   | Harris              |
| Barnett         | Cates     | Gilmer      | Hearn               |
| Bevill          | Chambers  | Goldthwaite | Hocklander          |
| Bishop          | Cornett   | Gordon      | Jenkins             |
| Boyd            | Daniel    | Grant       | Johnson (J. T. Tom) |

|                    |          |                     |                   |
|--------------------|----------|---------------------|-------------------|
| Johnston (Leonard) | Morrow   | Powell              | Smith (St. Clair) |
| Jones (Monroe)     | Murphy   | Ramey               | Solomon           |
| Locke              | Nettles  | Rast                | Speaks            |
| Long (Lauderdale)  | Nichols  | Ray                 | Thomas            |
| Long (Perry)       | Oakley   | Reynolds (Chambers) | Torbert           |
| McClendon (Chamb)  | Perry    | Rogers              | Trimmier          |
| McLendon (Bullock) | Phillips | Sessions            | Turner            |
| Merrill            | Pierce   | Smith (Russell)     | Turnham           |

—72

And the bill:

S. 434. To require the tax collector of Mobile County to charge and collect the same fees, and to deduct from taxes collected by him the same commissions that are prescribed by the general law as compensation for tax assessors and tax collectors and to pay all such fees and commissions into the county treasury of Mobile County; and to repeal Act No. 241, H. 401 and Act No. 242, H. 473 of 1935 (Local Acts of Alabama of 1935, pages 139 and 141, respectively) and Section 1 of Act No. 191, H. 634 of 1955 (Acts of Alabama of 1955, page 476).

Was read a third time at length and passed.

Yeas 73; Nays 0.

**Yeas:**

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Mr. Speaker     | Dickson   | Hocklander         | Pierce            |
| Adams (Houston) | Dodd      | Jenkins            | Powell            |
| Albea           | Edwards   | Jones (Monroe)     | Ramey             |
| Ashworth        | Ferguson  | Locke              | Rast              |
| Avery           | Gilchrist | Long (Lauderdale)  | Ray               |
| Bailey          | Gilmer    | Long (Perry)       | Rogers            |
| Barnett         | Glass     | McClendon (Chamb)  | Sessions          |
| Bevill          | Gordon    | McLendon (Bullock) | Shumate           |
| Bishop          | Grant     | Merrill            | Smith (Russell)   |
| Boyd            | Gross     | Morrow             | Smith (St. Clair) |
| Branyon         | Grouby    | Murphy             | Solomon           |
| Brewer          | Guthrie   | Nettles            | Speaks            |
| Broadfoot       | Hain      | Nichols            | Taylor            |
| Cabiness        | Hanby     | Oakley             | Thomas            |
| Camp            | Hankins   | Oden               | Torbert           |
| Cates           | Hardy     | Owens              | Trimmier          |
| Chambers        | Harris    | Perry              | Turner            |
| Cornett         | Hearn     | Phillips           | Turnham           |
| Daniel          |           |                    |                   |

—73

And the bill:

S. 440. To provide for the establishment and operation of a public clinic in the municipality of Uniontown, Perry County.

Was read a third time at length and passed.

Yeas 69; Nays 0.

**Yeas:**

|                 |         |           |         |
|-----------------|---------|-----------|---------|
| Mr. Speaker     | Bailey  | Branyon   | Casey   |
| Adams (Houston) | Barnett | Brewer    | Daniel  |
| Albea           | Bevill  | Broadfoot | Dickson |
| Ashworth        | Bishop  | Cabiness  | Dodd    |
| Avery           | Boyd    | Camp      | Edwards |

|             |                               |          |                              |
|-------------|-------------------------------|----------|------------------------------|
| Ferguson    | Hearn                         | Nettles  | Ray                          |
| Franklin    | Hocklander                    | Nichols  | Rogers                       |
| Gilchrist   | Johnston <sup>(Leonard)</sup> | Oakley   | Salter                       |
| Gilmer      | Jones <sup>(Monroe)</sup>     | Oden     | Sessions                     |
| Goldthwaite | Lee                           | Owens    | Smith <sup>(Russell)</sup>   |
| Gordon      | Locke                         | Perry    | Smith <sup>(St. Clair)</sup> |
| Grant       | Long <sup>(Lauderdale)</sup>  | Phillips | Speaks                       |
| Gross       | Long <sup>(Perry)</sup>       | Pierce   | Sullivan                     |
| Guthrie     | McClendon <sup>(Chamb)</sup>  | Powell   | Thomas                       |
| Hain        | McLendon <sup>(Bullock)</sup> | Pruitt   | Trimmier                     |
| Hankins     | Martin                        | Ramey    | Turner                       |
| Hardy       | Merrill                       | Rast     | Turnham                      |
| Harris      |                               |          |                              |

—69

And the bill:

S. 441. To alter, rearrange, and extend the boundaries and corporate limits of the Town of Brent, Bibb County, Alabama, so as to annex certain territory to the Town.

Was read a third time at length and passed.

Yeas 60; Nays 0.

#### Yeas:

|                            |          |                               |                              |
|----------------------------|----------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel   | Hocklander                    | Perry                        |
| Adams <sup>(Houston)</sup> | Dodd     | Ingram                        | Phillips                     |
| Albea                      | Edwards  | Johnston <sup>(Leonard)</sup> | Pierce                       |
| Ashworth                   | Ferguson | Jones <sup>(Monroe)</sup>     | Powell                       |
| Bailey                     | Gilmer   | Locke                         | Ramey                        |
| Barnett                    | Gordon   | Long <sup>(Perry)</sup>       | Rast                         |
| Bevill                     | Grant    | McClendon <sup>(Chamb)</sup>  | Ray                          |
| Bishop                     | Gross    | McLendon <sup>(Bullock)</sup> | Rogers                       |
| Boyd                       | Grouby   | Martin                        | Salter                       |
| Brannan                    | Guthrie  | Merrill                       | Sessions                     |
| Branyon                    | Hain     | Morrow                        | Smith <sup>(Russell)</sup>   |
| Broadfoot                  | Hankins  | Nettles                       | Smith <sup>(St. Clair)</sup> |
| Cabiness                   | Hardy    | Nichols                       | Sullivan                     |
| Camp                       | Harris   | Oakley                        | Trimmier                     |
| Casey                      | Hearn    | Owens                         | Turnham                      |

—60

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 533. Relating to taxation: exempting the gross proceeds of sales of certain small stores or vending stands operated by blind persons from the sales tax, and prescribing penalties for violations of this Act.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Mr. deGraffenried:

S. 433. To extend, alter, and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

#### NOTICE OF PROPOSED LEGISLATION

Notice is hereby given that at the present Regular Session of the Legislature of Alabama a bill substantially as follows will be introduced, and application for its passage will be made:

#### A BILL TO BE ENTITLED AN ACT

To extend, alter, and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama, be, and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said city all of the following additional adjacent territory, to-wit:

#### PARCEL "A"

As a point of beginning, begin at the northeast corner of Section 17, Township 21 South, Range 9 West; thence southwardly along the east line of said Section 17 to a point, which point is 240 feet north of the southeast corner of the Northeast Quarter of the Northeast quarter of said Section 17; thence westwardly and parallel to the south boundary of the said Northeast Quarter of the Northeast Quarter for a distance of 210 feet; thence southwardly and parallel to the east boundary of the said Northeast Quarter of the Northeast Quarter for a distance of 210 feet; thence eastwardly and parallel to the south boundary of said Northeast Quarter of the Northeast Quarter for a distance of 210 feet to a point on the east boundary of said Northeast Quarter of the Northeast Quarter; thence southwardly along the east boundary of said Northeast Quarter of the Northeast Quarter for a distance of 30 feet to the northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 17; thence westwardly along the north boundary of the said Southeast Quarter of the Northeast Quarter for a distance of 210 feet; thence southwardly and parallel to the east boundary of the said Southeast Quarter of the Northeast Quarter for a distance of 210 feet; thence eastwardly and parallel to the north boundary of the said Southeast Quarter of the Northeast Quarter for a distance of 210 feet to a point on the east boundary of the said Southeast Quarter of the Northeast Quarter; thence southwardly along the east boundary of the said Southeast Quarter of the Northeast Quarter to the southeast corner of the said Southeast Quarter of the Northeast Quarter of said Section 17; thence westwardly along the south boundary of the said Southeast Quarter of the Northeast Quarter to the southwest corner of said Southeast Quarter of the Northeast Quarter; which point is on the present City Limit line; thence northwardly along the present City Limit line and the west boundary of the said Southeast

Quarter of the Northeast Quarter to the northwest corner of said Southeast Quarter of the Northeast Quarter of said Section 17; thence westwardly along the present City Limit line and the south boundary of the Northwest Quarter of the Northeast Quarter of said Section 17 to the southwest corner of said Northwest Quarter of the Northeast Quarter; thence southwardly along the present City Limit line and the west boundary of the East One-Half of said Section 17 to the north boundary of First Street East; thence eastwardly along the north boundary of First Street East and the present City Limit line to a point, which point is on the extension northwardly of the east boundary of 29th Avenue East; thence southwardly along the east boundary of 29th Avenue East and the present City Limit line, to the south boundary of Lavelle Woods Subdivision, a plat of which is recorded in Plat Book 6 at Page 197 in the Office of the Probate Judge of Tuscaloosa County, Alabama thence westwardly along the present City Limit line and the south boundary of said Lavelle Woods Subdivision and the extension westwardly thereof, to a point on the east boundary of the H. O. Pierson property; thence southwardly along the present City Limit line to the southeast corner of the H. O. Pierson property; thence westwardly along the present City Limit line and the south boundary of the said H. O. Pierson property, and the extension westwardly thereof, to a point on the west boundary of 25th Avenue East; thence northwardly along the present City Limit line and the west boundary of 25th Avenue East, and the prolongation thereof, to a point on the north right-of-way of the Louisville & Nashville Railroad; thence southwardly along the present City Limit line and the north right-of-way line of the Louisville & Nashville Railroad to the intersection of said right-of-way line and the east boundary of the Northeast Quarter of the Southeast Quarter of Section 18, Township 21 South, Range 9 West; thence northwardly along the present City Limit line and the east boundary of the said Northeast Quarter of the Southeast Quarter to the northeast corner of the Southeast Quarter of said Section 18; thence westwardly along the present City Limit line and the north boundary of the Northeast Quarter of the Southeast Quarter of said Section 18 to the northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 18; thence southwardly along the present City Limit line and the west boundary of the Northeast Quarter of the Southeast Quarter of said Section 18 to the intersection of said boundary and the north right-of-way of the Louisville & Nashville Railroad; thence westwardly along the present City Limit line and the north right-of-way line of the Louisville and Nashville Railroad to the intersection of said Railroad right-of-way and the east boundary of the West One-Half of the West One-Half of said Section 18; thence northwardly along the present City Limit line and the east boundary of said West One-Half of the West One-Half to the northeast corner of the West One-Half of the West One-Half of said Section 18; thence eastwardly along the north boundary of said Section 18 to the northeast corner of said Section 18; thence northwardly along the west boundary of Section 8, Township 21 South, Range 9 West, to the northwest corner of the South One-Half of said Section 8; thence eastwardly along the north boundary of the South One-Half of said Section 8 to the northeast corner of the South One-Half of said Section 8; thence southwardly along the east boundary of said Section 8 to the southeast corner of said Section 8, Township 21 South, Range 9 West, which is the point of beginning.

All being in Tuscaloosa County, Alabama.

#### PARCEL "B"

To find the point of beginning start at the northwest corner of Section 30, Township 21 South, Range 9 West; thence eastwardly along

the north boundary of said Section 30 for a distance of 2067 feet to a point; thence southwardly with a bearing of South zero degrees and thirty minutes East (SO degrees 30' E) for a distance of 25 feet, which is the northwest corner of the Shelton Trade School property; thence continue southwardly with a bearing of South zero degrees and thirty minutes East (SO degrees 30' E) for a distance of 2377.4 to a point, which point is on the present City Limit line and the point of beginning; thence northeastwardly along the present City Limit line with a bearing of North sixty-two degrees and six minutes East (N 62 degrees 6' E) for a distance of 691.8 feet to a point; thence northwardly along the present City Limit line and the west boundary of the Southwest Quarter of the Northeast Quarter of said Section 30 with a bearing of North zero degrees and fifteen minutes West (NO degrees 15' W) for a distance of 765.5 feet to the northwest corner of the said Southwest Quarter of the Northeast Quarter; thence eastwardly along the present City Limit line and the north boundary of the said Southwest Quarter of the Northeast Quarter for a distance of 675.4 feet to a point where said north boundary intersects the east right-of-way of 17th Avenue East; thence southwardly along the present City Limit line and the east right-of-way line of 17th Avenue East for a distance of 550 feet to the southeast corner of the intersection of 17th Avenue East and 20th Street East; thence eastwardly along the present City Limit line and the south right-of-way line of said 20th Street East and parallel to the J. L. Ford Resurvey, a plat of which is recorded in Plat Book 5 at Page 131 in the Office of the Probate Judge of Tuscaloosa County, Alabama, for a distance of 678 feet to a point on the West boundary of the Southeast Quarter of the Northeast Quarter of said Section 30; thence northwardly along the present City Limit line and the west boundary of the said Southeast Quarter of the Northeast Quarter for a distance of 231 feet to the southwest corner of Lot 11 of the George W. Dockery, Jr. Subdivision, a plat of which is recorded in Plat Book 6 at Page 135 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence eastwardly along the present City Limit line and south boundary line of the said George W. Dockery, Jr. Subdivision and the Tanglewood Drive Subdivision, a plat of which is recorded in Plat Book 6 at Page 146 in the Office of the Probate Judge of Tuscaloosa County, Alabama, and the extension eastwardly thereof for a distance of 1320.5 feet to a point on the west boundary of the Southwest Quarter of the Northwest Quarter of Section 29, Township 21 South, Range 9 West, which point is 330 feet south of the northwest corner of the said Southwest Quarter of the Northwest Quarter; thence southwardly along the present City Limit line and the west boundary of the said Southwest Quarter of the Northwest Quarter to the southwest corner of the said Southwest Quarter of the Northwest Quarter; thence eastwardly along the present City Limit line and the south boundary of the said Southwest Quarter of the Northwest Quarter to the southeast corner of the said Southwest Quarter of the Northwest Quarter; thence northwardly along the present City Limit line and the east boundary of the said Southwest Quarter of the Northwest Quarter to the northeast corner of the said Southwest Quarter of the Northwest Quarter; thence eastwardly along the present City Limit line and the south boundary of the Northeast Quarter of the Northwest Quarter of said Section 29 to the southeast corner of the said Northeast Quarter of the Northwest Quarter of said Section 29; thence northwardly along the present City Limit line and the east boundary of said Northeast Quarter of the Northwest Quarter of said Section 29 to the northeast corner of the said Northeast Quarter of the Northwest Quarter of said Section 29; thence eastwardly along the present City Limit line and the north boundary of said Section 29 to the northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 29; thence northwardly along the present City Limit line and



the west boundary of the Southeast Quarter of the Southeast Quarter of Section 20, Township 21 South, Range 9 West, to the north boundary of 15th Street East; thence eastwardly along the present City Limit line and the north right-of-way of 15th Street East, to the east boundary of the said Southeast Quarter of the Southeast Quarter of said Section 20; thence southwardly along the present City Limit line and the east boundary of said Section 20 to the southeast corner of Section 20; thence southwardly along the present City Limit line and the east boundary of Section 29, Township 21 South, Range 9 West, to the southeast corner of the Southeast Quarter of the Northeast Quarter of said Section 29; thence westwardly along the present City Limit line and the north boundary of the Northeast Quarter of the Southeast Quarter of said Section 29 to the Northeast corner of the West One-Half of the said Northeast Quarter of the Southeast Quarter of said Section 29; thence southwardly along the present City Limit line and the east boundary of the West One-Half of the said Northeast Quarter of the Southeast Quarter to the southeast corner of the West One-Half of the said Northeast Quarter of the Southeast Quarter of said Section 29; thence westwardly along the present City Limit line and the south boundary of the said Northeast Quarter of the Southeast Quarter of said Section 29 to the southwest corner of the said Northeast Quarter of the Southeast Quarter of said Section 29; thence northwardly along the present City Limit line and the east boundary of the Northwest Quarter of the Southeast Quarter of said Section 29 to the northeast corner of the said Northwest Quarter of the Southeast Quarter of said Section 29; thence continue northwardly along the present City Limit line and the east boundary of the Southwest Quarter of the northeast Quarter of said Section 29 to a point where the said east boundary line intersects the north right-of-way line of the Pelham Loop Road; thence westwardly along the present City Limit line and the north right-of-way line of the Pelham Loop Road to a point where the said north right-of-way line of the Pelham Loop Road intersects the north boundary of the said Northwest Quarter of the Southeast Quarter of said Section 29; thence continue westwardly along the present City Limit line and the north boundary of the said Northwest Quarter of the Southeast Quarter of said Section 29 to the northwest corner of the Southeast Quarter of said Section 29; thence continue westwardly along the present City Limit line and the north boundary of the Northeast Quarter of the Southwest Quarter of said Section 29 to a point where the east right-of-way line of 29th Avenue East (Fairmont Drive) intersects the said north boundary of the said Northeast Quarter of the Southwest Quarter of Section 29; thence southwardly along the present City Limit line and the east right-of-way line of 29th Avenue East (Fairmont Drive) to the north right-of-way line of the Pelham Loop Road; thence westwardly along the present City Limit line and the north right-of-way line of the Pelham Loop Road to a point where said north right-of-way line intersects the east boundary of the Northwest Quarter of the Southwest Quarter of said Section 29; thence southwardly along the present City Limit line and the east boundary of the West One-Half of the Southwest Quarter of said Section 29 to the southeast corner of the said West One-Half of the Southwest Quarter of said Section 29; thence continue southwardly along the present City Limit line and the east boundary of the Northwest Quarter of the Northwest Quarter of Section 32, Township 21 South, Range 9 West, to the southeast corner of the said Northwest Quarter of the Northwest Quarter of said Section 32, which point is on the present City Limit line; thence southwardly along the east boundary of the Southwest Quarter of the Northwest Quarter of said Section 32 to the southeast corner of said Southwest Quarter of the Northwest Quarter of said Section 32; thence westwardly along the south boundary of the said Southwest Quarter of the northwest Quarter of said

Section 32 to the southwest corner of the said Southwest Quarter of the Northwest Quarter of said Section 32; thence continue westwardly along the south boundary of the North One-Half of Section 31, Township 21 South Range 9 West, to a point where the said south boundary intersects the present City Limit line, which point is 210 feet east of the east right-of-way of the Albright Road, or 223 feet east of the southwest corner of the Southwest Quarter of the Northwest Quarter of said Section 31; thence northwardly along the present City Limit line and parallel to the east right-of-way line of the Albright Road, to a point where said City Limit line intersects the north boundary line of Lot 11 of the Martha Caroline Albright Subdivision, a plat of which is recorded in Plat Book 6 at Page 9 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence eastwardly along the present City Limit line and the said north boundary line of Lot 11 for a distance of 710 feet to the northeast corner of said Lot 11; thence northwardly along the present City Limit line and along the prolongation of the east boundary line of said Lot 11 for a distance of 412 feet to a point on the south boundary of Princeton Heights, a plat of which is recorded in Plat Book 4 at Page 69 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence westwardly along the present City Limit line and the south boundary line of said Princeton Heights to a point, which point is on the west half of Lot 10 of said Princeton Heights; thence continue northwardly along the present City Limit line and the east line of the west half of said Lot 10 to the northeast corner of the west half of said lot 10 and the south right-of-way line of 31st Street East; thence eastwardly along the present City Limit line and the said south right-of-way line of 31st Street East to a point where the prolongation of the west boundary of Lot 2 of said Princeton Heights intersects said south right-of-way of 31st Street East; thence northwardly along the present City Limit line and the east boundary of said Lot 2 to a point where the prolongation of said east boundary intersects the south boundary of Section 30, Township 21 South, Range 9 West; thence eastwardly along the present City Limit line and the south boundary of said Section 30 to the southwest corner of the Southeast Quarter of said Section 30, which is the southeast corner of Cedar Knoll Subdivision, a plat of which is recorded in Plat Book 6 at Page 62 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence northwardly along the present City Limit line and the west boundary of the East One-Half of said Section 30 to a point where said west boundary intersects the south right-of-way of the Hargrove Road; thence westwardly along the present City Limit line and the said south right-of-way line of the Hargrove Road to a point where said right-of-way intersects the east boundary of the Northwest Quarter of the Southwest Quarter of said Section 30; thence northwardly along the present City Limit line and the east boundary of the said Northwest Quarter of the Southwest Quarter of said Section 30 to the northeast corner of the said Northwest Quarter of the Southwest Quarter of said Section 30; thence eastwardly along the present City Limit line and the south boundary of the Southeast Quarter of the Northwest Quarter of said Section 30 to a point, which point is 2067 feet east of the northwest corner of the Southwest Quarter of said Section 30; thence northwardly on a bearing of North zero degrees and thirty minutes West (NO degrees 30' W) along the present City Limit line to the point of beginning.

All being in Tuscaloosa County, Alabama.

#### PARCEL "C"

For a point of beginning, begin at the northwest corner of Section 31, Township 21 South, Range 9 West; thence eastwardly along the

present City Limit line and the north boundary of said Section 31 for a distance of 340.2 feet, which point is the prolongation of the east boundary of Lot 1 of Princeton Heights, a plat of which is recorded in Plat Book 4 at Page 69 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence southwardly along the present City Limit line and the east boundary of said Lot 1 for a distance of 688.5 feet to the northeast corner of Lot 9 of said Princeton Heights; thence westwardly along the present City Limit line and the north boundary of said Lot 9 to the northwest corner of said Lot 9; thence southwardly along the present City Limit line and the west boundary of said Lot 9, and the east right-of-way line of the Albright Road, to the southwest corner of said Lot 9, which is also on the south boundary of the Northwest Quarter of the Northwest Quarter of said Section 31; thence westwardly along the said south boundary to the southwest corner of the said Northwest Quarter of the Northwest Quarter of said Section 31; thence westwardly along the south boundary of the Northeast Quarter of the Northeast Quarter of Section 36, Township 21 South, Range 10 West, to the southwest corner of the Northeast Quarter of the Northeast Quarter of said Section 36, which point is on the present City Limit line; thence northwardly along the present City Limit line and the west boundary of the Northeast Quarter of said Section 36 to the northwest corner of the said Northeast Quarter of the Northeast Quarter of said Section 36; thence northwardly along the present City Limit line and the west boundary of the Southeast Quarter of the Southeast Quarter of Section 25, Township 21 South, Range 10 West, to the northwest corner of the said Southeast Quarter of the Southeast Quarter of said Section 25; thence westwardly along the south boundary of the Northwest Quarter of the Southeast Quarter and the present City Limit line of said Section 25, to the intersection with the prolongation southwardly of the east boundary of Lots 1 and 2 and Lots 46 thru 49 of the East Arlington Subdivision, a plat of which is recorded in Plat Book 6 at Page 67 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence northwardly to the northeast corner of said Lot 46 of said East Arlington; thence continue northwardly along the present City Limit line and the prolongation of the east boundary of said Lots 46 thru 49 of said East Arlington to the north right-of-way of the Hargrove Road; thence eastwardly along the north right-of-way of the Hargrove Road and the present City Limit line, to a point where said right-of-way intersects the east boundary of said Section 25; thence in a southerly direction along the east boundary of said Section 25 to the point of beginning.

All being in Tuscaloosa County, Alabama.

#### PARCEL "D"

The point of beginning is the southwest corner of Section 25, Township 21 South, Range 10 West; thence eastwardly along the south line of said Section 25 to the southwest corner of Lot 19 of the Fitts Heights Subdivision No. 2, a plat of which is recorded in Plat Book 6 at Page 56 in the Office of the Probate Judge of Tuscaloosa County, Alabama, this point is on the present City Limit line; thence turn left with a deflection angle of ninety-six degrees and thirty-six minutes (96 degrees 36') and run northwardly along the present City Limit line and the west boundary of Lots 19 and 20 of said Fitts Heights Subdivision No. 2 to the northwest corner of said Lot 20; thence turn right with a deflection angle of ninety-six degrees and twenty-three minutes (96 degrees 23') and run in an eastwardly direction along the present City Limit line and the north boundary of Lots 20 and 23 of said Fitts Heights Subdivision No. 2 for a distance of 2764 feet to the northeast corner of said Lot 23; thence northwardly along the present City Limit line and the west boundary of Narrow Lane, to the intersection with

the south boundary of Lot 24 of said Fitts Heights Subdivision No. 2; thence turn left with a deflection angle of ninety-seven degrees and thirty minutes (97 degrees 30') and run in a westwardly direction along the present City Limit line and the south boundary of said Lot 24 to the southwest corner of said Lot 24; thence turn right with a deflection angle of ninety degrees and zero minutes (90 degrees 0') and run in a northwardly direction along the west boundary of said Lot 24 for a distance of 100 feet to the northwest corner of said Lot 24; thence turn right with a deflection angle of ninety degrees and zero minutes (90 degrees 0') and run in an eastwardly direction along the present City Limit line and the north boundary of Lots 24 thru 26 of said Fitts Heights Subdivision No. 2 for a distance of 220 feet to the northeast corner of said Lot 26, turn left with a deflection angle of ninety degrees and zero minutes (90 degrees 0') and run in a northwardly direction along the present City Limit line and the west boundary of Lots 28 thru 33 of said Fitts Heights Subdivision No. 2 and the extension northwardly of said boundary to the intersection with the north boundary of the Hargrove Road; thence northwestwardly along the north boundary of the Hargrove Road, and the present City Limit line, to a point where the prolongation of the west boundary of Harrison Street and the north boundary of the Hargrove Road intersect; thence southwardly along the west boundary of Harrison Street, and the present City Limit line, to the north boundary of the Southwest Quarter of the Southwest Quarter of Section 25, Township 21 South, Range 10 West; thence westwardly along the present City Limit line and the north boundary of the said southwest Quarter of the Southwest Quarter of said Section 25 to the northwest corner of the said Southwest Quarter of the Southwest Quarter of said Section 25; thence westwardly along the north boundary of the South One-Half of the Southeast Quarter of Section 26, Township 21 South, Range 10 West, to the northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 26; thence southwardly along the present City Limit line and the west boundary of the Southeast Quarter of said Section 26 to the southwest corner of the said Southeast Quarter of said Section 26; thence eastwardly along the south boundary of said Section 26 to the southeast corner of said Section 26, which is the point of beginning.

All being in Tuscaloosa County, Alabama.

#### PARCEL "E"

For a point of beginning start at the southwest corner of Section 27, Township 21 South, Range 10 West; thence eastwardly along the present City Limit line and the south boundary of the Southwest Quarter of said Section 27 to the southeast corner of the said Southwest Quarter of said Section 27; thence northwardly along the east boundary of the said Southwest Quarter of said Section 27 and the present City Limit line to a point where said east boundary intersects the southeast boundary of the road which lies on the south boundary of the Kennedy Realty Company Resurvey of the F. E. Shide Survey, as shown by the plat of said resurvey, recorded in Plat Book 2 at Page 45 in the Office of the Probate Judge of Tuscaloosa County, Alabama (said road being a street or road designated on said plat as being "County Road," and it being the intent hereof to include said road or street within the City); thence northeastwardly along the present City Limit line and the south boundary of said road, to an intersection with the extension southwardly of the west boundary of Lot 66 of the J. J. Harris Survey, as shown by a plat of which is recorded in Plat Book 1 at Page 19 in the Office of the Probate Judge of Tuscaloosa County, Alabama; thence northwardly along the extension southwardly of said west boundary of said Lot 66, and the present City Limit line, to the south boundary of 24th Street (South 8th Avenue as shown on said plat

of said J. J. Harris Survey, said South 8th Avenue being now designated on the map of the City of Tuscaloosa and known as 24th Street); thence eastwardly along the south boundary of 24th Street and the present City Limit line to a point where said south boundary of 24th Street intersects the west boundary of the Gulf, Mobile & Ohio Railroad; thence southwardly along said west boundary of the Gulf, Mobile & Ohio Railroad, to a point where said Railroad boundary intersects the south boundary of the Southwest Quarter of the Southwest Quarter of Section 35, Township 21 South, Range 10 West; thence westwardly along said south boundary to the southwest corner of said Section 35; thence southwardly along the east boundary of Section 3, Township 22 South, Range 10 West, to the southeast corner of the Northeast Quarter of said Section 3; thence westwardly along the south boundary of the Northeast Quarter of said Section 3 to the east boundary of the Alabama Great Southern Railroad; thence northwardly along the said east boundary of the Alabama Great Southern Railroad to a point which point is 638.3 feet north of the south boundary of the Northwest Quarter of the Northeast Quarter of said Section 3, measured along a line parallel to the west boundary of said Northwest Quarter of the Northeast Quarter of said Section 3; thence westwardly and parallel to the north boundary of the said Northwest Quarter of the Northeast Quarter of said Section 3 to a point on the west boundary of said Northwest Quarter of the Northeast Quarter of said Section 3, which point is 638.3 feet north of the southwest corner of said Northwest Quarter of the Northeast Quarter of said Section 3; thence northwardly along the west boundary of the Northeast Quarter of said Section 3 to the northwest corner of the Northeast Quarter of said Section 3; thence westwardly along the north boundary of said Section 3 to a point, which point is 944.6 feet from the northwest corner of said Section 3; thence southwestwardly along a bearing of South sixty-five degrees and thirty minutes West (S65 degrees 30' W) for a distance of 1635.67 feet to a point; thence northwardly along a bearing of North twenty-three degrees and thirty minutes West (N23 degrees 30' W) for a distance of 491 feet to a point; thence northwardly along a bearing of North fourteen degrees and zero minutes East (N 14 degrees 0' E) for a distance of 448 feet to a point; thence northwardly along a bearing of North two degrees and zero minutes East (N 2 degrees 0' E) for a distance of 100 feet to a point; thence northwardly along a bearing of North twelve degrees and fifteen minutes East (N 12 degrees 15' E) for a distance of 547 feet to a point; thence northwardly along a bearing of North thirty degrees and zero minutes East (N 30 degrees 0' E) for a distance of 125 feet to a point; thence northeastwardly along a bearing of North fifty-four degrees and thirty minutes East (N 54 degrees 30' E) for a distance of 248 feet to a point; thence northeastwardly along a bearing of North thirty-five degrees and thirty minutes East (N 35 degrees 30' E) for a distance of 248 feet to a point, which point is on the west boundary of Section 34, Township 21 South, Range 10 West; thence northwardly along the west boundary of said Section 34 to the northwest corner of said Section 34, which is the point of beginning.

All being in Tuscaloosa County, Alabama.

Section 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

## PROOF OF PUBLICATION

STATE OF ALABAMA  
COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Buford Boone, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Tuscaloosa News, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weekks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 15, Sept. 22, Sept. 29, and Oct. 6, all in the year 1959.

BUFORD BOONE

Sworn to and subscribed before me October 6, 1959.

LILLA COLLINS,  
Notary Public.

## SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 433. Local Legislation No. 1

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Mr. Green:

S. 359. To provide for the licensing and operation of privately owned shooting preserves; to provide the Director of Conservation with the authority to regulate the operation of such preserves; to provide for the cost of the privilege licenses for operating such preserves; to provide for the distribution of all monies accruing to the State under the provisions of this Act and to provide a penalty for the violation of the provisions of this Act.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bill, the title to which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 359. Conservation

## BILLS ON THIRD READING RESUMED

H. 1126. To alter and extend the boundaries of the City of Leeds, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

**Yeas:**

|                 |            |                    |                     |
|-----------------|------------|--------------------|---------------------|
| Mr. Speaker     | Edwards    | Johnston (Leonard) | Perry               |
| Adams (Houston) | Ferguson   | Jones (Covington)  | Phillips            |
| Albea           | Franklin   | Jones (Monroe)     | Pierce              |
| Ashworth        | Gilchrist  | Locke              | Powell              |
| Bailey          | Gilmer     | Long (Perry)       | Ramey               |
| Barnett         | Grant      | McClendon (Chamb)  | Rast                |
| Bevill          | Gross      | McLendon (Bullock) | Reynolds (Chambers) |
| Boyd            | Grouby     | Martin             | Rogers              |
| Brannan         | Hain       | Merrill            | Salter              |
| Branyon         | Hanby      | Murphy             | Sessions            |
| Cabiness        | Hardy      | Nettles            | Smith (Russell)     |
| Casey           | Hearn      | Nichols            | Smith (St. Clair)   |
| Cornett         | Hocklander | Oakley             | Trimmier            |
| Daniel          | Ingram     | Owens              | Turnham             |
| Dodd            | Jenkins    |                    |                     |

—58

And the bill:

H. 1136. To establish an inferior court to be called the Intermediate Civil Court of Bessemer; to provide for the Judge, Clerks and other officers, their selection and duties; to provide for the jurisdiction, practice and procedure of said County; to provide for the transfer of causes from said Court to the circuit court; and to provide for appeals from said Court and regulate the manner of taking same.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

**Yeas:**

|                 |           |                     |                     |
|-----------------|-----------|---------------------|---------------------|
| Mr. Speaker     | Dickson   | Hocklander          | Oakley              |
| Adams (Houston) | Dodd      | Ingram              | Owens               |
| Albea           | Edwards   | Jenkins             | Perry               |
| Ashworth        | Ferguson  | Johnson (J. T. Tom) | Pierce              |
| Bailey          | Franklin  | Johnston (Leonard)  | Ramey               |
| Barnett         | Gilchrist | Jones (Covington)   | Rast                |
| Bishop          | Gilmer    | Jones (Monroe)      | Reynolds (Chambers) |
| Boyd            | Goodwyn   | Lee                 | Rogers              |
| Brannan         | Gordon    | Locke               | Salter              |
| Branyon         | Grant     | Long (Perry)        | Sessions            |
| Brewer          | Gross     | McClendon (Chamb)   | Smith (St. Clair)   |
| Broadfoot       | Grouby    | McLendon (Bullock)  | Solomon             |
| Cabiness        | Hain      | Martin              | Sullivan            |
| Camp            | Hanby     | Merrill             | Thomas              |
| Cates           | Hankins   | Morrow              | Trimmier            |
| Chambers        | Hardy     | Nettles             | Turnham             |
| Daniel          | Hearn     | Nichols             |                     |

—67

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has originated and passed the following Senate bill and ordered same sent forthwith to the House without engrossment:

By Mr. Dumas:

S. 427. To propose an Amendment to the Constitution of Alabama to provide that the making and collection of mortgage loans in Alabama by non-residents solely through the Agency of loan brokers

duly licensed as Mortgage Loan Brokers under the laws of Alabama, and maintaining a place of business in the State of Alabama, shall not constitute doing business in Alabama by such non-resident lender, but subjecting such non-resident lender to process in Alabama for the purpose of determining any question concerning such loans.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bill, S. 427, the title to which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Business and Labor.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 533. Relating to taxation: exempting the gross proceeds of sales of certain small stores or vending stands operated by blind persons from the sales tax, and prescribing penalties for violations of this Act.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

#### BILLS ON THIRD READING RESUMED

H. 1137. To establish an Inferior Court in Precinct 33 and all other precincts in Jefferson County, Alabama, lying within or partly within the City of Bessemer, in lieu of all Justices of the Peace in said precinct or precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory, said Court to be called The Bessemer Common Claims and Criminal Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and to fix the method of service of all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court, and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said Court.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.



Yeas 57; Nays 0.

**Yeas:**

|                            |            |                                |                              |
|----------------------------|------------|--------------------------------|------------------------------|
| Mr. Speaker                | Dodd       | Ingram                         | Pierce                       |
| Adams <sup>(Houston)</sup> | Edwards    | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Albea                      | Ferguson   | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Ashworth                   | Franklin   | Jones <sup>(Covington)</sup>   | Ray                          |
| Bailey                     | Gilmer     | Jones <sup>(Monroe)</sup>      | Rogers                       |
| Bevill                     | Gordon     | Lee                            | Salter                       |
| Bishop                     | Grant      | Locke                          | Sessions                     |
| Boyd                       | Grouby     | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>   |
| Brannan                    | Hain       | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Hanby      | Merrill                        | Solomon                      |
| Brewer                     | Hankins    | Morrow                         | Sullivan                     |
| Casey                      | Hawkins    | Nichols                        | Thomas                       |
| Cornett                    | Hearn      | Owens                          | Trimmier                     |
| Daniel                     | Hocklander | Perry                          | Turnham                      |
| Dickson                    |            |                                |                              |

—57

**RECESS**

On motion of Mr. Brannan the House recessed until 8:30 o'clock this evening.

Yeas 37; Nays 20.

**Yeas:**

|          |          |                               |                              |
|----------|----------|-------------------------------|------------------------------|
| Messrs.: | Dickson  | Johnston <sup>(Leonard)</sup> | Morrow                       |
| Albea    | Edwards  | Jones <sup>(Monroe)</sup>     | Owens                        |
| Bailey   | Ferguson | Lee                           | Phillips                     |
| Barnett  | Franklin | Locke                         | Pierce                       |
| Boyd     | Gilmer   | Long <sup>(Lauderdale)</sup>  | Salter                       |
| Brannan  | Grant    | Long <sup>(Perry)</sup>       | Sessions                     |
| Brewer   | Hanby    | Martin                        | Smith <sup>(St. Clair)</sup> |
| Cabiness | Hardy    | Meade                         | Sullivan                     |
| Cates    | Harris   | Merrill                       | Trimmier                     |
| Daniel   | Hearn    |                               |                              |

—37

**Nays:**

|                            |             |                                |         |
|----------------------------|-------------|--------------------------------|---------|
| Mr. Speaker                | Goldthwaite | Johnson <sup>(J. T. Tom)</sup> | Pruitt  |
| Adams <sup>(Houston)</sup> | Gordon      | Jones <sup>(Covington)</sup>   | Ray     |
| Bevill                     | Grouby      | Nichols                        | Rogers  |
| Callahan                   | Hain        | Oakley                         | Turner  |
| Dodd                       | Jenkins     | Oden                           | Turnham |

—20

**EVENING SESSION**

The hour of 8:30 o'clock P. M. having arrived, the House reconvened.

**POINT OF PERSONAL PRIVILEGE**

Mr. Ferguson requested as a matter of personal privilege that the Journal show that he was temporarily out of the House when the bills, H. 504, H. 683, H. 684 and H. 685, were up for passage on the last legislative day. He requested that the Journal show that had he been present he would have voted "yea" on the passage of the bills.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 944. To alter and rearrange the boundaries of the City of Eutaw, Greene County, Alabama.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 855. To permit any water works board organized under the provisions of Sections 394 to 402, inclusive, of Title 37 of the Code of Alabama of 1940 which has acquired or may hereafter acquire a gas plant and system pursuant to Act No. 154 adopted at the 1947 Regular Session of the Legislature of Alabama, to issue revenue bonds for certain water works purposes and to pledge for payment of such revenue bonds not only water revenues, but also any available gas revenues and to provide that in order so to issue revenue bonds it shall not be necessary for such water works board to combine such water and gas systems.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Dumas:

S. 460. To extend, alter and rearrange the boundary lines and corporate limits of the city of Irondale in Jefferson County, Alabama, so as to include within the corporate limits of said city of Irondale all territory now within such corporate limits and also certain other territory contiguous thereto.

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL NOTICE

## NOTICE

Notice is hereby given of intention to apply at the present session of the Legislature of Alabama for introduction and passage of a bill, relating to the corporate limits of the City of Irondale in Jefferson County, Alabama, so as to extend, alter and rearrange such corporate limits and annex to the City certain additional territory contiguous to the present corporate limits. The substance of such bill is and will be as follows:

A BILL  
TO BE ENTITLED  
AN ACT

TO EXTEND, ALTER AND REARRANGE THE BOUNDRY LINES AND CORPORATE LIMITS OF THE CITY OF IRONDALE IN JEFFERSON COUNTY, ALABAMA, SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS OF SAID CITY OF IRONDALE ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS THERETO.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporated limits of the City of Irondale in Jefferson County, Alabama, be and the same are hereby extended, altered and rearranged so that the boundry lines and corporate limits of said City shall embrace and include all of the territory now within the existing limits of said City, and, in addition thereto, shall embrace and include also all of the other territory lying within the following described boundaries, to-wit:

Begin at the Southwest Corner of North Half of Northwest Quarter ( $N\frac{1}{2}$  of  $NW\frac{1}{4}$ ) of Section 30, Township 17 South, Range 1 West, which is the Southeast corner of the present corporate limits of the City of Irondale; thence East along the South line of said North Half of Northwest Quarter ( $N\frac{1}{2}$  of  $NW\frac{1}{4}$ ) of Section 30 Township 17 South Range 1 West to the East line of said Section 30; thence North along said East line of Section 30 and along the East line of Section 19, Township 17 South, Range 1 West and along the East line of Section 18, Township 17 South, Range 1 West, to its intersection with the southerly line of right-of-way of Central of Georgia Railroad in Southeast Quarter of Southeast Quarter ( $SE\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of Section 18, Township 17 South, Range 1 West; thence westerly and southwesterly along said Southerly line of said railroad right-of-way to its intersection with the present corporate limits of the City of Irondale; thence West along said present corporate limits to the Southwest Corner of Northwest Quarter of Northeast Quarter ( $NW\frac{1}{4}$  of  $NE\frac{1}{4}$ ) of Section 24, Township 17 South, Range 2 West; thence North along present corporate limits of City of Irondale to the Northwest Corner of Southwest Quarter of Southeast Quarter ( $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of Section 13, Township 17 South, Range 2 West; thence West along the present corporate limits of City of Irondale to intersection with southeasterly boundry line of right-of-way of Louisville & Nashville Railroad; thence in a Southwesterly direction along said boundry line of said railroad right-of-way, being the present corporate limits of City of Irondale to the arc of a circle constituting the present corporate limits of City of Irondale and thence in a generally Westerly, Southwesterly, Southerly and Southeasterly direction along said arc constituting present corporate limits of City of Irondale to the intersection thereof with the West line of Section 25, Township 17 South, Range 2 West; thence South along said West line of Section 25, Township 17 South, Range 2 West, being present corporate limits of City of Irondale to the Southwest Corner of the Northwest Quarter ( $NW\frac{1}{4}$ ) of Section 25, Township 17 South, Range 2 West; thence East along present corporate limits of City of Irondale to Southeast corner of Southwest Quarter of Northwest Quarter ( $SW\frac{1}{4}$  of  $NW\frac{1}{4}$ ) of Section 25, Township 17 South, Range 2 West; thence North along present corporate limits of City of Irondale to the Northwest Corner of Southeast Quarter of Northwest Quarter ( $SE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) of Section 25, Township 17 South, Range 2 West; thence East along present corporate limits of City of Irondale to the Southwest Corner of North Half of Northwest Quarter ( $N\frac{1}{2}$  of  $NW\frac{1}{4}$ ) of Section 30,

Township 17 South, Range 1 West, the point of beginning, all situated in Jefferson County, Alabama.

Section 2. That all that territory embraced within said boundry lines described in Section 1 hereof be and the same is hereby included within the corporate limits of the City of Irondale.

Section 3. That all laws and parts of laws in conflict or inconsistent with this Act be and are hereby repealed.

Section 4. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon otherwise becoming a law.

#### STATE OF ALABAMA

#### COUNTY OF JEFFERSON, ss:

On this 30th day of July A. D. one thousand nine hundred and 59 personally appeared before me, a Notary Public in and for the County and State aforesaid Arthur P. Cook who being duly sworn according to law, declares that he is ~~Publisher of The Eastern Sun~~, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Eastern Sun on the following dates:

July 9th, 1959; July 16th, 1959; July 23rd, 1959; July 30th, 1959.

Signed ARTHUR P. COOK.

Subscribed and sworn to before me this 30th day of July, A. D. 1959.

CASSIE LEE MILLER,  
Notary Public.

Also:

By Mr. Dumas:

S. 459. To apply in all counties of the State having a population of not less than 500,000 according to the last or any subsequent Federal decennial census; to authorize the county commission of any county to which this act applies to call an election for the approval or disapproval of central daylight savings time; providing for the ordering and holding of such election.

Also:

By Mr. Dumas:

S. 461. To prohibit any person who has attained the age of 70 years from holding any position in the classified service in any county to which Act No. 248, General Laws of Alabama, approved July 6, 1945 (1945 Acts, pp. 376-400), entitled "An Act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards

of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the county affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof," applies and to provide that this Act shall become effective January 1, 1962.

J. E. SPEIGHT,  
Secretary.

### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 460. Local Legislation No. 2

S. 459. Local Legislation No. 2

S. 461. Local Legislation No. 2

### CONSIDERATION OF H. 757 RESUMED

H. 757. To provide for and regulate general and special elections in the cities and towns of this state, except those cities and towns which have a commission form of government; designating the date for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections, and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

As amended, was again taken up.

Mr. Lee offered the following amendment to the bill, H. 757, as amended:

Amend section 7 by striking the 14th word "twenty" in sentence one and substituting the word "thirty" in lieu thereof.

And the amendment was adopted.

Yeas 76; Nays 0.

### Yeas:

|                 |         |          |          |
|-----------------|---------|----------|----------|
| Mr. Speaker     | Bailey  | Brannan  | Casey    |
| Adams (Houston) | Barnett | Branyon  | Cates    |
| Albea           | Bevill  | Brewer   | Copeland |
| Ashworth        | Bishop  | Cabiness | Cornett  |
| Avery           | Boyd    | Camp     | Daniel   |

|           |                    |          |                     |
|-----------|--------------------|----------|---------------------|
| Dickson   | Hardy              | Meade    | Reynolds (Chambers) |
| Dodd      | Harris             | Merrill  | Rogers              |
| Edwards   | Hearn              | Murphy   | Rozelle             |
| Ferguson  | Hocklander         | Nettles  | Salter              |
| Gilchrist | Jenkins            | Nichols  | Sessions            |
| Gilmer    | Johnson (Hardaway) | Oakley   | Shumate             |
| Gordon    | Johnston (Leonard) | Oden     | Smith (St. Clair)   |
| Grant     | Jones (Monroe)     | Phillips | Solomon             |
| Gross     | Lee                | Pierce   | Speaks              |
| Grouby    | Locke              | Powell   | Sullivan            |
| Guthrie   | Long (Lauderdale)  | Pruitt   | Thomas              |
| Hain      | Long (Perry)       | Ramey    | Torbert             |
| Hanby     | McClendon (Chamb)  | Rast     | Trimmier            |
| Hankins   | Martin             | Ray      | Turner              |

—76

And said bill, H. 757, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 5.

#### Yeas:

|             |            |                    |                   |
|-------------|------------|--------------------|-------------------|
| Mr. Speaker | Dodd       | Johnson (Hardaway) | Ramey             |
| Albea       | Edwards    | Johnston (Leonard) | Ray               |
| Ashworth    | Faulk      | Jones (Monroe)     | Rogers            |
| Avery       | Ferguson   | Lee                | Rozelle           |
| Barnett     | Gilchrist  | Long (Perry)       | Salter            |
| Bevill      | Gilmer     | Martin             | Sessions          |
| Boyd        | Grant      | Meade              | Smith (Russell)   |
| Brannan     | Grouby     | Merrill            | Smith (St. Clair) |
| Brewer      | Guthrie    | Murphy             | Solomon           |
| Camp        | Hain       | Nettles            | Speaks            |
| Casey       | Hanby      | Nichols            | Sullivan          |
| Cates       | Hardy      | Oakley             | Thomas            |
| Copeland    | Harris     | Perry              | Torbert           |
| Cornett     | Hearn      | Phillips           | Trimmier          |
| Daniel      | Hocklander | Powell             | Turner            |
| Dickson     | Jenkins    | Pruitt             | Turnham           |

—64

**Nays:** Messrs. Bailey, Goodwyn, Long (Lauderdale), Morrow and Pierce

—5

#### NOTICE IN WRITING

Mr. Cabiness filed the following Notice in Writing:

Mr. Speaker

I would like for the Journal of the House to show that on the vote on House Bill 757 as amended I had wanted to have said bill read at length in accordance with my rights under Section 63 of the Constitution of Alabama 1901 and was denied this right by the Speaker of the House of Representatives.

BERNARD CABINESS

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 998. To alter, extend and rearrange the boundary lines and corporate limits of the City of Piedmont in Calhoun County, so as to annex certain territory to the city.

Also:

H. 941. Relating to Clark County; creating the office of Second Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Second Special Deputy.

Also:

H. 942. To amend Section 2 of Act No. 64, S. 11, approved April 13, 1955, entitled "An Act relating to Clarke County; creating the office of Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Special Deputy," (Acts of the 1955 second extraordinary session, Vol. 1, Page 175.)

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 910. Relating to the municipality of Ozark, in Dale County: to alter, rearrange, and extend the boundaries and corporate limits of the municipality of Ozark, exempting annexed farm land and ap-purtenances from municipal ad valorem taxation so long as the same is used for farm purposes.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Adams (Houston) the House concurred in and adopted the Senate amendment to the bill, H. 910, said Senate amendment being as follows:

#### AMENDMENT OF H. B. 910

Strike out the words, "all of the W $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  lying north of the public road," which appear in the last paragraph of the land description in Section 1 of the bill.

Yeas 77; Nays 0.

Yeas:

|                 |           |          |           |
|-----------------|-----------|----------|-----------|
| Mr. Speaker     | Bishop    | Casey    | Faulk     |
| Adams (Houston) | Boyd      | Cates    | Ferguson  |
| Albea           | Brannan   | Copeland | Gilchrist |
| Ashworth        | Branyon   | Cornett  | Gilmer    |
| Avery           | Brewer    | Daniel   | Grant     |
| Bailey          | Broadfoot | Dickson  | Gross     |
| Barnett         | Cabiness  | Dodd     | Grouby    |
| Bevill          | Camp      | Edwards  | Guthrie   |

|                                |                               |          |                              |
|--------------------------------|-------------------------------|----------|------------------------------|
| Hain                           | Locke                         | Oakley   | Shumate                      |
| Hanby                          | Long <sup>(Lauderdale)</sup>  | Perry    | Smith <sup>(Russell)</sup>   |
| Hankins                        | Long <sup>(Perry)</sup>       | Phillips | Smith <sup>(St. Clair)</sup> |
| Hardy                          | McClendon <sup>(Chamb)</sup>  | Pierce   | Speaks                       |
| Harris                         | McLendon <sup>(Bullock)</sup> | Powell   | Sullivan                     |
| Hearn                          | Martin                        | Pruitt   | Taylor                       |
| Hocklander                     | Merrill                       | Ramey    | Thomas                       |
| Jenkins                        | Morrow                        | Rast     | Torbert                      |
| Johnson <sup>(Hardaway)</sup>  | Murphy                        | Ray      | Trimmier                     |
| Johnson <sup>(J. T. Tom)</sup> | Nettles                       | Rogers   | Turner                       |
| Johnston <sup>(Leonard)</sup>  | Nichols                       | Sessions | Turnham                      |
| Jones <sup>(Monroe)</sup>      |                               |          |                              |

—77

## BILLS ON THIRD READING RESUMED

H. 724. To amend Sections 92 and 117 of Title 17 of the Code of Alabama of 1940 so as to authorize any county or city or other political subdivision of the state to authorize and direct the use of voting machines for registering or recording and computing the vote at all elections held in such county or city or other political subdivision or portion of any thereof without the requirement of submitting the question of the authorization or installation of voting machines to a vote of the qualified electors of such county, city, or other political subdivision, and so as to make the pertinent and necessary laws pertaining to the use of voting machines in counties also apply to the use of voting machines in any municipality or other political subdivision in which voting machines may be adopted.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

## Yeas:

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker                | Dickson   | Hocklander                    | Powell                     |
| Adams <sup>(Houston)</sup> | Dodd      | Jenkins                       | Ramey                      |
| Albea                      | Edwards   | Johnson <sup>(Hardaway)</sup> | Rast                       |
| Ashworth                   | Faulk     | Johnston <sup>(Leonard)</sup> | Ray                        |
| Avery                      | Ferguson  | Lee                           | Roberts                    |
| Bailey                     | Gilchrist | Locke                         | Rogers                     |
| Barnett                    | Gilmer    | Long <sup>(Lauderdale)</sup>  | Rozelle                    |
| Bevill                     | Goodwyn   | Long <sup>(Perry)</sup>       | Salter                     |
| Bishop                     | Gordon    | McClendon <sup>(Chamb)</sup>  | Sessions                   |
| Boyd                       | Grant     | McLendon <sup>(Bullock)</sup> | Shumate                    |
| Brannan                    | Gross     | Martin                        | Smith <sup>(Russell)</sup> |
| Branyon                    | Grouby    | Meade                         | Solomon                    |
| Brewer                     | Guthrie   | Merrill                       | Speaks                     |
| Broadfoot                  | Hain      | Murphy                        | Sullivan                   |
| Cabiness                   | Hanby     | Nettles                       | Taylor                     |
| Casey                      | Hankins   | Nichols                       | Thomas                     |
| Cates                      | Hardy     | Oakley                        | Trimmier                   |
| Copeland                   | Harris    | Perry                         | Turner                     |
| Cornett                    | Hearn     | Pierce                        | Turnham                    |
| Daniel                     |           |                               |                            |

—77

And the bill:

H. 725. To authorize each county in this state, in which voting machines may now or hereafter be authorized or required to be used in the conduct of elections, to sell and issue from time to time interest



bearing warrants or certificates of indebtedness of such county for the purpose of acquiring or providing voting machines for the conduct of elections in such county; authorizing each such county to pledge and use, for payment of the principal of and interest on such warrants and certificates, so much as may be necessary for such purpose of the  $\frac{1}{2}$  of 1% ad valorem tax which such county is now authorized to levy without reference to its purpose, and specifying the effect and priority of any such pledge; and authorizing the refunding of such warrants and certificates.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

**Yeas:**

|                            |           |                                |                                |
|----------------------------|-----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Copeland  | Hearn                          | Powell                         |
| Adams <sup>(Houston)</sup> | Cornett   | Hocklander                     | Ramey                          |
| Albea                      | Daniel    | Jenkins                        | Rast                           |
| Ashworth                   | Dickson   | Johnson <sup>(Hardaway)</sup>  | Ray                            |
| Avery                      | Dodd      | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Edwards   | Johnston <sup>(Leonard)</sup>  | Roberts                        |
| Barnett                    | Faulk     | Jones <sup>(Monroe)</sup>      | Rogers                         |
| Bevill                     | Gilchrist | Locke                          | Rozelle                        |
| Bishop                     | Gilmer    | Long <sup>(Perry)</sup>        | Sessions                       |
| Boyd                       | Gordon    | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>     |
| Brannan                    | Grant     | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup>   |
| Branyon                    | Gross     | Merrill                        | Solomon                        |
| Brewer                     | Grouby    | Morrow                         | Speaks                         |
| Broadfoot                  | Guthrie   | Murphy                         | Sullivan                       |
| Cabiness                   | Hain      | Nichols                        | Taylor                         |
| Camp                       | Hanby     | Oakley                         | Trimmier                       |
| Casey                      | Hankins   | Perry                          | Turner                         |
| Cates                      | Hardy     | Pierce                         | Turnham                        |
| Chambers                   | Harris    |                                |                                |

—74

And the bill:

H. 730. To amend further Section 12 of Title 17, Code of Alabama 1940, which relates to qualifications to vote.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

**Yeas:**

|                            |          |                               |                               |
|----------------------------|----------|-------------------------------|-------------------------------|
| Mr. Speaker                | Cabiness | Grouby                        | Long <sup>(Perry)</sup>       |
| Adams <sup>(Houston)</sup> | Casey    | Guthrie                       | McClendon <sup>(Chamb)</sup>  |
| Albea                      | Cates    | Hain                          | McLendon <sup>(Bullock)</sup> |
| Ashworth                   | Copeland | Hanby                         | Martin                        |
| Avery                      | Daniel   | Hankins                       | Meade                         |
| Bailey                     | Dickson  | Hardy                         | Merrill                       |
| Bevill                     | Dodd     | Hocklander                    | Morrow                        |
| Bishop                     | Edwards  | Jenkins                       | Murphy                        |
| Boyd                       | Faulk    | Johnson <sup>(Hardaway)</sup> | Nettles                       |
| Brannan                    | Gilmer   | Johnston <sup>(Leonard)</sup> | Nichols                       |
| Branyon                    | Gordon   | Jones <sup>(Monroe)</sup>     | Oakley                        |
| Brewer                     | Grant    | Lee                           | Perry                         |
| Broadfoot                  | Gross    | Locke                         | Pierce                        |

|        |                     |                   |          |
|--------|---------------------|-------------------|----------|
| Powell | Reynolds (Chambers) | Smith (Russell)   | Taylor   |
| Pruitt | Rogers              | Smith (St. Clair) | Thomas   |
| Ramey  | Rozelle             | Speaks            | Trimmier |
| Rast   | Sessions            | Sullivan          | Turner   |
| Ray    |                     |                   |          |

—69

**Nay:** Mr. Shumate

—1

And the bill:

H. 770 (with amendment): To revise and amend Chapter 4 of Title 46 of the Code of Alabama (1940), relating to the licensing of general contractors.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Section 1 of House Bill 770 as follows.

(1) Delete the last sentence of Subsection 73.

(2) Amend Subsection 78 as follows: Change the period at the end of the subsection to a semicolon and insert the following language: "and a person, firm or corporation constructing a building or other improvements on his or its own property."

And the amendment was adopted.

Yeas 71; Nays 0.

#### Yeas:

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Daniel             | Johnson (J. T. Tom) | Powell              |
| Albea       | Dickson            | Johnston (Leonard)  | Pruitt              |
| Ashworth    | Dodd               | Jones (Monroe)      | Ramey               |
| Avery       | Edwards            | Lee                 | Rast                |
| Bailey      | Faulk              | Locke               | Ray                 |
| Barnett     | Gilchrist          | Long (Perry)        | Reynolds (Chambers) |
| Bevill      | Gilmer             | McClendon (Chamb)   | Rogers              |
| Boyd        | Gordon             | McLendon (Bullock)  | Rozelle             |
| Branyon     | Grant              | Martin              | Sessions            |
| Brewer      | Grouby             | Merrill             | Smith (St. Clair)   |
| Broadfoot   | Guthrie            | Morrow              | Solomon             |
| Cabiness    | Hain               | Murphy              | Speaks              |
| Callahan    | Hanby              | Nettles             | Sullivan            |
| Camp        | Hankins            | Nichols             | Taylor              |
| Casey       | Hardy              | Oakley              | Thomas              |
| Cates       | Harris             | Perry               | Trimmier            |
| Copeland    | Hocklander         | Phillips            | Turner              |
| Cornett     | Johnson (Hardaway) | Pierce              |                     |

—71

Mr. Rast offered the following amendment to the bill, H. 770, as amended:

#### AMENDMENT TO H. B. 770

In the paragraph beginning with the words and figures "Section 73.", after the words and figures, "Should the applicant's financial statement fail to substantiate the limits requested, further consideration may be given to (1) the present market value in lieu of book

value of listed assets when properly supported by substantiating evidence. (2) A combined statement of the applicant that includes other wholly owned or substantially owned interests." insert the words and figures, "or (3) a combined statement of any corporate applicant that includes assets owned or held by the officers, directors, or stockholders of the corporation which are subject to, or to be made subject to use as security in the applicant's business."

And the amendment was adopted.

Yeas 76; Nays 0.

**Yeas:**

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Daniel             | Johnson (J. T. Tom) | Ramey               |
| Albea       | Dickson            | Johnston (Leonard)  | Rast                |
| Ashworth    | Dodd               | Jones (Monroe)      | Ray                 |
| Avery       | Edwards            | Lee                 | Reynolds (Chambers) |
| Bailey      | Faulk              | Locke               | Roberts             |
| Barnett     | Gilchrist          | McClendon (Chamb)   | Rogers              |
| Bevill      | Gilmer             | McLendon (Bullock)  | Rozelle             |
| Boyd        | Gordon             | Martin              | Sessions            |
| Brannan     | Grant              | Meade               | Smith (Russell)     |
| Branyon     | Grouby             | Merrill             | Smith (St. Clair)   |
| Brewer      | Guthrie            | Morrow              | Solomon             |
| Cabiness    | Hain               | Murphy              | Speaks              |
| Callahan    | Hanby              | Nettles             | Sullivan            |
| Camp        | Hankins            | Nichols             | Taylor              |
| Casey       | Hardy              | Oakley              | Thomas              |
| Cates       | Harris             | Perry               | Torbert             |
| Chambers    | Hocklander         | Phillips            | Trimmier            |
| Copeland    | Jenkins            | Pierce              | Turner              |
| Cornett     | Johnson (Hardaway) | Pruitt              | Turnham             |

—76

The motion of Mr. Rast to lay on the table the motion of Mr. Long (Lauderdale) to postpone further consideration of the bill, H. 770, as amended, until the next legislative day, was lost.

Yeas 28; Nays 45.

**Yeas:**

|                 |          |            |                 |
|-----------------|----------|------------|-----------------|
| Mr. Speaker     | Cates    | Hardy      | Perry           |
| Adams (Houston) | Chambers | Hocklander | Pierce          |
| Ashworth        | Dodd     | Locke      | Pruitt          |
| Bailey          | Edwards  | Martin     | Rast            |
| Brannan         | Gilmer   | Meade      | Sessions        |
| Brewer          | Guthrie  | Morrow     | Smith (Russell) |
| Callahan        | Hain     | Nettles    | Turner          |

—28

**Nays:**

|           |           |                     |                    |
|-----------|-----------|---------------------|--------------------|
| Messrs.:  | Cabiness  | Grouby              | Johnston (Leonard) |
| Albea     | Camp      | Hanby               | Jones (Monroe)     |
| Avery     | Casey     | Hankins             | Lee                |
| Barnett   | Copeland  | Harris              | Long (Lauderdale)  |
| Bevill    | Daniel    | Hearn               | Long (Perry)       |
| Bishop    | Ferguson  | Jenkins             | McClendon (Chamb)  |
| Boyd      | Gilchrist | Johnson (Hardaway)  | McLendon (Bullock) |
| Broadfoot | Grant     | Johnson (J. T. Tom) | Merrill            |

|          |                   |          |          |
|----------|-------------------|----------|----------|
| Nichols  | Rogers            | Solomon  | Taylor   |
| Phillips | Rozelle           | Speaks   | Trimmier |
| Powell   | Shumate           | Sullivan | Turnham  |
| Ramey    | Smith (St. Clair) |          |          |

—45

And the motion of Mr. Long (Lauderdale) to postpone further consideration of the bill, H. 770, as amended, until the next legislative day, was lost.

Yeas 36; Nays 39.

**Yeas:**

|          |           |                    |                   |
|----------|-----------|--------------------|-------------------|
| Messrs.: | Dickson   | Hearn              | Ramey             |
| Albea    | Ferguson  | Jenkins            | Rozelle           |
| Avery    | Gilchrist | Johnson (Hardaway) | Shumate           |
| Barnett  | Gordon    | Johnston (Leonard) | Smith (St. Clair) |
| Bevill   | Grant     | Lee                | Speaks            |
| Bishop   | Grouby    | Long (Lauderdale)  | Taylor            |
| Boyd     | Hankins   | McClendon (Chamb)  | Thomas            |
| Branyon  | Hardy     | McLendon (Bullock) | Trimmier          |
| Cabiness | Harris    | Powell             | Turnham           |
| Daniel   |           |                    |                   |

—36

**Nays:**

|                 |                     |          |                     |
|-----------------|---------------------|----------|---------------------|
| Mr. Speaker     | Dodd                | Meade    | Pruitt              |
| Adams (Houston) | Edwards             | Merrill  | Rast                |
| Brannan         | Gross               | Morrow   | Reynolds (Chambers) |
| Brewer          | Hain                | Murphy   | Rogers              |
| Broadfoot       | Hocklander          | Nettles  | Smith (Russell)     |
| Callahan        | Johnson (J. T. Tom) | Nichols  | Solomon             |
| Camp            | Jones (Monroe)      | Oakley   | Sullivan            |
| Cates           | Locke               | Perry    | Torbert             |
| Chambers        | Long (Perry)        | Phillips | Turner              |
| Cornett         | Martin              | Pierce   |                     |

—39

Mr. Long (Perry) offered the following amendment to the bill, H. 770, as amended:

In section 78 strike out the words "provided however that such operation shall be under the supervision of a licensed architect or engineer"

And the amendment was adopted.

Yeas 76; Nays 1.

**Yeas:**

|                 |           |                    |                     |
|-----------------|-----------|--------------------|---------------------|
| Mr. Speaker     | Camp      | Grant              | Johnson (J. T. Tom) |
| Adams (Houston) | Casey     | Gross              | Johnston (Leonard)  |
| Albea           | Cates     | Grouby             | Jones (Monroe)      |
| Ashworth        | Cornett   | Guthrie            | Lee                 |
| Avery           | Daniel    | Hain               | Locke               |
| Bailey          | Dickson   | Hanby              | Long (Perry)        |
| Barnett         | Dodd      | Hankins            | McClendon (Chamb)   |
| Bevill          | Edwards   | Hardy              | McLendon (Bullock)  |
| Bishop          | Faulk     | Harris             | Martin              |
| Brannan         | Ferguson  | Hearn              | Meade               |
| Branyon         | Gilchrist | Hocklander         | Merrill             |
| Cabiness        | Gilmer    | Jenkins            | Morrow              |
| Callahan        | Goodwyn   | Johnson (Hardaway) | Murphy              |

|          |                                |                              |          |
|----------|--------------------------------|------------------------------|----------|
| Nettles  | Powell                         | Sessions                     | Sullivan |
| Nichols  | Pruitt                         | Shumate                      | Taylor   |
| Oakley   | Ramey                          | Smith <sup>(Russell)</sup>   | Thomas   |
| Perry    | Rast                           | Smith <sup>(St. Clair)</sup> | Torbert  |
| Phillips | Reynolds <sup>(Chambers)</sup> | Solomon                      | Turner   |
| Pierce   | Rozelle                        | Speaks                       | Turnham  |
| —76      |                                |                              |          |

**Nay:** Mr. Broadfoot —1

On motion of Mr. Avery, the bill, H. 770, as amended, was indefinitely postponed.

Yeas 41; Nays 32.

**Yeas:**

|           |          |                                |                              |
|-----------|----------|--------------------------------|------------------------------|
| Messrs.:  | Daniel   | Jenkins                        | Rogers                       |
| Albea     | Dickson  | Johnson <sup>(Hardaway)</sup>  | Rozelle                      |
| Avery     | Ferguson | Johnson <sup>(J. T. Tom)</sup> | Salter                       |
| Barnett   | Gilmer   | Johnson <sup>(Leonard)</sup>   | Shumate                      |
| Bevill    | Gordon   | Lee                            | Smith <sup>(St. Clair)</sup> |
| Bishop    | Grant    | Long <sup>(Lauderdale)</sup>   | Speaks                       |
| Boyd      | Grouby   | McClendon <sup>(Chamb)</sup>   | Taylor                       |
| Broadfoot | Hanby    | McLendon <sup>(Bullock)</sup>  | Thomas                       |
| Cabiness  | Hankins  | Powell                         | Trimmier                     |
| Camp      | Hardy    | Ramey                          | Turnham                      |
| Casey     | Harris   |                                |                              |
| —41       |          |                                |                              |

**Nays:**

|                            |                         |          |                                |
|----------------------------|-------------------------|----------|--------------------------------|
| Mr. Speaker                | Dodd                    | Meade    | Rast                           |
| Adams <sup>(Houston)</sup> | Edwards                 | Morrow   | Reynolds <sup>(Chambers)</sup> |
| Ashworth                   | Gilchrist               | Murphy   | Sessions                       |
| Bailey                     | Goodwyn                 | Nichols  | Smith <sup>(Russell)</sup>     |
| Brannan                    | Hain                    | Oakley   | Solomon                        |
| Brewer                     | Hocklander              | Perry    | Sullivan                       |
| Callahan                   | Locke                   | Pierce   | Torbert                        |
| Cates                      | Long <sup>(Perry)</sup> | Phillips | Turner                         |
| —32                        |                         |          |                                |

**H. 771 INDEFINITELY POSTPONED**

On motion of Mr. Rast, the bill, H. 771, was indefinitely postponed.

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Hanby to suspend the rules in order to introduce a resolution was adopted.

**RESOLUTION**

The following resolution was introduced:

By Mr. Hanby:

H. J. R. 91. RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, H. 533, which has passed both houses be designated and known as "The Hanby-Shelton Bill."

On motion of Mr. Hanby the rules were suspended and H. J. R. 91 was adopted.

## MOTION TO RECONSIDER TABLED

On motion of Mr. Long (Lauderdale), his motion to reconsider the vote by which the bill, H. 770, as amended, was indefinitely postponed, was laid upon the table.

Yeas 45; Nays 18.

**Yeas:**

|             |           |                     |                   |
|-------------|-----------|---------------------|-------------------|
| Mr. Speaker | Dickson   | Johnson (Hardaway)  | Ramey             |
| Ashworth    | Dodd      | Johnson (J. T. Tom) | Rogers            |
| Avery       | Ferguson  | Johnston (Leonard)  | Salter            |
| Barnett     | Gilchrist | Lee                 | Smith (Russell)   |
| Bishop      | Grant     | Long (Lauderdale)   | Smith (St. Clair) |
| Boyd        | Grouby    | McClendon (Chamb)   | Solomon           |
| Branyon     | Hanby     | McLendon (Bullock)  | Sullivan          |
| Broadfoot   | Hankins   | Martin              | Taylor            |
| Cabiness    | Harris    | Nichols             | Thomas            |
| Camp        | Hearn     | Phillips            | Trimmier          |
| Casey       | Jenkins   | Powell              | Turnham           |
| Daniel      |           |                     |                   |

—45

**Nays:**

|                 |          |              |          |
|-----------------|----------|--------------|----------|
| Messrs.:        | Brewer   | Locke        | Pierce   |
| Adams (Houston) | Callahan | Long (Perry) | Pruitt   |
| Bailey          | Edwards  | Morrow       | Rast     |
| Bevill          | Guthrie  | Oakley       | Sessions |
| Brannan         | Hain     | Perry        |          |

—18

## MOTION TO REQUEST SENATE TO RETURN BILL LOST

The motion of Mr. Harris that the Senate be requested to return to the House the bill, H. 730, for further consideration by the House, was lost.

Yeas 15; Nays 38.

**Yeas:**

|          |          |          |                   |
|----------|----------|----------|-------------------|
| Messrs.: | Branyon  | Harris   | Ramey             |
| Avery    | Cabiness | Hearn    | Shumate           |
| Barnett  | Ferguson | Martin   | Smith (St. Clair) |
| Bishop   | Hankins  | Phillips | Taylor            |

—15

**Nays:**

|                 |           |                    |                 |
|-----------------|-----------|--------------------|-----------------|
| Mr. Speaker     | Cates     | Hain               | Pierce          |
| Adams (Houston) | Copeland  | Hanby              | Powell          |
| Albea           | Cornett   | Lee                | Rast            |
| Ashworth        | Dickson   | McClendon (Chamb)  | Rogers          |
| Bailey          | Dodd      | McLendon (Bullock) | Rozelle         |
| Boyd            | Gilchrist | Meade              | Smith (Russell) |
| Brannan         | Gilmer    | Merrill            | Solomon         |
| Brewer          | Goodwyn   | Nichols            | Sullivan        |
| Callahan        | Grouby    | Perry              | Torbert         |
| Camp            | Guthrie   |                    |                 |

—38

## CONSIDERATION OF H. 686 RESUMED

H. 686. To amend Section 697 of Title 51, Code of Alabama (1940), which prescribes the license taxes imposed upon motor trucks using

fuel on which tax has been paid or is to be paid, to provide for the basing of such licenses on owner-declared gross vehicle weight.

As amended, was again taken up.

The question was upon the adoption of the amendment offered by Mr. Avery to the bill, H. 686, as amended, said amendment being set out in the Journal on the thirty-third legislative day.

And on motion of Mr. Nettles, the amendment offered by Mr. Avery was laid upon the table.

Yeas 44; Nays 24.

**Yeas:**

|                            |           |                               |                            |
|----------------------------|-----------|-------------------------------|----------------------------|
| Mr. Speaker                | Daniel    | Jones <sup>(Monroe)</sup>     | Pruitt                     |
| Adams <sup>(Houston)</sup> | Dodd      | Locke                         | Rast                       |
| Ashworth                   | Gilchrist | McLendon <sup>(Bullock)</sup> | Rogers                     |
| Bevill                     | Goodwyn   | Meade                         | Sessions                   |
| Bishop                     | Gordon    | Morrow                        | Shumate                    |
| Brannan                    | Grant     | Nettles                       | Smith <sup>(Russell)</sup> |
| Broadfoot                  | Gross     | Nichols                       | Sullivan                   |
| Callahan                   | Guthrie   | Oden                          | Torbert                    |
| Camp                       | Hain      | Perry                         | Trimmier                   |
| Casey                      | Hearn     | Phillips                      | Turner                     |
| Cates                      | Jenkins   | Powell                        | Turnham                    |

—44

**Nays:**

|          |                               |                              |                                |
|----------|-------------------------------|------------------------------|--------------------------------|
| Messrs.: | Cabiness                      | Lee                          | Reynolds <sup>(Chambers)</sup> |
| Albea    | Copeland                      | Long <sup>(Lauderdale)</sup> | Rozelle                        |
| Avery    | Ferguson                      | Martin                       | Smith <sup>(St. Clair)</sup>   |
| Bailey   | Hanby                         | Oakley                       | Speaks                         |
| Boyd     | Johnson <sup>(Hardaway)</sup> | Pierce                       | Taylor                         |
| Branyon  | Johnston <sup>(Leonard)</sup> | Ramey                        | Thomas                         |
| Brewer   |                               |                              |                                |

—24

Mr. Smith (Russell) offered the following amendment to the bill, H. 686, as amended:

AMENDMENT TO SUBSTITUTE H. B. 686,

AS AMENDED:

In Section 1, paragraph (b, as amended, strike out "either (I) used and domiciled upon a farm; or (II) used exclusively for the transportation of limestone or limestone products; or (III) primarily used and designed for the transportation of logs, lumber, poles, pulpwood or other forest products, as exempt under the Alabama Motor Carrier Act of 1939, as amended," and insert the following: "either (I) used or domiciled upon a farm; or (II) used primarily for the transportation of earth or earth products; or (III) primarily used and designed for the transportation of logs, lumber, poles, pulpwood or other forest products, as exempt under the Alabama Motor Carrier Act of 1939, as amended,"

Also, in Section 1, paragraph (c) after "household effects" and before "and except" insert the words and figures, "and trucks not subect to regulation under the Alabama Motor Carrier Act of 1939, as amended,"

And the amendment was adopted.

Yeas 76; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Copeland  | Jenkins                       | Powell                       |
| Adams <sup>(Houston)</sup> | Cornett   | Johnson <sup>(Hardaway)</sup> | Pruitt                       |
| Albea                      | Daniel    | Johnston <sup>(Leonard)</sup> | Rast                         |
| Ashworth                   | Dickson   | Lee                           | Roberts                      |
| Avery                      | Dodd      | Locke                         | Rogers                       |
| Bailey                     | Edwards   | Long <sup>(Lauderdale)</sup>  | Rozelle                      |
| Barnett                    | Faulk     | McClendon <sup>(Chamb)</sup>  | Salter                       |
| Bevill                     | Ferguson  | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Bishop                     | Gilchrist | Meade                         | Shumate                      |
| Boyd                       | Gilmer    | Merrill                       | Smith <sup>(Russell)</sup>   |
| Brannan                    | Goodwyn   | Morrow                        | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Gordon    | Murphy                        | Solomon                      |
| Brewer                     | Grant     | Netties                       | Sullivan                     |
| Cabiness                   | Gross     | Nichols                       | Taylor                       |
| Callahan                   | Guthrie   | Oakley                        | Thomas                       |
| Camp                       | Hain      | Oden                          | Torbert                      |
| Casey                      | Hanby     | Perry                         | Trimmier                     |
| Cates                      | Hankins   | Phillips                      | Turner                       |
| Chambers                   | Hardy     | Pierce                        | Turnham                      |

—76

And said bill, H. 686, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 21.

**Yeas:**

|                            |                                |                               |                                |
|----------------------------|--------------------------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dodd                           | Locke                         | Rast                           |
| Adams <sup>(Houston)</sup> | Edwards                        | McClendon <sup>(Chamb)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Albea                      | Faulk                          | McLendon <sup>(Bullock)</sup> | Roberts                        |
| Ashworth                   | Ferguson                       | Merrill                       | Rogers                         |
| Bevill                     | Gilchrist                      | Morrow                        | Salter                         |
| Bishop                     | Gilmer                         | Murphy                        | Sessions                       |
| Brannan                    | Goodwyn                        | Netties                       | Shumate                        |
| Brewer                     | Gordon                         | Nichols                       | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Guthrie                        | Oakley                        | Smith <sup>(St. Clair)</sup>   |
| Callahan                   | Hain                           | Oden                          | Sullivan                       |
| Camp                       | Hankins                        | Perry                         | Taylor                         |
| Casey                      | Hocklander                     | Phillips                      | Torbert                        |
| Chambers                   | Jenkins                        | Powell                        | Trimmier                       |
| Daniel                     | Johnson <sup>(J. T. Tom)</sup> | Pruitt                        | Turnham                        |

—56

**Nays:**

|          |                               |                              |         |
|----------|-------------------------------|------------------------------|---------|
| Messrs.: | Cabiness                      | Lee                          | Pierce  |
| Avery    | Dickson                       | Long <sup>(Lauderdale)</sup> | Ramey   |
| Bailey   | Grant                         | Long <sup>(Perry)</sup>      | Rozelle |
| Barnett  | Hanby                         | Martin                       | Speaks  |
| Boyd     | Harris                        | Meade                        | Thomas  |
| Branyon  | Johnson <sup>(Hardaway)</sup> |                              |         |

—21



## PROTEST

Mr. Avery entered the following protest.

I, Richard Avery a Member of the House of Rep. being of the opinion that H. B. 686 is a revenue bill and is being passed in violation of section 70 of the Constitution herewith submit this protest and request that it be spread upon the Journal.

RICHARD AVERY

The above protest was read at length by the Clerk and ordered inserted in the Journal.

## MOTION TO RECONSIDER TABLED

On motion of Mr. Smith (Russell), his motion to reconsider the vote by which the bill, H. 686, as amended, was passed, was laid upon the table.

Yeas 51; Nays 23.

## Yeas:

|                            |                                |                               |                              |
|----------------------------|--------------------------------|-------------------------------|------------------------------|
| Mr. Speaker                | Edwards                        | Locke                         | Roberts                      |
| Adams <sup>(Houston)</sup> | Faulk                          | McClendon <sup>(Chamb)</sup>  | Rogers                       |
| Albea                      | Ferguson                       | McLendon <sup>(Bullock)</sup> | Salter                       |
| Ashworth                   | Gilchrist                      | Merrill                       | Sessions                     |
| Bevill                     | Goldthwaite                    | Morrow                        | Shumate                      |
| Bishop                     | Gordon                         | Nettles                       | Smith <sup>(Russell)</sup>   |
| Brewer                     | Grant                          | Nichols                       | Smith <sup>(St. Clair)</sup> |
| Callahan                   | Gross                          | Oakley                        | Sullivan                     |
| Camp                       | Guthrie                        | Perry                         | Taylor                       |
| Casey                      | Hain                           | Phillips                      | Torbert                      |
| Cornett                    | Hocklander                     | Powell                        | Trimmier                     |
| Daniel                     | Jenkins                        | Pruitt                        | Turnham                      |
| Dodd                       | Johnson <sup>(J. T. Tom)</sup> | Rast                          |                              |

—51

## Nays:

|          |          |                               |                                |
|----------|----------|-------------------------------|--------------------------------|
| Messrs.: | Cabiness | Johnson <sup>(Hardaway)</sup> | Meade                          |
| Avery    | Cates    | Johnston <sup>(Leonard)</sup> | Pierce                         |
| Bailey   | Dickson  | Lee                           | Ramey                          |
| Barnett  | Hanby    | Long <sup>(Lauderdale)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Boyd     | Harris   | Long <sup>(Perry)</sup>       | Speaks                         |
| Branyon  | Hearn    | Martin                        | Thomas                         |

—23

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Casey to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 1135, was adopted.

Yeas 61; Nays 3.

## Yeas:

|                            |           |          |           |
|----------------------------|-----------|----------|-----------|
| Mr. Speaker                | Bevill    | Camp     | Faulk     |
| Adams <sup>(Houston)</sup> | Bishop    | Casey    | Ferguson  |
| Albea                      | Brewer    | Chambers | Gilchrist |
| Ashworth                   | Broadfoot | Dickson  | Gordon    |
| Bailey                     | Cabiness  | Dodd     | Grant     |
| Barnett                    | Callahan  | Edwards  | Gross     |

|                     |                   |                     |                   |
|---------------------|-------------------|---------------------|-------------------|
| Grouby              | McClendon (Chamb) | Phillips            | Shumate           |
| Guthrie             | Merrill           | Pierce              | Smith (Russell)   |
| Hanby               | Morrow            | Powell              | Smith (St. Clair) |
| Hocklander          | Murphy            | Rast                | Speaks            |
| Jenkins             | Nettles           | Reynolds (Chambers) | Sullivan          |
| Johnson (J. T. Tom) | Nichols           | Roberts             | Thomas            |
| Johnston (Leonard)  | Oakley            | Rogers              | Trimmier          |
| Lee                 | Oden              | Salter              | Turner            |
| Locke               | Perry             | Sessions            | Turnham           |
| Long (Perry)        |                   |                     |                   |

—61

**Nays:** Messrs. Long (Lauderdale), Martin and Ramey

—3

And the bill:

H. 1135 (with substitute): For the relief of Sisk and Meade, contractors of Centre, Alabama; making an appropriation of state highway department funds to compensate such contractors for certain construction work done on Alabama highway projects.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

For the relief of Sisk and Meade, contractors, of Centre, Alabama; making an appropriation of state highway department funds to compensate such contractors for certain construction work done on Alabama highway projects.

WHEREAS the state highway department approved Kisor Construction Company, of Centre, Alabama, as a general contractor for highway contracts in this state, and awarded such company contracts for certain construction work in connection with Alabama highway projects F-FG-387(3), Talladega County, and F-859-(1), Marion County, and accepted as surety for the faithful performance of such contracts by said Kisor Construction Company, a bond, or bonds, issued by Alabama General Insurance Company; and

WHEREAS Sisk and Meade, contractors, of Centre, Alabama, was a subcontractor of said Kisor Construction Company on said highway projects and such work was in fact completed by Sisk and Meade, contractors; and

WHEREAS said Kisor Construction Company and Alabama General Insurance Company have both been declared bankrupt or are insolvent and the assets of these companies are not sufficient for any further or additional payment to the said Sisk and Meade, contractors, although there is a balance due the said subcontractors by the said prime contractor amounting to ten thousand one hundred fifteen dollars and twenty-eight cents; and

WHEREAS according to the terms of the contract or contracts with the said prime contractor, the state highway department owes a balance of three thousand eight hundred thirty-four dollars and thirty cents on the said Talladega County contract and the sum of

six thousand two hundred ninety-nine dollars and twenty-six cents on the said Marion County contract; and

WHEREAS the state highway department has not paid the above balances due, either to the prime contractor, to the Alabama General Insurance Company, or to Sisk and Meade, the subcontractors; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of ten thousand one hundred fifteen dollars and twenty-eight cents is hereby appropriated from any unpledged funds in the state treasury to the credit of the state highway department, to the use and benefit of Sisk and Meade, contractors, of Centre, Alabama, to compensate said Sisk and Meade for construction work done on the above described Alabama highway projects.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 65; Nays 0.

**Yeas:**

|                            |           |                                |                                |
|----------------------------|-----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Daniel    | Hocklander                     | Powell                         |
| Adams <sup>(Houston)</sup> | Dickson   | Jenkins                        | Ramey                          |
| Albea                      | Dodd      | Johnson <sup>(Hardaway)</sup>  | Rast                           |
| Ashworth                   | Edwards   | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Faulk     | Johnston <sup>(Leonard)</sup>  | Roberts                        |
| Barnett                    | Ferguson  | Long <sup>(Perry)</sup>        | Rogers                         |
| Bevill                     | Gilchrist | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Bishop                     | Gilmer    | Martin                         | Salter                         |
| Boyd                       | Gordon    | Morrow                         | Sessions                       |
| Branyon                    | Grant     | Murphy                         | Shumate                        |
| Brewer                     | Gross     | Nettles                        | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grouby    | Nichols                        | Sullivan                       |
| Cabiness                   | Guthrie   | Oden                           | Taylor                         |
| Callahan                   | Hain      | Perry                          | Trimmier                       |
| Camp                       | Hanby     | Phillips                       | Turner                         |
| Casey                      | Hankins   | Pierce                         | Turnham                        |
| Cates                      |           |                                |                                |

—65

And said bill, H. 1135, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

**Yeas:**

|                            |          |           |            |
|----------------------------|----------|-----------|------------|
| Mr. Speaker                | Branyon  | Dickson   | Gross      |
| Adams <sup>(Houston)</sup> | Brewer   | Dodd      | Grouby     |
| Albea                      | Cabiness | Edwards   | Guthrie    |
| Ashworth                   | Callahan | Faulk     | Hain       |
| Bailey                     | Camp     | Ferguson  | Hanby      |
| Barnett                    | Casey    | Gilchrist | Hankins    |
| Bevill                     | Cates    | Gilmer    | Hardy      |
| Bishop                     | Chambers | Goodwyn   | Hearn      |
| Boyd                       | Cornett  | Gordon    | Hocklander |
| Brannan                    | Daniel   | Grant     | Jenkins    |

|                                |          |                                |                              |
|--------------------------------|----------|--------------------------------|------------------------------|
| Johnson <sup>(Hardaway)</sup>  | Nettles  | Rast                           | Shumate                      |
| Johnson <sup>(J. T. Tom)</sup> | Nichols  | Reynolds <sup>(Chambers)</sup> | Smith <sup>(St. Clair)</sup> |
| Johnston <sup>(Leonard)</sup>  | Oden     | Roberts                        | Sullivan                     |
| Long <sup>(Perry)</sup>        | Perry    | Rogers                         | Taylor                       |
| McClendon <sup>(Chamb)</sup>   | Phillips | Rozelle                        | Trimmier                     |
| Martin                         | Pierce   | Salter                         | Turner                       |
| Morrow                         | Powell   | Sessions                       | Turnham                      |
| Murphy                         | Ramey    |                                |                              |

—70

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Mr. Caffey:

S. 201. To amend Act Number 178, passed by the 1949 Legislature, so as to cause it to read as follows: AN ACT to promote education in this state by authorizing and empowering county governing bodies and the governing bodies of the municipalities in the State of Alabama to undertake research into the history of the State of Alabama, its several counties and municipalities, its coastline and boundaries, and of the territory included therein, its geological deposits, agricultural and marine data, its rivers, streams and harbors, its history from the earliest times and especially during the colonial period, A. D. 1519 to A. D. 1815, and such general historical data and information, and to effect the completion of the translations of such data and information, where such old official records are in foreign languages, and to effect the publication of these records for the free distribution to public libraries, school libraries and to college and university libraries within this state for the further diffusion of knowledge in reference to the history and resources of the State of Alabama and its several counties and municipalities and the encouragement in general of historical work and research into colonial records of the State of Alabama and for the free dissemination of such information, to authorize, and empower county governing bodies and the governing bodies of the municipalities to make appropriations of county funds and of municipal funds for such purpose; to empower, county governing bodies and the governing bodies of the municipalities to enter into contracts with historical corporations, foundations or associations which are duly incorporated within this State in order to carry out the purpose of this Act.

Also:

By Mr. Caffey:

S. 378. To provide for the reimbursement to Mobile County of certain sums erroneously paid by the tax collector of such county into the state treasury instead of the treasury of Mobile County, and to make an appropriation for this purpose.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 201. Local Legislation No. 1

S. 378. Ways and Means

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Eddins and Andrews:

S. 349. To amend Sections 278-283 of Title 55, Code of Alabama 1940, in relation to the public library service.

Also:

By Mr. Eddins:

S. 376. Relating to the fees and compensation of coroners; amending Sections 94 and 95 of Title 11, Code of Alabama 1940.

Also:

By Mr. Robison:

S. 335. To revise and amend Chapter 4 of Title 46 of the Code of Alabama (1940), relating to the licensing of general contractors.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles to which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 349. Ways and Means

S. 376. Ways and Means

S. 335. Ways and Means

#### BILLS ON THIRD READING RESUMED

H. 1129. To protect and preserve basic trust and fiduciary purposes and interests inherent in the intent and understanding when property in Alabama shall have been subjected or devoted to local fraternal uses; to prevent impairment of such intent and to preserve the charitable or trust use intended, from subjection to uses, functions or rules subversive of such intent or inconsistent with social order, harmony and good will in the administration thereof as a result of or in the event of action by any higher or affiliate order or other authority affecting the administration or use of the property; and to provide for repayment of loans or grants made by the parent order (or its affiliated organization) to the local fraternity as those terms are herein defined; and to provide procedure for protection and preservation of such intent and the fraternal, charitable or educational use involved and said declaratory act to that end.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

**Yeas:**

|                            |            |                                |                                |
|----------------------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cornett    | Jenkins                        | Pruitt                         |
| Adams <sup>(Houston)</sup> | Daniel     | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Albea                      | Dickson    | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Ashworth                   | Edwards    | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Faulk      | Locke                          | Roberts                        |
| Barnett                    | Ferguson   | Long <sup>(Perry)</sup>        | Rogers                         |
| Bevill                     | Gilmer     | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Bishop                     | Gordon     | Martin                         | Sessions                       |
| Boyd                       | Grant      | Morrow                         | Shumate                        |
| Brannan                    | Gross      | Nettles                        | Speaks                         |
| Branyon                    | Grouby     | Nichols                        | Sullivan                       |
| Brewer                     | Guthrie    | Oakley                         | Taylor                         |
| Broadfoot                  | Hain       | Perry                          | Torbert                        |
| Cabiness                   | Hanby      | Phillips                       | Trimmier                       |
| Camp                       | Hankins    | Pierce                         | Turner                         |
| Cates                      | Hardy      | Powell                         | Turnham                        |
| Chambers                   | Hocklander |                                |                                |

—66

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Bishop to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 903, was adopted.

And the bill:

H. 903. To make an additional appropriation to the Helen Keller Property Board of the City of Tusculmbia for the purpose of repairing, renovating, restoring, and equipping certain property in said city to perpetuate the memory of Helen Keller.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

**Yeas:**

|                            |           |                                |                                |
|----------------------------|-----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cates     | Hanby                          | Pierce                         |
| Adams <sup>(Houston)</sup> | Chambers  | Hankins                        | Powell                         |
| Albea                      | Cornett   | Hardy                          | Ramey                          |
| Ashworth                   | Daniel    | Hocklander                     | Rast                           |
| Bailey                     | Dickson   | Jenkins                        | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Edwards   | Johnson <sup>(Hardaway)</sup>  | Roberts                        |
| Bevill                     | Faulk     | Johnson <sup>(J. T. Tom)</sup> | Rogers                         |
| Bishop                     | Ferguson  | Johnston <sup>(Leonard)</sup>  | Rozelle                        |
| Boyd                       | Gilchrist | Long <sup>(Perry)</sup>        | Shumate                        |
| Brannan                    | Gilmer    | McClendon <sup>(Chamb)</sup>   | Speaks                         |
| Branyon                    | Gordon    | Martin                         | Sullivan                       |
| Brewer                     | Grant     | Morrow                         | Taylor                         |
| Broadfoot                  | Gross     | Nichols                        | Trimmier                       |
| Cabiness                   | Grouby    | Oakley                         | Turner                         |
| Callahan                   | Guthrie   | Perry                          | Turnham                        |
| Camp                       | Hain      | Phillips                       |                                |

—63

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Goodwyn to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 609, was adopted.

And the bill:

H. 609. To authorize the governing body of each county and municipality to appropriate public funds to provide financial assistance to a local program for the aged, including the establishment and maintenance of nursing homes and rehabilitation, vocational, and educational centers, the making of job surveys, and the securing of specially trained personnel to carry out the program.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

**Yeas:**

|                            |          |                                |                                |
|----------------------------|----------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cates    | Hankins                        | Powell                         |
| Adams <sup>(Houston)</sup> | Chambers | Hocklander                     | Ramey                          |
| Albea                      | Cornett  | Jenkins                        | Rast                           |
| Ashworth                   | Daniel   | Johnson <sup>(Hardaway)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Dickson  | Johnson <sup>(J. T. Tom)</sup> | Roberts                        |
| Barnett                    | Dodd     | Johnston <sup>(Leonard)</sup>  | Rogers                         |
| Bevill                     | Edwards  | Locke                          | Rozelle                        |
| Bishop                     | Faulk    | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Boyd                       | Ferguson | Martin                         | Shumate                        |
| Brannan                    | Gordon   | Nettles                        | Sullivan                       |
| Brewer                     | Grant    | Nichols                        | Taylor                         |
| Broadfoot                  | Grouby   | Oakley                         | Trimmier                       |
| Cabiness                   | Guthrie  | Perry                          | Turner                         |
| Callahan                   | Hain     | Phillips                       | Turnham                        |
| Camp                       | Hanby    | Pierce                         |                                |

—59

**Nay:** Mr. Long (Perry)

—1

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Brewer to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 517, was adopted.

Yeas 57; Nays 1.

**Yeas:**

|             |           |                                |                                |
|-------------|-----------|--------------------------------|--------------------------------|
| Mr. Speaker | Cates     | Hocklander                     | Phillips                       |
| Albea       | Chambers  | Jenkins                        | Pierce                         |
| Ashworth    | Daniel    | Johnson <sup>(Hardaway)</sup>  | Rast                           |
| Bailey      | Dickson   | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Barnett     | Dodd      | Johnston <sup>(Leonard)</sup>  | Rogers                         |
| Bevill      | Faulk     | Lee                            | Sessions                       |
| Bishop      | Ferguson  | Locke                          | Shumate                        |
| Boyd        | Gilchrist | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup>   |
| Brannan     | Gordon    | McClendon <sup>(Chamb)</sup>   | Speaks                         |
| Branyon     | Gross     | Morrow                         | Sullivan                       |
| Brewer      | Grouby    | Nettles                        | Taylor                         |
| Broadfoot   | Guthrie   | Nichols                        | Trimmier                       |
| Cabiness    | Hanby     | Oakley                         | Turner                         |
| Callahan    | Hankins   | Perry                          | Turnham                        |
| Camp        |           |                                |                                |

—57

**Nay:** Mr. Cornett

—1

And the bill:

H. 517 (with amendment): To amend Section 613, Title 51, Code of Alabama 1940, as amended by Act entitled an Act to amend Section 613, Title 51, Code of Alabama 1940, Act No. 207, General Acts Regular Session 1943, approved June 22, 1943, page 185; as further amended by Act No. 688, General Acts Regular Session 1947, approved October 7, 1947 (General Acts 1947, page 522).

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 517 by adding between the third and fourth sentences thereof the following:

"Provided further, that the license on vending machines vending only peanuts, peanut-butter sandwiches, and peanut products shall be two dollars, one dollar for the state and one dollar for the county, and said license shall be paid by the owner of the machine; and provided also, that no municipality shall impose a license on such a machine in excess of fifty percent of the amount of the state and county license."

And the amendment was adopted.

Yeas 56; Nays 0.

**Yeas:**

|             |           |                                |                              |
|-------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker | Daniel    | Hocklander                     | Pierce                       |
| Albea       | Dickson   | Jenkins                        | Rast                         |
| Bailey      | Dodd      | Johnson <sup>(Hardaway)</sup>  | Roberts                      |
| Barnett     | Edwards   | Johnson <sup>(J. T. Tom)</sup> | Rogers                       |
| Bevill      | Faulk     | Johnston <sup>(Leonard)</sup>  | Sessions                     |
| Bishop      | Ferguson  | Locke                          | Shumate                      |
| Boyd        | Gilchrist | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup> |
| Brannan     | Gilmer    | Meade                          | Solomon                      |
| Branyon     | Gordon    | Morrow                         | Speaks                       |
| Brewer      | Grant     | Nettles                        | Sullivan                     |
| Broadfoot   | Gross     | Nichols                        | Taylor                       |
| Cabiness    | Grouby    | Oakley                         | Trimmier                     |
| Camp        | Hanby     | Perry                          | Turner                       |
| Cates       | Hankins   | Phillips                       | Turnham                      |

—56

And said bill, H. 517, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment:

Yeas 56; Nays 0.

**Yeas:**

|             |           |          |           |
|-------------|-----------|----------|-----------|
| Mr. Speaker | Boyd      | Cates    | Edwards   |
| Ashworth    | Brannan   | Copeland | Faulk     |
| Bailey      | Branyon   | Cornett  | Ferguson  |
| Barnett     | Brewer    | Daniel   | Gilchrist |
| Bevill      | Broadfoot | Dickson  | Gordon    |
| Bishop      | Cabiness  | Dodd     | Grant     |



|                     |                    |          |                   |
|---------------------|--------------------|----------|-------------------|
| Gross               | Johnston (Leonard) | Phillips | Smith (St. Clair) |
| Grouby              | Locke              | Pierce   | Solomon           |
| Guthrie             | Long (Perry)       | Ramey    | Speaks            |
| Hanby               | Morrow             | Rast     | Sullivan          |
| Hankins             | Nettles            | Roberts  | Taylor            |
| Hocklander          | Nichols            | Salter   | Trimmier          |
| Jenkins             | Oakley             | Sessions | Turner            |
| Johnson (J. T. Tom) | Perry              | Shumate  | Turnham           |

—56

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Roberts to suspend the rules in order to take up for immediate consideration the third reading of the bill, H. 306, was adopted.

Yeas 51; Nays 6.

## Yeas:

|                 |           |                     |          |
|-----------------|-----------|---------------------|----------|
| Mr. Speaker     | Copeland  | Hocklander          | Rast     |
| Adams (Houston) | Cornett   | Johnson (Hardaway)  | Roberts  |
| Albea           | Daniel    | Johnson (J. T. Tom) | Rogers   |
| Bailey          | Dodd      | Johnston (Leonard)  | Rozelle  |
| Barnett         | Edwards   | McClendon (Chamb)   | Sessions |
| Bevill          | Ferguson  | Martin              | Speaks   |
| Bishop          | Gilchrist | Morrow              | Sullivan |
| Brannan         | Gordon    | Nettles             | Thomas   |
| Brewer          | Grant     | Oakley              | Torbert  |
| Broadfoot       | Gross     | Perry               | Trimmier |
| Callahan        | Hanby     | Phillips            | Turner   |
| Camp            | Hankins   | Pierce              | Turnham  |
| Cates           | Hardy     | Powell              |          |

—51

## Nays:

|          |              |                     |        |
|----------|--------------|---------------------|--------|
| Messrs.: | Jenkins      | Reynolds (Chambers) | Taylor |
| Cabiness | Long (Perry) | Salter              |        |

—6

And the bill:

H. 306. To provide for the registration and licensing as "horseless carriages" of certain antique motor vehicles; prescribing the fee therefor; providing for the collection and disbursement thereof; exempting vehicles licensed under this Act from other motor vehicle licenses; and placing certain duties relative to the registration and licensing of such vehicles on the State Department of Revenue and the Commissioner thereof and on the several sheriffs of the State.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 1.

## Yeas:

|                 |           |           |         |
|-----------------|-----------|-----------|---------|
| Mr. Speaker     | Bishop    | Copeland  | Gordon  |
| Adams (Houston) | Boyd      | Dodd      | Grant   |
| Albea           | Brannan   | Edwards   | Gross   |
| Ashworth        | Brewer    | Ferguson  | Grouby  |
| Bailey          | Broadfoot | Gilchrist | Guthrie |
| Barnett         | Callahan  | Gilmer    | Hain    |
| Bevill          | Cates     | Goodwyn   | Hardy   |

|                               |         |          |          |
|-------------------------------|---------|----------|----------|
| Hocklander                    | Morrow  | Phillips | Speaks   |
| Johnson <sup>(Hardaway)</sup> | Murphy  | Rast     | Sullivan |
| Johnston <sup>(Leonard)</sup> | Nettles | Roberts  | Taylor   |
| Locke                         | Nichols | Rozelle  | Torbert  |
| McClendon <sup>(Chamb)</sup>  | Oakley  | Salter   | Trimmier |
| Merrill                       | Perry   | Sessions | Turner   |

—52

Nay: Mr. Long (Perry)

—1

## MOTION TO SUSPEND RULES

Mr. Perry moved to suspend the rules in order to bring up for immediate consideration the third reading of the bill, H. 1073.

## ADJOURNMENT

The hour of 12:00 o'clock, midnight, having arrived, the Speaker declared the House adjourned to meet again at 12:01 A.M., Friday, November 6, 1959

## THIRTY-FIFTH DAY

House of Representatives  
Montgomery, Alabama  
Friday, November 6, 1959

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by Representative J. J. Pierce, member of the House of Representative from Montgomery County, Montgomery, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Chambers    | Hanby                          | Meade                          |
| Adams <sup>(Houston)</sup> | Copeland    | Hankins                        | Merrill                        |
| Albea                      | Cornett     | Hardy                          | Morrow                         |
| Ashworth                   | Daniel      | Harris                         | Murphy                         |
| Avery                      | Dickson     | Harvey                         | Nettles                        |
| Bailey                     | Dodd        | Hearn                          | Nichols                        |
| Barnett                    | Edwards     | Hocklander                     | Oakley                         |
| Bassett                    | Faulk       | Ingram                         | Oden                           |
| Bevill                     | Ferguson    | Jenkins                        | Owens                          |
| Bishop                     | Franklin    | Johnson <sup>(Hardaway)</sup>  | Perry                          |
| Boyd                       | Gilchrist   | Johnson <sup>(J. T. Tom)</sup> | Phillips                       |
| Brannan                    | Gilmer      | Johnston <sup>(Leonard)</sup>  | Pierce                         |
| Branyon                    | Glass       | Jones <sup>(Covington)</sup>   | Powell                         |
| Brewer                     | Goldthwaite | Jones <sup>(Monroe)</sup>      | Pruitt                         |
| Broadfoot                  | Goodwyn     | Lee                            | Ramey                          |
| Brooks                     | Gordon      | Locke                          | Rast                           |
| Cabiness                   | Grant       | Long <sup>(Lauderdale)</sup>   | Ray                            |
| Callahan                   | Gross       | Long <sup>(Perry)</sup>        | Reynolds <sup>(Chambers)</sup> |
| Camp                       | Grouby      | McClendon <sup>(Chamb)</sup>   | Roberts                        |
| Casey                      | Guthrie     | McLendon <sup>(Bullock)</sup>  | Rogers                         |
| Cates                      | Hain        | Martin                         | Rozelle                        |

|                            |                              |          |          |
|----------------------------|------------------------------|----------|----------|
| Salter                     | Smith <sup>(St. Clair)</sup> | Sullivan | Trimmier |
| Sessions                   | Solomon                      | Taylor   | Turner   |
| Shumate                    | Speaks                       | Thomas   | Turnham  |
| Smith <sup>(Russell)</sup> | Steagall                     | Torbert  | —99      |

A quorum was present.

#### LEAVES OF ABSENCE

On motion of Mr. Ashworth leaves of absence were granted to Messrs. Cook and McCorquodale because of personal illness.

#### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirty-fourth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth the reading at length of the Journal of the House for the thirty-fourth legislative day was dispensed with and the report of the standing Committee on Rules was concurred in and adopted, and the Journal for the thirty-fourth legislative day was approved.

#### HOUSE BILLS INDEFINITELY POSTPONED

On motion of Mr. Ashworth, all House Bills remaining on the Calendar were indefinitely postponed.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Bishop to suspend the rules in order to introduce a resolution was adopted.

#### RESOLUTION

The following resolution was introduced:

By Mr. Bishop:

H. J. R. 92. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Thursday, November 12, 1959, at eleven o'clock A. M.

On motion of Mr. Bishop the rules were suspended and H. J. R. 92 was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Hain to suspend the rules in order to introduce a resolution was adopted.

#### RESOLUTION

The following resolution was introduced:

By Mr. Hain:

H. J. R. 93. To create a joint legislative interim committee on public health services.

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be a joint legislative interim committee composed of six members of the House appointed by the Speaker and three Senators appointed by the President of the Senate, to make a comprehensive survey of the relationship between the University of Alabama Medical College and the various public health programs sponsored by the State, such as medical care, tuberculosis, cancer, and treatment of mental illness toward the end of developing a coordinated effort in the conduct of these programs and the teaching of medical personnel. The committee shall report their findings, conclusions, and recommendations, together with such proposed legislation as they may deem necessary to the Legislature on or before the fifth legislative day of the next regular session.

RESOLVED FURTHER, The chairman of the committee shall be designated by joint action of the Speaker and the President of the Senate. The members of the committee shall be entitled to their legislative per diem and expenses for each day they attend meetings of the committee or are otherwise engaged on committee business. The committee may utilize the services, facilities, and personnel of any department or agency in the administrative branch of the state government, and shall enlist the aid and assistance of all groups, organizations, persons, or associations of persons interested in the public health function of the state government, toward the end that their study may be accomplished as effectively as possible. The Legislative Reference Service shall serve the committee as its secretariat and shall provide such research, reference, and clerical assistance as the committee may require.

RESOLVED FURTHER, That the compensation and expenses of the members of the committee and such other expenses as may be incurred by the committee in the performance of its duties shall be paid from funds appropriated to the use of the Legislature, on requisitions signed by the committee chairman. Provided, that the total amount to be expended by the committee for all purposes shall not exceed the sum of ten thousand dollars.

H. J. R. 93 was read and referred to the Standing Committee on Rules.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Turnham to suspend the rules in order to introduce a resolution was adopted.

#### RESOLUTION

The following resolution was introduced:

By Mr. Turnham:

H. J. R. 94. WHEREAS, the mental health program has received such publicity and attention by the people of Alabama as well as by the members of this Legislature; and

WHEREAS bills have been introduced in this Legislature and are now pending before the Legislature, and it appears that some relief will be granted to this most worthwhile program, but that the long range objectives and needs will not be fully met at this time; and

WHEREAS a legislative committee on mental health was created by the provisions of S. J. R. 6 adopted at the Second Special Session 1959 and there is a need to continue the work of this committee, as well as to enlarge the scope of its inquiries; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint legislative committee created by S. J. R. 6, Second Special Session 1959, is hereby continued and authorized to continue working on the many problems which have not yet been solved in the field of mental health, and to study the legal status of the mentally ill in this State, with particular reference to commitment and discharge procedures for the mentally ill, and other related aspects of this problem. The committee is further directed to study the Alabama statutes relating to the problem of mental illness and bring in such recommendations for changes as in its judgment may be necessary in the light of modern psychiatric knowledge and the general practices prevailing throughout the Nation. The committee is also directed to conduct such hearings and make such inquiries as it may consider necessary to ascertain the relevant facts concerning the resources and needs for the operation of a program of providing medical and hospital care for indigent patients at the University Hospital in Jefferson County.

2. The committee shall advise with all agencies concerned with the administration of the State's health program, and make a complete investigation of the hospitals, bureaus, and agencies receiving and expending money in connection with the mental health program.

3. Each member of the committee shall receive his regular legislative compensation and expenses for each day of actual attendance at a meeting of the committee, but no member shall receive compensation or expenses for more than sixty days.

4. The committee is authorized to employ such clerical assistants as is necessary and such personnel shall be paid in accordance with Title 32, Section 13, Code of Alabama 1940. The per diem and expenses of the members of the committee and all other expenses incurred by the committee shall be paid out of any funds appropriated for the payment of expenses of the Legislature.

5. The committee shall report its findings, conclusions, and recommendations to the two Houses on or before the 5th Legislative day of the 1961 regular session.

H. J. R. 94 was read and referred to the Standing Committee on Rules.

#### RECESS

Mr. Solomon moved that the House recess until 2:00 o'clock this afternoon.

Mr. Shumate offered as a substitute motion, a motion that the House recess until 11:00 o'clock this morning, and said motion was adopted.

#### MORNING SESSION

The hour of 11:00 o'clock A. M. having arrived, the House reconvened.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Bill:

S. 286. Relating to municipalities having a population of not less than 40,000 nor more than 50,000, according to the last or any subsequent federal decennial census; providing optional forms of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt such an optional form of municipal government.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

H. 475. To amend Section 1 of Act 515 approved July 9, 1945, as amended, which relates to the Employees' Retirement System of Alabama.

by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 20, Nays 0.

And said Bill, H. B. 475, as thus amended by the executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 21, Nays 0.

And said Bill, H. B. 475, together with the amendment proposed by His Excellency, the Governor, is herewith returned to the House.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Bill:

S. 270. To dissolve the municipal corporation of Daleville, Dale County, revoke its charter, and provide for the disposition of its property and payment of its debts.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

H. 762. To authorize the sale and issuance of not exceeding \$3,-000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of constructing and equipping a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to appropriate and pledge, as additional security therefor, so much as may be necessary of that portion of the

state taxes on the sale of spirituous or vinous liquors that is required by law to be paid into the Alabama Special Mental Health Fund; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds thereof.

by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 21, Nays 0.

And said Bill, H. B. 762, as thus amended by the executive amendment, was again read at length and passed by a vote of: Yeas 24, Nays 0, which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 762, together with the amendment proposed by His Excellency, the Governor, is herewith returned to the House.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

H. 537. To provide a retirement benefit to any state employee who had attained age 60 on or before October 1, 1945, who declined membership in the Employees' Retirement System of Alabama in the manner prescribed in Section 3 of Act 515 approved July 9, 1945, and who retires with a minimum of fifteen years of service as a state employee; and to provide a supplement to the retirement benefits of certain state employees who are now or will be retired by the Board of Control of the Employees' Retirement System under the provisions of Act 515, approved July 9, 1945; to set forth the requirements under which said retirement and supplemental benefits shall be granted; and to provide for the management of the fund from which said assistance payments shall be made; and to repeal Act 571 approved September 18, 1957 relating to certain benefits to retired state employees, and to provide the appropriation necessary to carry out the provisions of this act.

by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 22, Nays 0.

And said Bill, H. B. 537, as thus amended by the executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 22, Nays 0.

And said Bill, H. B. 537, together with the amendment proposed by His Excellency, the Governor, is herewith returned to the House.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 287. To provide for two judges of the Nineteenth Judicial Circuit of Alabama, prescribe their qualifications, and provide for their election or appointment and their compensation, jurisdiction, authority, powers, and duties.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 37 — Amending S. J. R. 29

Also:

S. J. R. 38 — Expressing appreciation to Hon. Tom Johnson and Hon. Harold Johnson for the princely entertainment on October 28.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles to which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 358. To authorize the governing body of DeKalb County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

Said Governor's Message being in words and figures as follows, to-wit:



## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor, relative to Senate Bill 358.

Respectfully submitted,

JOSEPH G. ROBERTSON,  
Executive Secretary.

NOVEMBER 5, 1959

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which this bill originated, Senate Bill 358, with suggested executive amendments, as follows:

Amend Senate Bill 358 by striking out the last sentence of Section 2 and inserting in lieu thereof the following sentence:

"The tax herein provided for shall be in addition to any and all excise or other taxes imposed on gasoline, naptha and other liquid motor fuels or any device or substitute therefor, or on the business of selling, distributing, storing or withdrawing from storage for any purpose, gasoline as herein defined; however, the governing body of said county shall have no authority to levy any tax upon any gasoline as herein defined when used in essential governmental functions by the State of Alabama or any agency thereof, or county governing agencies, municipalities, and boards of education."

Also, strike out Section 13 of the bill entirely and renumber the following sections of the bill in proper numerical sequence.

If the foregoing amendments to the bill are agreed to, my objections to the bill will be removed.

Respectfully,

JOHN PATTERSON,  
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 358, by a vote of: Yeas 24, Nays 0, which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 358, as thus amended by the executive amendment, was again read at length and passed by a vote of: Yeas 24, Nays 0, which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 358, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the House for its consideration.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 358, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 68; Nays 0.

## Yeas:

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Faulk       | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Adams <sup>(Houston)</sup> | Ferguson    | Johnston <sup>(Leonard)</sup> | Pruitt                       |
| Albea                      | Gilmer      | Jones <sup>(Monroe)</sup>     | Ramey                        |
| Ashworth                   | Glass       | Lee                           | Rast                         |
| Bailey                     | Goldthwaite | Locke                         | Ray                          |
| Bevill                     | Gordon      | Long <sup>(Perry)</sup>       | Roberts                      |
| Bishop                     | Grant       | McClendon <sup>(Chamb)</sup>  | Rogers                       |
| Branyon                    | Gross       | McLendon <sup>(Bullock)</sup> | Salter                       |
| Brewer                     | Grouby      | Martin                        | Sessions                     |
| Brooks                     | Guthrie     | Merrill                       | Shumate                      |
| Cabiness                   | Hain        | Morrow                        | Smith <sup>(Russell)</sup>   |
| Callahan                   | Hanby       | Murphy                        | Smith <sup>(St. Clair)</sup> |
| Camp                       | Hankins     | Nettles                       | Sullivan                     |
| Casey                      | Harris      | Oakley                        | Torbett                      |
| Daniel                     | Harvey      | Oden                          | Trimmier                     |
| Dickson                    | Hearn       | Owens                         | Turner                       |
| Dodd                       | Ingram      | Phillips                      | Turnham                      |

—68

Which was a majority of the whole number elected to the House.

And said bill:

S. 358. To authorize the governing body of DeKalb County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 69; Nays 0.

## Yeas:

|                            |          |          |         |
|----------------------------|----------|----------|---------|
| Mr. Speaker                | Branyon  | Daniel   | Grant   |
| Adams <sup>(Houston)</sup> | Brewer   | Dickson  | Gross   |
| Albea                      | Brooks   | Dodd     | Grouby  |
| Ashworth                   | Cabiness | Faulk    | Guthrie |
| Bailey                     | Camp     | Ferguson | Hain    |
| Bevill                     | Casey    | Gilmer   | Hanby   |
| Bishop                     | Copeland | Glass    | Hankins |
| Brannan                    | Cornett  | Gordon   | Harvey  |

|                    |         |          |                   |
|--------------------|---------|----------|-------------------|
| Hearn              | Martin  | Phillips | Salter            |
| Ingram             | Meade   | Pierce   | Sessions          |
| Johnson (Hardaway) | Merrill | Pruitt   | Smith (Russell)   |
| Johnston (Leonard) | Morrow  | Ramey    | Smith (St. Clair) |
| Jones (Monroe)     | Murphy  | Rast     | Solomon           |
| Lee                | Nettles | Ray      | Sullivan          |
| Locke              | Oakley  | Roberts  | Thomas            |
| Long (Perry)       | Owens   | Rogers   | Torbert           |
| McClendon (Chamb)  | Perry   | Rozelle  | Turner            |
| McLendon (Bullock) |         |          |                   |

—69

Which was a majority of the whole number elected to the House.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee on Conference appointed to reconcile the differences between the two Houses on the Senate amendment to the Bill:

H. 102. Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of three hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

And said Bill, H. B. 102, as amended by the Conference report, was again read at length and passed.

And said Bill, H. B. 102, together with the report of the Committee on Conference, is herewith returned to the House.

J. E. SPEIGHT,  
Secretary.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 855. To permit any water works board organized under the provisions of Sections 394 to 402, inclusive, of Title 37 of the Code of Alabama of 1940 which has acquired or may hereafter acquire a gas plant and system pursuant to Act No. 154 adopted at the 1947 Regular Session of the Legislature of Alabama, to issue revenue bonds for certain water works purposes and to pledge for payment of such revenue bonds not only water revenues, but also any available gas revenues and to provide that in order so to issue revenue bonds it shall not be necessary for such water works board to combine such water and gas systems.

Also:

H. 944. To alter and rearrange the boundaries of the City of Eutaw, Greene County, Alabama.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 102. Relating to the small loan business; providing for the regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of lending money in amounts of three hundred dollars or less, and for the suspension and revocation of such licenses; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act; and prescribing penalties.

Also:

H. 910. Relating to the municipality of Ozark, in Dale County: To alter, rearrange, and extend the boundaries and corporate limits of the municipality of Ozark, exempting annexed farm land and appurtenances from municipal ad valorem taxation so long as the same is used for farm purposes.

Also:

H. 941. Relating to Clarke County; creating the office of Second Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Second Special Deputy.

Also:

H. 942. To amend Section 2 of Act No. 64, S. 11, approved April 13, 1955, entitled "An act relating to Clarke County; creating the office of Special Deputy Sheriff; and providing for the appointment, duties, salary, and manner of payment of the salary of such Special Deputy," (Acts of the 1955 second extraordinary session, Vol. 1, Page 175.)

Also:

H. 998. To alter, extend and rearrange the boundary lines and corporate limits of the City of Piedmont in Calhoun County, so as to annex certain territory to the city.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum

present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### BILLS ON SECOND READING

Mr. Oden, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 427. To provide an Amendment to the Constitution of Alabama to provide that the making and collection of mortgage loans in Alabama by non-residents solely through the Agency of loan brokers duly licensed as Mortgage Loan Brokers under the laws of Alabama, and maintaining a place of business in the State of Alabama, shall not constitute doing business in Alabama by such non-resident lender, but subjecting such non-resident lender to process in Alabama for the purpose of determining any question concerning such loans.

The above bill was read a second time at length as required by the Constitution.

Mr. Perry, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 460. To extend, alter and rearrange the boundary lines and corporate limits of the city of Irondale in Jefferson County, Alabama, so as to include within the corporate limits of said city of Irondale all territory now within such corporate limits and also certain other territory contiguous thereto.

S. 459. To apply in all counties of the State having a population of not less than 500,000 according to the last or any subsequent Federal decennial census; to authorize the county commission of any county to which this act applies to call an election for the approval or disapproval of central daylight savings time; providing for the ordering and holding of such election.

S. 461. To prohibit any person who has attained the age of 70 years from holding any position in the classified service in any county to which Act No. 248, General Laws of Alabama, approved July 6, 1945 (1945 Acts, pp. 376-400), entitled "An Act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said system in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the county affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the vio-

lation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof," applies and to provide that this Act shall become effective January 1, 1962.

Mr. Hankins, Chairman of the Standing Committee on Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 275. To provide for naming certain bridges by the State Highway Department.

Mr. Smith (Russell), Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 349. To amend Sections 278-283 of Title 55, Code of Alabama 1940, in relation to the public library service.

S. 335. To revise and amend Chapter 4 of Title 46 of the Code of Alabama (1940), relating to the licensing of general contractors.

S. 376. Relating to the fees and compensation of coroners; amending Sections 94 and 95 of Title 11, Code of Alabama 1940.

S. 378. To provide for the reimbursement to Mobile County of certain sums erroneously paid by the tax collector of such county into the state treasury instead of the treasury of Mobile County; and to make an appropriation for this purpose.

Mr. Bassett, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 201. To amend Act Number 178, passed by the 1949 Legislature, so as to cause it to read as follows: AN ACT to promote education in this state by authorizing and empowering county governing bodies and the governing bodies of the municipalities in the State of Alabama to undertake research into the history of the State of Alabama, its several counties and municipalities, its coastline and boundaries, and of the territory included therein, its geological deposits, agricultural and marine data, its rivers, streams and harbors, its history from the earliest times and especially during the colonial period, A. D. 1519 to A. D. 1815, and such general historical data and information, and to effect the completion of the translations of such data and information, where such old official records are in foreign languages, and to effect the publication of these records for the free distribution to public libraries, school libraries and to college and university libraries within this state for the further diffusion of knowledge in reference to the history and resources of the State of Alabama and its several counties and municipalities and the encouragement in general of historical work and research into colonial records of the State of Alabama and for the free dissemination of such information, to authorize and empower county governing bodies and the governing bodies of the municipalities to make appropriations of county funds and of municipal funds for such purpose; to empower, county governing bodies and the governing

bodies of the municipalities to enter into contracts with historical corporations, foundations or associations which are duly incorporated within this State in order to carry out the purpose of this Act.

S. 409. To provide for returning to the court of county commissioners, board of revenue, or other like governing body of Cherokee County, jurisdiction, supervision, and control over the establishment, construction, reconstruction, maintenance, and repair of county roads and bridges; repealing Act No. 261, H. 808, approved August 23, 1955, providing for the construction, maintenance, and repair of the roads and bridges of Cherokee County by the state highway department (Acts 1955, Vol. I, pp. 606-609).

S. 433. To extend, alter, and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

### RESOLUTION

The following resolution was introduced:

By Mr. Goodwyn:

H. J. R. 95. WHEREAS, the life expectancy of citizens of Alabama is ever increasing; and

WHEREAS, Alabama already has a goodly number of citizens who have reached "The Golden Age"; and

WHEREAS, this State's society and economy have not been revamped to take into account the problems of the aging, and they are numerous, which have accompanied this increase in age of citizens of the State; and

WHEREAS, though the senior citizens of this State sorely need help in solving many of their problems, they also constitute a valuable asset to the State since by wise community planning many of their years of retirement can be converted into years of productive activity, filled with meaningful friendship and significant contributions to their communities; and

WHEREAS, communities throughout the State of Alabama will profit greatly by utilizing the knowledge, wisdom and experience possessed by many of our older citizens, which was acquired during a lifetime devoted to helping to bring about the amazing growth of the American economy, now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, THE SENATE CONCURRING, that the first Sunday in May of each year be proclaimed by the Governor as "The Golden Age Sunday" and that this day shall be set apart in our homes, churches, and synagogues and other places of worship to show honor and respect to our senior citizens, and to give thanks to them for their enormous contributions to our State.

BE IT FURTHER RESOLVED that all the people of the State be asked at this time to lend their efforts, and lend all their talents toward developing a plan and instituting a program whereby better homes, higher living standards, improved recreational and educational opportunities will be made available to this ever increasing number of our citizens, who so richly deserve the opportunity to live out their lives as useful citizens, having a definite place in the society of our State.

On motion of Mr. Goodwyn the rules were suspended and H. J. R. 95 was adopted.

### BILLS ON THIRD READING

S. 439. To further regulate the office of Circuit Solicitor of the 20th Judicial Circuit of Alabama; creating special funds for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in each county of said Circuit and to provide for supplies, books, fixtures and facilities for use by or in the Office of Circuit Judge, Circuit Solicitor or in the Court room of each county in said Circuit.

Was read a third time at length and passed.

Yeas 76; Nays 0.

#### Yeas:

|             |             |                    |                   |
|-------------|-------------|--------------------|-------------------|
| Mr. Speaker | Daniel      | Ingram             | Phillips          |
| Albea       | Dickson     | Jenkins            | Pierce            |
| Ashworth    | Dodd        | Johnson (Hardaway) | Ramey             |
| Bailey      | Faulk       | Johnston (Leonard) | Rast              |
| Barnett     | Ferguson    | Jones (Monroe)     | Ray               |
| Bevill      | Franklin    | Lee                | Roberts           |
| Bishop      | Gilchrist   | Locke              | Rogers            |
| Brannan     | Gilmer      | Long (Perry)       | Salter            |
| Branyon     | Glass       | McClendon (Chamb)  | Sessions          |
| Brewer      | Goldthwaite | McLendon (Bullock) | Shumate           |
| Broadfoot   | Gordon      | Martin             | Smith (Russell)   |
| Brooks      | Grant       | Meade              | Smith (St. Clair) |
| Cabiness    | Gross       | Merrill            | Solomon           |
| Camp        | Grouby      | Morrow             | Speaks            |
| Casey       | Hain        | Nettles            | Sullivan          |
| Cates       | Hankins     | Nichols            | Torbert           |
| Chambers    | Harvey      | Oakley             | Trimmier          |
| Copeland    | Hearn       | Owens              | Turner            |
| Cornett     | Hocklander  | Perry              | Turnham           |

—76

And the bill:

S. 429. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Was read a third time at length and passed.

Yeas 75; Nays 1.

#### Yeas:

|                 |          |             |                    |
|-----------------|----------|-------------|--------------------|
| Mr. Speaker     | Brewer   | Faulk       | Guthrie            |
| Adams (Houston) | Brooks   | Ferguson    | Hain               |
| Albea           | Cabiness | Franklin    | Hankins            |
| Ashworth        | Casey    | Gilchrist   | Harvey             |
| Bailey          | Cates    | Gilmer      | Hearn              |
| Barnett         | Chambers | Glass       | Hocklander         |
| Bevill          | Copeland | Goldthwaite | Ingram             |
| Bishop          | Cornett  | Gordon      | Jenkins            |
| Boyd            | Daniel   | Grant       | Johnson (Hardaway) |
| Brannan         | Dickson  | Gross       | Johnston (Leonard) |
| Branyon         | Dodd     | Grouby      | Jones (Monroe)     |





Section 99. REPEAL OF PRIOR ACTS. Subject to the provisions of Section 100 hereof the following sections of the Code of Alabama of 1940 as amended are hereby expressly repealed: Sections 1 through Section 15, Sections 17 and 18, Sections 22 through 47, Section 70, Sections 91 through 101, Sections 103 through 110, Sections 189 through 197, all as contained in Title 10 of the Code of Alabama of 1940 as amended; and Section 198 of Title 10 of the Code of Alabama of 1940.

And the amendment was adopted.

Yeas 74; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Dodd        | Johnson <sup>(Hardaway)</sup> | Perry                        |
| Adams <sup>(Houston)</sup> | Faulk       | Johnston <sup>(Leonard)</sup> | Phillips                     |
| Albea                      | Ferguson    | Jones <sup>(Monroe)</sup>     | Pierce                       |
| Ashworth                   | Franklin    | Lee                           | Ramey                        |
| Bailey                     | Gilchrist   | Locke                         | Ray                          |
| Bevill                     | Gilmer      | Long <sup>(Perry)</sup>       | Roberts                      |
| Bishop                     | Glass       | McClendon <sup>(Chamb)</sup>  | Sessions                     |
| Boyd                       | Goldthwaite | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Branyon                    | Grant       | Martin                        | Smith <sup>(Russell)</sup>   |
| Brewer                     | Gross       | Meade                         | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Grouby      | Merrill                       | Solomon                      |
| Cabiness                   | Guthrie     | Morrow                        | Speaks                       |
| Camp                       | Hain        | Murphy                        | Sullivan                     |
| Casey                      | Hankins     | Nettles                       | Thomas                       |
| Cates                      | Harris      | Nichols                       | Torbert                      |
| Copeland                   | Hearn       | Oakley                        | Trimmier                     |
| Cornett                    | Hocklander  | Oden                          | Turner                       |
| Daniel                     | Ingram      | Owens                         | Turnham                      |
| Dickson                    | Jenkins     |                               |                              |

—74

And said bill, S. 261, as thus amended, was read a third time at length and passed.

Yeas 76; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Johnson <sup>(Hardaway)</sup> | Pierce                       |
| Adams <sup>(Houston)</sup> | Dickson     | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Albea                      | Dodd        | Jones <sup>(Monroe)</sup>     | Ray                          |
| Ashworth                   | Faulk       | Lee                           | Roberts                      |
| Bailey                     | Ferguson    | Locke                         | Rogers                       |
| Barnett                    | Franklin    | Long <sup>(Perry)</sup>       | Rozelle                      |
| Bevill                     | Gilmer      | McClendon <sup>(Chamb)</sup>  | Salter                       |
| Bishop                     | Glass       | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Boyd                       | Goldthwaite | Martin                        | Shumate                      |
| Brannan                    | Grant       | Merrill                       | Smith <sup>(Russell)</sup>   |
| Branyon                    | Gross       | Morrow                        | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Grouby      | Murphy                        | Solomon                      |
| Brooks                     | Guthrie     | Nettles                       | Speaks                       |
| Cabiness                   | Hain        | Nichols                       | Sullivan                     |
| Camp                       | Harris      | Oakley                        | Thomas                       |
| Casey                      | Hearn       | Oden                          | Torbert                      |
| Cates                      | Hocklander  | Owens                         | Trimmier                     |
| Copeland                   | Ingram      | Perry                         | Turner                       |
| Cornett                    | Jenkins     | Phillips                      | Turnham                      |

—76

## RESOLUTION

The following resolution was introduced:

By Mr. Hanby:

H. J. R. 96. Whereas the Legislature deplores the tragic toll of dead from traffic accidents occurring in the State of Alabama; and

Whereas it has been authoratively reported that traffic accidents will cost fifty thousand lives by the year 1966 in the United States unless effective action is taken by the respective states; and

Whereas the Legislature feels it imperative that a study of highway accidents and fatalities within the State be made to determine the legislation necessary to curb this ever-present threat to the lives and welfare of our citizens; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE OF THE LEGISLATURE OF ALABAMA:

1. That there shall be a joint legislative interim committee on traffic safety, which shall be composed of three members of the House appointed by the Speaker of the House and three members of the Senate appointed by the President of the Senate. The committee shall make a complete and detailed study of highway accidents and fatalities within the State and make a report of its findings, conclusions, and recommendations concerning the legislation necessary to curb the dreadful death toll taken of our citizens by traffic accidents. The committee shall make its report to the Legislature, together with such suggested legislation as it deems necessary, by filing the same with the Clerk of the House and the Secretary of the Senate not later than the fifth legislative day of the 1961 regular session of the Legislature.

2. The members of the committee shall elect a chairman and a vice-chairman from among their number. The committee shall have the power to hold meetings and conduct its business at such places within the State as it may deem advisable. It shall meet at the call of the chairman, or at the request of any two members of the committee. Committee members shall be entitled to receive their regular legislative per diem and allowances while engaged in the business of the committee while the Legislature is not in session. The committee may employ such staff assistants and clerical and stenographic personnel as may be necessary for the effective conduct of its study. The compensation of such assistance and the compensation and allowances of committee members shall be paid out of the funds appropriated to the use of the Legislature, on requisitions certified to the State Comptroller by the committee chairman; but the expenses of the committee for all purposes shall not exceed a total of ten thousand dollars (\$10,000). The committee may utilize the services, information, facilities, and personnel of such departments or agencies of the state government as it may deem necessary in the performance of its duties.

The motion of Mr. Hanby to suspend the rules in order to bring up for immediate consideration the above and foregoing H. J. R. 96 was lost.

Yeas 42; Nays 17.

## Yeas:

|                            |          |          |          |
|----------------------------|----------|----------|----------|
| Mr. Speaker                | Ashworth | Chambers | Dodd     |
| Adams <sup>(Houston)</sup> | Bevill   | Copeland | Faulk    |
| Albea                      | Cates    | Daniel   | Franklin |

|           |                    |                   |                   |
|-----------|--------------------|-------------------|-------------------|
| Gilchrist | Hankins            | Locke             | Rogers            |
| Goodwyn   | Harvey             | McClendon (Chamb) | Sessions          |
| Gordon    | Hearn              | Morrow            | Shumate           |
| Grant     | Hocklander         | Murphy            | Smith (St. Clair) |
| Gross     | Ingram             | Nettles           | Speaks            |
| Grouby    | Jenkins            | Nichols           | Sullivan          |
| Guthrie   | Johnson (Hardaway) | Phillips          | Thomas            |
| Hanby     | Johnston (Leonard) |                   |                   |

—42

**Nays:**

|           |          |                |        |
|-----------|----------|----------------|--------|
| Messrs.:  | Brooks   | Gilmer         | Martin |
| Bishop    | Cabiness | Goldthwaite    | Oakley |
| Boyd      | Casey    | Jones (Monroe) | Pierce |
| Brewer    | Dickson  | Lee            | Ramey  |
| Broadfoot | Ferguson |                |        |

—17

And said resolution, H. J. R. 96, was read and referred to the Standing Committee on Rules.

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Hanby to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 282, was adopted.

**And the bill:**

S. 282. Relating to securities; prohibiting fraudulent practices in relation thereto; requiring the registration of securities dealers and salesmen and making unlawful the activities of unregistered securities dealers and salesmen; establishing the conditions precedent and concurrent to such registration; prohibiting the offer or sale of any unregistered security; requiring the registration of securities; and establishing the conditions precedent and concurrent to such registration; establishing the fees in connection with the registration of securities, securities dealers, and securities salesmen; setting out the grounds upon which a registration of securities may be denied, suspended, or revoked; defining certain terms as used in this Act; exempting certain securities from registration under the provisions of this Act; exempting certain transactions from certain provisions of this Act; requiring the filing of a consent to service of process by securities dealers and salesmen and certain issuers; making it unlawful to file any false document or material and providing the punishment therefor; giving to the Securities Commissioner authority to investigate and subpoena witnesses and records in connection with investigations; granting authority for an examination fee and deposit to defray the expense of any investigation of an applicant under this Act; giving to the Securities Commissioner authority to enjoin acts in violation of this Act; creating criminal penalties for violations of this Act; establishing civil liabilities for the violation of the provisions of this Act; providing for judicial review of the orders of the Securities Commissioner; providing for the administration of this Act by the Securities Commissioner; directing said Commissioner to appoint an Assistant Commissioner and giving said Commissioner authority to appoint other personnel to carry out the purpose and intent of this Act; providing that any exemption under this Act must be proved by the person claiming said exemption; making the provisions of this Act severable; repealing the present Alabama Securities Law and related legislation; giving to the Commissioner authority to issue warnings to the public with respect to securities; making the sale of securities by an insolvent issuer unlawful; providing that all filing and registration fees shall be paid into

the General Fund of this state and establishing the effective date of this Act.

Was taken up.

Mr. Hanby offered the following amendment to the Bill, S. 282:

Amend Section 2, subsection (B) by striking out "(E)" in line 4 thereof and inserting in lieu thereof "(F)" and by striking out "(G)" in line 7 thereof and inserting in lieu thereof "(H)".

Amend Senate Bill 282 by striking from Section 9, Subsection J, the language "and promising the payment of a fixed number of dollars either in a lump sum or periodically for life or some other specified period," immediately following the word "company" and preceding the word "bankers".

And the amendment was adopted.

Yeas 77; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Dickson     | Hocklander                    | Phillips                     |
| Adams <sup>(Houston)</sup> | Dodd        | Ingram                        | Pierce                       |
| Albea                      | Faulk       | Jenkins                       | Ramey                        |
| Ashworth                   | Ferguson    | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Bailey                     | Franklin    | Johnston <sup>(Leonard)</sup> | Ray                          |
| Bevill                     | Gilchrist   | Jones <sup>(Monroe)</sup>     | Rogers                       |
| Bishop                     | Gilmer      | Lee                           | Rozelle                      |
| Boyd                       | Glass       | Locke                         | Salter                       |
| Branyon                    | Goldthwaite | Long <sup>(Perry)</sup>       | Sessions                     |
| Brewer                     | Goodwyn     | McClendon <sup>(Chamb)</sup>  | Shumate                      |
| Broadfoot                  | Gordon      | Martin                        | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Grant       | Morrow                        | Solomon                      |
| Cabiness                   | Gross       | Murphy                        | Speaks                       |
| Camp                       | Guthrie     | Nettles                       | Sullivan                     |
| Casey                      | Hain        | Nichols                       | Thomas                       |
| Cates                      | Hanby       | Oakley                        | Torbert                      |
| Chambers                   | Hankins     | Oden                          | Trimmier                     |
| Copeland                   | Harvey      | Owens                         | Turner                       |
| Cornett                    | Hearn       | Perry                         | Turnham                      |
| Daniel                     |             |                               |                              |

—77

And said bill, S. 282, as thus amended, was read a third time at length and passed.

Yeas 77; Nays 0.

**Yeas:**

|                            |           |             |                               |
|----------------------------|-----------|-------------|-------------------------------|
| Mr. Speaker                | Broadfoot | Dodd        | Grouby                        |
| Adams <sup>(Houston)</sup> | Brooks    | Faulk       | Guthrie                       |
| Albea                      | Cabiness  | Ferguson    | Hain                          |
| Ashworth                   | Camp      | Franklin    | Hanby                         |
| Bailey                     | Casey     | Gilchrist   | Hankins                       |
| Bevill                     | Cates     | Gilmer      | Harvey                        |
| Bishop                     | Chambers  | Glass       | Hearn                         |
| Boyd                       | Copeland  | Goldthwaite | Hocklander                    |
| Brannan                    | Cornett   | Goodwyn     | Ingram                        |
| Branyon                    | Daniel    | Gordon      | Jenkins                       |
| Brewer                     | Dickson   | Grant       | Johnson <sup>(Hardaway)</sup> |

|                               |          |         |                              |
|-------------------------------|----------|---------|------------------------------|
| Johnston <sup>(Leonard)</sup> | Murphy   | Pierce  | Smith <sup>(St. Clair)</sup> |
| Jones <sup>(Monroe)</sup>     | Nettles  | Ramey   | Solomon                      |
| Lee                           | Nichols  | Rast    | Speaks                       |
| Locke                         | Oakley   | Ray     | Sullivan                     |
| Long <sup>(Perry)</sup>       | Oden     | Roberts | Thomas                       |
| McClendon <sup>(Chamb)</sup>  | Owens    | Rogers  | Trimmier                     |
| Martin                        | Perry    | Salter  | Turner                       |
| Meade                         | Phillips | Shumate | Turnham                      |
| Morrow                        |          |         |                              |

—77

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Turner to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 357, was adopted.

And the bill:

S. 357. To authorize and encourage joint action and cooperation between cattle raisers, cattle dealers and other handlers of cattle for the purpose of stabilizing, protecting, and promoting the cattle and beef industry in Alabama; recognizing the Alabama Cattlemen's Association as the representative and agent of the cattlemen of the state for the purpose of initiating and conducting certain programs designed to stabilize, protect and promote the cattle industry; authorizing providing for and regulating the levying and collection of assessments on sales of cattle to provide funds to finance such programs; placing certain duties relative to such assessments on the commissioner and the department of agriculture and industries; providing for a refund of any assessment collected under authority of this act to any cattleman who is dissatisfied with the levy thereof; and prescribing penalties.

Was read a third time at length and passed.

Yeas 73; Nays 0.

## Yeas:

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Dickson     | Hocklander                    | Perry                        |
| Adams <sup>(Houston)</sup> | Dodd        | Ingram                        | Phillips                     |
| Ashworth                   | Faulk       | Jenkins                       | Pierce                       |
| Bailey                     | Ferguson    | Johnson <sup>(Hardaway)</sup> | Ramey                        |
| Barnett                    | Franklin    | Johnston <sup>(Leonard)</sup> | Rast                         |
| Bevill                     | Gilchrist   | Jones <sup>(Monroe)</sup>     | Roberts                      |
| Bishop                     | Gilmer      | Lee                           | Rogers                       |
| Boyd                       | Glass       | Locke                         | Rozelle                      |
| Brannan                    | Goldthwaite | Long <sup>(Perry)</sup>       | Shumate                      |
| Branyon                    | Goodwyn     | McClendon <sup>(Chamb)</sup>  | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Gordon      | Martin                        | Solomon                      |
| Brooks                     | Grant       | Meade                         | Speaks                       |
| Camp                       | Grouby      | Merrill                       | Sullivan                     |
| Casey                      | Guthrie     | Morrow                        | Taylor                       |
| Cates                      | Hain        | Nettles                       | Thomas                       |
| Chambers                   | Hanby       | Nichols                       | Torbert                      |
| Copeland                   | Hankins     | Oakley                        | Trimmier                     |
| Cornett                    | Hearn       | Oden                          | Turnham                      |
| Daniel                     |             |                               |                              |

—73

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Solomon to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 172, was adopted.

And the bill:

S. 172. Relating to commercial fertilizer and fertilizer material: To re-enact Section 292 of Title 2 of the Code of Alabama of 1940 heretofore repealed by Act No. 71 of the Legislature of 1951, approved June 6, 1951, said Section as re-enacted to require persons selling and shipping commercial fertilizer and fertilizer materials to notify the Commissioner of Agriculture and Industries of such sales and shipments for regulatory, control and statistical purposes.

Was read a third time at length and passed.

Yeas 69; Nays 0.

**Yeas:**

|             |             |                               |                              |
|-------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker | Copeland    | Hankins                       | Phillips                     |
| Albea       | Cornett     | Harvey                        | Pierce                       |
| Ashworth    | Daniel      | Hocklander                    | Ramey                        |
| Bailey      | Dickson     | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Barnett     | Dodd        | Jones <sup>(Monroe)</sup>     | Roberts                      |
| Bevill      | Faulk       | Lee                           | Rogers                       |
| Bishop      | Ferguson    | Locke                         | Shumate                      |
| Boyd        | Franklin    | Long <sup>(Perry)</sup>       | Smith <sup>(St. Clair)</sup> |
| Brannan     | Gilchrist   | Martin                        | Solomon                      |
| Branyon     | Gilmer      | Merrill                       | Speaks                       |
| Brewer      | Glass       | Morrow                        | Sullivan                     |
| Broadfoot   | Goldthwaite | Nettles                       | Taylor                       |
| Brooks      | Gordon      | Nichols                       | Thomas                       |
| Cabiness    | Grant       | Oakley                        | Torbert                      |
| Camp        | Guthrie     | Oden                          | Trimmier                     |
| Casey       | Hain        | Owens                         | Turner                       |
| Cates       | Hanby       | Perry                         | Turnham                      |
| Chambers    |             |                               |                              |

—69

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Brewer to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 280, was adopted.

And the bill:

S. 280 (with amendment): To provide further for the service of process in civil suits growing out of motor vehicle accidents; providing an additional or alternative method of serving such process upon any person who was a resident of the State of Alabama when a motor vehicle, owned or operated upon the public highways in the State by such person was involved in an accident, but who has since absented himself from the State or concealed himself so that personal service cannot be had upon him.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Senate Bill 280 by making Paragraph 7, Paragraph 8 and inserting Paragraph 7 as follows:

"The method of serving process and securing service provided herein shall be available in any action now pending in the courts of

the state and in any action which may hereafter be brought in the courts of the State."

And the amendment was adopted.

Yeas 76; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Cornett     | Harvey                        | Owens                        |
| Adams <sup>(Houston)</sup> | Daniel      | Hearn                         | Perry                        |
| Albea                      | Dickson     | Hocklander                    | Phillips                     |
| Ashworth                   | Dodd        | Ingram                        | Pierce                       |
| Bailey                     | Edwards     | Jenkins                       | Ramey                        |
| Barnett                    | Faulk       | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Bevill                     | Ferguson    | Johnston <sup>(Leonard)</sup> | Rogers                       |
| Bishop                     | Franklin    | Jones <sup>(Monroe)</sup>     | Rozelle                      |
| Boyd                       | Gilchrist   | Lee                           | Salter                       |
| Brewer                     | Gilmer      | Locke                         | Shumate                      |
| Broadfoot                  | Glass       | Long <sup>(Perry)</sup>       | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Solomoni                     |
| Cabiness                   | Gordon      | Meade                         | Speaks                       |
| Callahan                   | Grant       | Merrill                       | Sullivan                     |
| Camp                       | Grouby      | Morrow                        | Taylor                       |
| Casey                      | Guthrie     | Murphy                        | Thomas                       |
| Cates                      | Hain        | Nettles                       | Torbert                      |
| Chambers                   | Hanby       | Nichols                       | Turner                       |
| Copeland                   | Hankins     | Oakley                        | Turnham                      |

—76

And said bill, S. 280, as thus amended, was read a third time at length and passed.

Yeas 75 Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Cornett     | Harvey                        | Owens                        |
| Adams <sup>(Houston)</sup> | Daniel      | Hearn                         | Perry                        |
| Albea                      | Dickson     | Hocklander                    | Phillips                     |
| Ashworth                   | Dodd        | Ingram                        | Pierce                       |
| Bailey                     | Edwards     | Jenkins                       | Ramey                        |
| Barnett                    | Faulk       | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Bevill                     | Ferguson    | Johnston <sup>(Leonard)</sup> | Rogers                       |
| Bishop                     | Franklin    | Jones <sup>(Monroe)</sup>     | Salter                       |
| Boyd                       | Gilchrist   | Lee                           | Shumate                      |
| Brewer                     | Gilmer      | Locke                         | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Glass       | Long <sup>(Perry)</sup>       | Solomon                      |
| Brooks                     | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Speaks                       |
| Cabiness                   | Gordon      | Meade                         | Sullivan                     |
| Callahan                   | Grant       | Merrill                       | Taylor                       |
| Camp                       | Grouby      | Morrow                        | Thomas                       |
| Casey                      | Guthrie     | Murphy                        | Torbert                      |
| Cates                      | Hain        | Nettles                       | Turner                       |
| Chambers                   | Hanby       | Nichols                       | Turnham                      |
| Copeland                   | Hankins     | Oakley                        |                              |

—75

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Brewer to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 187, was adopted.



And the bill:

S. 187. To permit the breeding of pen-raised quail for commercial purposes; to define pen-raised quail; to provide for the regulation of breeding pen-raised quail by the State Department of Conservation; to provide for the licensing of breeders of pen-raised quail; to provide the procedure for stamping carcasses of quail; to provide that an invoice shall be issued by the licensed breeder and shall be kept attached to such package until the quail are prepared for consumption; to provide that any person other than a retail vendor shall make a copy of the original invoice upon the resale of any such quail; to provide for the retention of records concerning the sale of such quail; to provide for the inspection of such records; to provide that persons shipping to provide for penalties; to repeal conflicting laws; and for other purposes.

Was read a third time at length and passed.

Yeas 76; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Hearn                         | Owens                        |
| Adams <sup>(Houston)</sup> | Dickson     | Hocklander                    | Perry                        |
| Albea                      | Dodd        | Ingram                        | Phillips                     |
| Ashworth                   | Edwards     | Jenkins                       | Pierce                       |
| Bailey                     | Faulk       | Johnson <sup>(Hardaway)</sup> | Ramey                        |
| Barnett                    | Ferguson    | Johnston <sup>(Leonard)</sup> | Rast                         |
| Bevill                     | Franklin    | Jones <sup>(Monroe)</sup>     | Rogers                       |
| Bishop                     | Gilchrist   | Lee                           | Rozelle                      |
| Boyd                       | Gilmer      | Locke                         | Salter                       |
| Branyon                    | Glass       | Long <sup>(Perry)</sup>       | Shumate                      |
| Brewer                     | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Gordon      | Martin                        | Solomon                      |
| Brooks                     | Grant       | Meade                         | Speaks                       |
| Cabiness                   | Grouby      | Merrill                       | Sullivan                     |
| Camp                       | Guthrie     | Morrow                        | Taylor                       |
| Casey                      | Hain        | Murphy                        | Thomas                       |
| Chambers                   | Hanby       | Nettles                       | Torbert                      |
| Copeland                   | Hankins     | Nichols                       | Turner                       |
| Cornett                    | Harvey      | Oakley                        | Turnham                      |

—76

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Callahan to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 350, was adopted.

And the bill:

S. 350. To make an appropriation from the state treasury for the relief of Hallie S. Chapman.

Was read a third time at length and passed.

Yeas 64; Nays 1.

**Yeas:**

|                            |        |           |          |
|----------------------------|--------|-----------|----------|
| Mr. Speaker                | Bevill | Brewer    | Cabiness |
| Adams <sup>(Houston)</sup> | Bishop | Broadfoot | Callahan |
| Barnett                    | Boyd   | Brooks    | Camp     |

|           |                               |                              |                              |
|-----------|-------------------------------|------------------------------|------------------------------|
| Casey     | Gordon                        | McClendon <sup>(Chamb)</sup> | Rast                         |
| Chambers  | Grant                         | Martin                       | Rogers                       |
| Copeland  | Gross                         | Meade                        | Rozelle                      |
| Cornett   | Grouby                        | Morrow                       | Salter                       |
| Daniel    | Guthrie                       | Murphy                       | Shumate                      |
| Dickson   | Harvey                        | Nettles                      | Smith <sup>(St. Clair)</sup> |
| Dodd      | Hearn                         | Nichols                      | Speaks                       |
| Edwards   | Hocklander                    | Oakley                       | Sullivan                     |
| Faulk     | Ingram                        | Owens                        | Taylor                       |
| Franklin  | Johnston <sup>(Leonard)</sup> | Perry                        | Thomas                       |
| Gilchrist | Jones <sup>(Monroe)</sup>     | Phillips                     | Torbert                      |
| Gilmer    | Locke                         | Pierce                       | Turner                       |
| Glass     | Long <sup>(Perry)</sup>       | Ramey                        | Turnham                      |

—64

Nay: Mr. Ferguson

—1

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Locke to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 123, was adopted.

And the bill:

S. 123. To amend Section 107 of Title 17 of the Code of Alabama (1940), as amended by Act No. 584 of the 1949 Regular Session of the Legislature of Alabama (page 911 of Acts of 1949, approved September 19, 1949) which relates to instruction and assistance for voters at the polls where voting machines are used.

Was read a third time at length and passed.

Yeas 78; Nays 0.

## Yeas:

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Harvey                        | Owens                        |
| Adams <sup>(Houston)</sup> | Dickson     | Hearn                         | Perry                        |
| Albea                      | Dodd        | Hocklander                    | Phillips                     |
| Ashworth                   | Edwards     | Ingram                        | Pierce                       |
| Bailey                     | Faulk       | Jenkins                       | Ramey                        |
| Barnett                    | Ferguson    | Johnson <sup>(Hardaway)</sup> | Rast                         |
| Bevill                     | Franklin    | Johnston <sup>(Leonard)</sup> | Ray                          |
| Bishop                     | Gilchrist   | Jones <sup>(Monroe)</sup>     | Roberts                      |
| Boyd                       | Gilmer      | Lee                           | Rogers                       |
| Branyon                    | Glass       | Locke                         | Rozelle                      |
| Brewer                     | Goldthwaite | Long <sup>(Perry)</sup>       | Shumate                      |
| Broadfoot                  | Goodwyn     | McClendon <sup>(Chamb)</sup>  | Smith <sup>(St. Clair)</sup> |
| Brooks                     | Gordon      | Meade                         | Solomon                      |
| Cabiness                   | Grant       | Merrill                       | Speaks                       |
| Camp                       | Gross       | Morrow                        | Sullivan                     |
| Casey                      | Grouby      | Murphy                        | Taylor                       |
| Cates                      | Guthrie     | Nettles                       | Thomas                       |
| Chambers                   | Hain        | Nichols                       | Turner                       |
| Copeland                   | Hanby       | Oakley                        | Turnham                      |
| Cornett                    | Hankins     |                               |                              |

—78

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Casey to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 53, was adopted.

Yeas 59; Nays 10.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Dickson     | Hocklander                    | Phillips                     |
| Adams <sup>(Houston)</sup> | Dodd        | Ingram                        | Ramey                        |
| Albea                      | Faulk       | Jenkins                       | Rast                         |
| Ashworth                   | Ferguson    | Johnson <sup>(Hardaway)</sup> | Ray                          |
| Barnett                    | Gilmer      | Johnston <sup>(Leonard)</sup> | Roberts                      |
| Bassett                    | Glass       | Jones <sup>(Monroe)</sup>     | Rogers                       |
| Bevill                     | Goldthwaite | Lee                           | Shumate                      |
| Boyd                       | Goodwyn     | Locke                         | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Gordon      | Long <sup>(Perry)</sup>       | Solomon                      |
| Brewer                     | Gross       | Martin                        | Speaks                       |
| Cabiness                   | Grouby      | Meade                         | Sullivan                     |
| Casey                      | Hain        | Murphy                        | Thomas                       |
| Chambers                   | Hanby       | Nettles                       | Turner                       |
| Cornett                    | Hankins     | Nichols                       | Turnham                      |
| Daniel                     | Hearn       | Oakley                        | —59                          |

**Nays:**

|          |           |          |        |
|----------|-----------|----------|--------|
| Messrs.: | Broadfoot | Copeland | Owens  |
| Bailey   | Brooks    | Guthrie  | Pierce |
| Bishop   | Camp      | Morrow   | —10    |

And the bill:

S. 53 (with substitute): To amend further Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama 1949, p. 601), entitled "An Act To provide for absentee voting in primary, general, special, and municipal elections: Prescribing penalties for violations of the Act and repealing conflicting laws," so as to provide for absentee voting only by certain electors.

Was taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Constitution and Elections, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend further Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama 1949, p. 601), entitled "An Act To provide for absentee voting in primary, general, special, and municipal elections: Prescribing penalties for violations of the Act and repealing conflicting laws," so as to provide for absentee voting only by certain electors.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 5, and 9 of the Act approved August 19, 1949 (Acts of Alabama 1949, page 601) entitled "An Act To provide for absentee voting in primary, general, special, and municipal elections: Prescribing penalties for violations of the Act and repealing conflicting laws," as amended, are amended to read as follows:

"Section 2. (a) Any qualified elector of this state who is in service as a member of the armed forces of the United States, whose regular duty requires that he be absent from the county of his resi-

dence on the date any primary, general, special, or municipal election is to be held, and any qualified elector who is the wife of any such elector in service who resides with him at his duty station, or any qualified elector who is a disabled veteran confined in a facility or hospital operated by the Veterans Administration, may vote in the election in the manner and under the regulations hereinafter prescribed.

“(b) Any qualified elector of this state, whose name, at the time of any primary, general, special, or municipal election, appears on the official list of qualified voters in any county in the state, whose regular business or occupation regularly requires that he be absent from the county, and who may, at any primary, general, special, or municipal election held pursuant to law in this state by reason of his regular business or occupation, and in the performance of the duties thereof, being absent from the state, or from the county in which he is a qualified elector, may vote in such primary, general, special, or municipal election in the manner and under the regulations hereinafter prescribed, with like effect as if he were casting his vote in person at his regular and proper voting place. Such elector shall present himself to the board of registrars of his county at any time before March 1, 1960 or any subsequent year, at any regular or special meeting thereof for the purpose of having the board of registrars place his name on the list of qualified electors eligible to vote an absentee ballot in any primary, general, special, or municipal election held thereafter. The board of registrars shall ascertain from each person presenting himself before the board for the purpose of having his name placed on the list of qualified absentee voters, the name of the person, his address, age, whether or not he is a qualified elector of said county, the name and address of such person's employer and the exact nature of the duties of such person's employment. In the event the board of registrars finds that such person is a qualified elector of said county and is engaged in a regular business or occupation which regularly requires that he be absent from the county, the board of registrars shall place such person's name on the list of qualified electors entitled to vote an absentee ballot in any primary, general, special, or municipal election. Each board of registrars in the state shall, not later than March 15 of each year, prepare a list of the names of those persons enrolled on the qualified absentee voters list and file the same with the probate judge of their respective counties and with the Secretary of State.

“(c) The electors who register as absentee voters shall vote only in the absentee box, and shall not thereafter vote in any other manner, unless and until his name has been removed from the absentee voter list. The probate judge of each county, at the request of an elector made at least 30 days before any election, shall remove the name of the elector from the official list of absentee voters.

“(d) The judge of probate of each county in the state shall, not less than twenty-one days prior to the holding of any election to which this Act pertains, deliver to the register or person serving in his stead the list of those persons certified by the board of registrars to the judge of probate as being qualified to vote an absentee ballot.

“Section 5. The official absentee ballots for any election to which the Act pertains shall be in the same form as the official regular ballots for the election, except that they shall bear printed thereon the words ‘Official Absentee Ballot’ and except that there shall be printed thereon one of the affidavit forms herein required. Further,

each absentee ballot shall be in duplicate, the intent of this provision being that every absentee voter under this Act shall submit two copies of his completed ballot, one original and one carbon.

"Section 9. Any prospective absentee voter who meets the requirements prescribed in Section 2 (b), above, and whose name appears on the official list of absentee voters, may, not more than twenty days and not less than five days prior to the election at which he desires to vote, present himself before the register of the county wherein the election is to be held or before the person designated to serve instead of the register. If the name of the voter is on the official list of qualified voters of the county, and on the official list of qualified absentee voters for said county, and the register is satisfied that the voter is the person he claims to be, and a member of the party in which he claims to be a member, the register shall tender the voter the duplicate absentee ballot required for this Act, including necessary carbon paper, and the required envelope, first filling in the blanks in the upper left corners thereof. The official list of qualified voters herein referred to shall be furnished the register by the probate judge or other person preparing said list at least twenty-one days before the election.

"Any prospective absentee voter meeting the requirements of Section 2 (a) who is a member of the armed forces of the United States, or the wife of any such person, if she meets the requirements of said section, may, not more than forty-five nor less than five days prior to the election at which he or she desires to vote, make application for an absentee ballot, as herein provided to be made by a prospective voter in writing or by filling out the Federal post card application form, authorized and provided for under the provisions of 'The Federal Voting Assistance Act of 1955' (Public Law 296, Chapter 656, H. R. 4048, approved August 9, 1955, 84th Congress, 1st Session), and mailing such application to the register, or to the person designated to serve instead of the register. The affidavit herein provided to be attached to the absentee ballot shall be executed by the prospective voter in person before such commanding officer or authority in charge who shall certify to such fact. Such ballot shall be returned by United States mail to the register or to the person acting in his stead and shall be by him marked the day and hour of the receipt thereof. When received by the register or person acting in his stead, the ballot shall be handled and counted in the same manner as ballots voted before the register in person.

"Any disabled veteran meeting the requirements of Section 2(a) may, not more than 45 nor less than five days before the election at which he desires to vote, make written application to the register, or to the person designated to serve instead of the register, for an absentee ballot. Such application shall have attached thereto a certificate signed by the authority in charge of the hospital or facility, certifying that the applicant is a disabled veteran then confined to such hospital or facility. The voter may make the affidavit on the ballot before any officer authorized to administer oaths or before any officer of the hospital or facility and mail the ballot to the register or other person acting instead. Such ballot shall be handled and counted in the same manner as ballots voted before the register in person."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 59; Nays 7.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Hearn                         | Nichols                      |
| Adams <sup>(Houston)</sup> | Dickson     | Hocklander                    | Owens                        |
| Albea                      | Dodd        | Ingram                        | Phillips                     |
| Ashworth                   | Faulk       | Jenkins                       | Pierce                       |
| Bailey                     | Ferguson    | Johnson <sup>(Hardaway)</sup> | Ramey                        |
| Barnett                    | Gilmer      | Johnston <sup>(Leonard)</sup> | Rast                         |
| Bassett                    | Glass       | Jones <sup>(Monroe)</sup>     | Rogers                       |
| Bevill                     | Goldthwaite | Lee                           | Shumate                      |
| Boyd                       | Gordon      | Locke                         | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Grant       | Long <sup>(Perry)</sup>       | Solomon                      |
| Cabiness                   | Gross       | McClendon <sup>(Chamb)</sup>  | Speaks                       |
| Casey                      | Grouby      | Martin                        | Thomas                       |
| Chambers                   | Hain        | Meade                         | Turner                       |
| Copeland                   | Hanby       | Murphy                        | Turnham                      |
| Cornett                    | Hankins     | Nettles                       |                              |

—59

**Nays:**

|          |           |         |        |
|----------|-----------|---------|--------|
| Messrs.: | Broadfoot | Camp    | Morrow |
| Bishop   | Brooks    | Guthrie | Perry  |

—7

Mr. Casey offered the following amendment to the bill, S. 53, as amended:

Amend Section 2 of the Substitute for S. B. 53 by striking subsection (d) and substituting in lieu thereof the following subsection (d) and adding thereto the following subsection (e): "(d) The Judge of Probate of each county in the State shall, not less than twenty-one days prior to the holding of any election to which this Act pertains, deliver to the register or person serving in his stead a list of those persons qualified to vote an absentee ballot.

(e) The Judge of Probate shall, before the polls open at any election, cause to be delivered to the election officers of each polling place a list showing the name and address of every person whose name is on the list of those persons qualified to vote an absentee ballot at such polling place. The name of every such person shall be stricken by the election officials from the list of qualified electors kept at the polling place and the person shall not be allowed to vote at said polling place."

And the amendment was adopted.

Yeas 62; Nays 5.

**Yeas:**

|                            |          |             |            |
|----------------------------|----------|-------------|------------|
| Mr. Speaker                | Branyon  | Dodd        | Gross      |
| Adams <sup>(Houston)</sup> | Cabiness | Faulk       | Grouby     |
| Albea                      | Camp     | Ferguson    | Hain       |
| Ashworth                   | Casey    | Franklin    | Hanby      |
| Bailey                     | Chambers | Gilmer      | Hankins    |
| Barnett                    | Copeland | Glass       | Harvey     |
| Bassett                    | Cornett  | Goldthwaite | Hearn      |
| Bevill                     | Daniel   | Gordon      | Hocklander |
| Boyd                       | Dickson  | Grant       | Ingram     |

|                               |          |                              |          |     |
|-------------------------------|----------|------------------------------|----------|-----|
| Jenkins                       | Meade    | Pierce                       | Solomon  |     |
| Johnson <sup>(Hardaway)</sup> | Murphy   | Ramey                        | Speaks   |     |
| Johnston <sup>(Leonard)</sup> | Nettles  | Rast                         | Sullivan |     |
| Lee                           | Nichols  | Rogers                       | Thomas   |     |
| Long <sup>(Perry)</sup>       | Oakley   | Rozelle                      | Turner   |     |
| McClendon <sup>(Chamb)</sup>  | Perry    | Smith <sup>(St. Clair)</sup> | Turnham  |     |
| Martin                        | Phillips |                              |          | —62 |

**Nays:** Messrs. Bishop, Broadfoot, Guthrie, Oden and Ray —5

And said bill, S. 53, as thus amended, was read a third time at length and passed.

Yeas 55; Nays 18.

**Yeas:**

|                            |             |                               |                              |     |
|----------------------------|-------------|-------------------------------|------------------------------|-----|
| Mr. Speaker                | Cornett     | Hain                          | Nichols                      |     |
| Adams <sup>(Houston)</sup> | Daniel      | Hankins                       | Oakley                       |     |
| Albea                      | Dickson     | Harvey                        | Phillips                     |     |
| Ashworth                   | Dodd        | Ingram                        | Ramey                        |     |
| Barnett                    | Faulk       | Jenkins                       | Rogers                       |     |
| Bassett                    | Ferguson    | Johnson <sup>(Hardaway)</sup> | Shumate                      |     |
| Bevill                     | Franklin    | Johnston <sup>(Leonard)</sup> | Smith <sup>(St. Clair)</sup> |     |
| Boyd                       | Gilmer      | Lee                           | Solomon                      |     |
| Branyon                    | Glass       | Locke                         | Speaks                       |     |
| Brewer                     | Goldthwaite | Long <sup>(Perry)</sup>       | Sullivan                     |     |
| Cabiness                   | Gordon      | McClendon <sup>(Chamb)</sup>  | Thomas                       |     |
| Callahan                   | Grant       | Martin                        | Turner                       |     |
| Casey                      | Gross       | Meade                         | Turnham                      |     |
| Chambers                   | Grouby      | Nettles                       |                              | —55 |

**Nays:**

|           |          |            |        |     |
|-----------|----------|------------|--------|-----|
| Messrs.:  | Camp     | Hocklander | Perry  |     |
| Bailey    | Copeland | Morrow     | Pierce |     |
| Bishop    | Guthrie  | Murphy     | Ray    |     |
| Broadfoot | Hanby    | Oden       | Salter |     |
| Brooks    | Hearn    | Owens      |        | —18 |

**MOTION TO SUSPEND RULES LOST**

The motion of Mr. Nettles to suspend the rules in order to introduce a resolution was lost.

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Ashworth to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 13, was adopted.

Yeas 58; Nays 2.

**Yeas:**

|                            |           |             |         |
|----------------------------|-----------|-------------|---------|
| Mr. Speaker                | Boyd      | Daniel      | Gordon  |
| Adams <sup>(Houston)</sup> | Branyon   | Dickson     | Grant   |
| Albea                      | Brewer    | Dodd        | Grouby  |
| Ashworth                   | Broadfoot | Faulk       | Guthrie |
| Bailey                     | Cabiness  | Ferguson    | Hain    |
| Bassett                    | Chambers  | Franklin    | Hanby   |
| Bevill                     | Copeland  | Glass       | Hankins |
| Bishop                     | Cornett   | Goldthwaite | Harvey  |

|                              |                                |                              |          |
|------------------------------|--------------------------------|------------------------------|----------|
| Hearn                        | McClendon <sup>(Bullock)</sup> | Pierce                       | Solomon  |
| Hocklander                   | Meade                          | Pruitt                       | Speaks   |
| Ingram                       | Merrill                        | Ray                          | Sullivan |
| Jenkins                      | Oakley                         | Rogers                       | Torbert  |
| Jones <sup>(Monroe)</sup>    | Oden                           | Salter                       | Turner   |
| Long <sup>(Perry)</sup>      | Owens                          | Smith <sup>(St. Clair)</sup> | Turnham  |
| McClendon <sup>(Chamb)</sup> | Phillips                       |                              |          |

—58

**Nays:** Messrs. Lee and Martin

—2

And the bill:

S. 13. To provide that all powers, authority and duties of the Alabama Pension Commission shall be transferred and assigned to the State Department of Pensions and Security; to direct the State Department of Pensions and Security to carry out the provisions of law applicable to the payment of pensions to Confederate veterans and their widows; to provide for the transfer of all records, reports, books, accounts, documents, files and other recorded material of the Alabama Pension Commission to the State Department of Pensions and Security; to provide for the duties of the Commissioner of the State Department of Pensions and Security as related thereto; and to repeal Title 60, Chapter 1, Sections 2, 6, 10, 14, 41 and 42, Code of Alabama 1940 which relate to the payment of pensions to Confederate veterans and their widows.

Was read a third time at length and passed.

Yeas 60; Nays 4.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dodd        | Hearn                         | Phillips                       |
| Adams <sup>(Houston)</sup> | Edwards     | Hocklander                    | Pierce                         |
| Ashworth                   | Faulk       | Ingram                        | Pruitt                         |
| Bailey                     | Ferguson    | Jenkins                       | Ray                            |
| Barnett                    | Gilmer      | Johnston <sup>(Leonard)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Glass       | Lee                           | Rozelle                        |
| Bevill                     | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Salter                         |
| Bishop                     | Gordon      | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Boyd                       | Grant       | Merrill                       | Speaks                         |
| Branyon                    | Grouby      | Morrow                        | Sullivan                       |
| Broadfoot                  | Guthrie     | Murphy                        | Taylor                         |
| Brooks                     | Hain        | Oakley                        | Thomas                         |
| Cabiness                   | Hanby       | Oden                          | Torbert                        |
| Chambers                   | Hankins     | Owens                         | Turner                         |
| Daniel                     | Harris      | Perry                         | Turnham                        |

—60

**Nays:** Messrs. Callahan, Martin, Ramey and Rogers

—4

#### GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 812, said Governor's amendment as contained in the Message from the Governor being set out in the Journal of the House on the thirty-second legislative day.

Yeas 62; Nays 1.

**Yeas:**

|                            |          |         |        |
|----------------------------|----------|---------|--------|
| Mr. Speaker                | Albea    | Bailey  | Bevill |
| Adams <sup>(Houston)</sup> | Ashworth | Bassett | Bishop |



|           |             |                               |                                |
|-----------|-------------|-------------------------------|--------------------------------|
| Boyd      | Glass       | Johnson <sup>(Hardaway)</sup> | Phillips                       |
| Branyon   | Goldthwaite | Johnston <sup>(Leonard)</sup> | Pierce                         |
| Broadfoot | Grant       | Jones <sup>(Monroe)</sup>     | Pruitt                         |
| Brooks    | Grouby      | Lee                           | Ramey                          |
| Callahan  | Guthrie     | Locke                         | Reynolds <sup>(Chambers)</sup> |
| Camp      | Hain        | Long <sup>(Perry)</sup>       | Rogers                         |
| Cates     | Hanby       | McClendon <sup>(Chamb)</sup>  | Rozelle                        |
| Chambers  | Hankins     | Meade                         | Shumate                        |
| Copeland  | Harris      | Merrill                       | Smith <sup>(St. Clair)</sup>   |
| Daniel    | Harvey      | Morrow                        | Speaks                         |
| Dickson   | Hearn       | Oakley                        | Thomas                         |
| Faulk     | Hocklander  | Owens                         | Turner                         |
| Ferguson  | Ingram      | Perry                         | Turnham                        |
| Gilmer    | Jenkins     |                               |                                |

—62

Nay: Mr. Cabiness

—1

Which was a majority of the whole number elected to the House.

And said bill:

H. 812. To levy additional county privilege license and excise taxes for public school purposes in Chilton County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act, and prescribing penalties.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 73; Nays 0.

Yeas:

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cornett     | Harris                        | Owens                          |
| Adams <sup>(Houston)</sup> | Daniel      | Harvey                        | Perry                          |
| Albea                      | Dickson     | Hearn                         | Phillips                       |
| Ashworth                   | Dodd        | Hocklander                    | Pierce                         |
| Bailey                     | Edwards     | Ingram                        | Pruitt                         |
| Bassett                    | Faulk       | Jenkins                       | Ramey                          |
| Bevill                     | Ferguson    | Johnson <sup>(Hardaway)</sup> | Rast                           |
| Bishop                     | Gilmer      | Johnston <sup>(Leonard)</sup> | Reynolds <sup>(Chambers)</sup> |
| Boyd                       | Glass       | Jones <sup>(Monroe)</sup>     | Rogers                         |
| Branyon                    | Goldthwaite | Lee                           | Salter                         |
| Brewer                     | Goodwyn     | Locke                         | Shumate                        |
| Broadfoot                  | Gordon      | Long <sup>(Perry)</sup>       | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Grant       | McClendon <sup>(Chamb)</sup>  | Speaks                         |
| Cabiness                   | Grouby      | Meade                         | Taylor                         |
| Callahan                   | Guthrie     | Merrill                       | Thomas                         |
| Camp                       | Hain        | Morrow                        | Torbert                        |
| Cates                      | Hanby       | Murphy                        | Turner                         |
| Chambers                   | Hankins     | Oakley                        | Turnham                        |
| Copeland                   |             |                               |                                |

—73

Which was a majority of the whole number elected to the House.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Goodwyn to suspend the rules in order to take

up for immediate consideration the third reading of the bill, S. 111, was adopted.

And the bill:

S. 111. To amend Section 6 of Act No. 27, S. 30, approved May 31, 1949 (Acts of Alabama, 1949, p. 39), which relates to the printing and publication of the acts and journals of the Legislature, by prescribing further the number of volumes of the bound acts to be printed and delivered to the Secretary of State.

Was read a third time at length and passed.

Yeas 76; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Copeland    | Hankins                       | Perry                          |
| Adams <sup>(Houston)</sup> | Cornett     | Harris                        | Phillips                       |
| Albea                      | Daniel      | Harvey                        | Pierce                         |
| Ashworth                   | Dickson     | Hearn                         | Pruitt                         |
| Bailey                     | Dodd        | Hocklander                    | Ramey                          |
| Barnett                    | Edwards     | Ingram                        | Rast                           |
| Bassett                    | Faulk       | Jenkins                       | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Ferguson    | Johnson <sup>(Hardaway)</sup> | Rogers                         |
| Bishop                     | Gilchrist   | Johnston <sup>(Leonard)</sup> | Rozelle                        |
| Boyd                       | Gilmer      | Jones <sup>(Monroe)</sup>     | Salter                         |
| Branyon                    | Glass       | Locke                         | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Speaks                         |
| Broadfoot                  | Goodwyn     | Martin                        | Steagall                       |
| Brooks                     | Gordon      | Meade                         | Sullivan                       |
| Cabiness                   | Grant       | Merrill                       | Taylor                         |
| Callahan                   | Grouby      | Morrow                        | Thomas                         |
| Camp                       | Guthrie     | Murphy                        | Torbert                        |
| Cates                      | Hain        | Oakley                        | Turner                         |
| Chambers                   | Hanby       | Owens                         | Turnham                        |

—76

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Goodwyn to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 110, was adopted:

And the bill:

S. 110. To amend Sections 278 and 279 of Title 17, Code of Alabama (1940), which relate to the filing of statements of election campaign expenditures.

Was read a third time at length and passed.

Yeas 71; Nays 0.

**Yeas:**

|                            |           |          |           |
|----------------------------|-----------|----------|-----------|
| Mr. Speaker                | Bishop    | Callahan | Dickson   |
| Adams <sup>(Houston)</sup> | Boyd      | Camp     | Dodd      |
| Albea                      | Branyon   | Casey    | Faulk     |
| Ashworth                   | Brewer    | Chambers | Ferguson  |
| Bailey                     | Broadfoot | Copeland | Gilchrist |
| Bassett                    | Brooks    | Cornett  | Gilmer    |
| Bevill                     | Cabiness  | Daniel   | Glass     |

|             |                    |                     |                   |
|-------------|--------------------|---------------------|-------------------|
| Goldthwaite | Ingram             | Morrow              | Salter            |
| Gordon      | Jenkins            | Murphy              | Smith (Russell)   |
| Grant       | Johnson (Hardaway) | Oakley              | Smith (St. Clair) |
| Grouby      | Johnston (Leonard) | Owens               | Speaks            |
| Guthrie     | Jones (Monroe)     | Perry               | Steagall          |
| Hain        | Locke              | Phillips            | Sullivan          |
| Hanby       | Long (Perry)       | Pierce              | Taylor            |
| Hankins     | McClendon (Chamb)  | Ramey               | Thomas            |
| Harris      | Martin             | Reynolds (Chambers) | Turner            |
| Hearn       | Meade              | Rogers              | Turnham           |
| Hocklander  | Merrill            | Rozelle             |                   |

—71

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Goodwyn to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 112, was adopted.

And the bill:

S. 112. To amend Section 274 of Title 17, Code of Alabama (1940), which requires candidates to file with the secretary of state or the judge of probate the name or names of persons selected to receive, expend, audit, and disburse moneys subscribed, donated, or contributed for the purpose of promoting or aiding the nomination or election of such candidates.

Was read a third time at length and passed.

Yeas 76; Nays 0.

## Yeas:

|                 |             |                    |                     |
|-----------------|-------------|--------------------|---------------------|
| Mr. Speaker     | Copeland    | Harris             | Perry               |
| Adams (Houston) | Cornett     | Harvey             | Phillips            |
| Albea           | Daniel      | Hearn              | Pierce              |
| Ashworth        | Dickson     | Hocklander         | Ramey               |
| Bailey          | Dodd        | Ingram             | Reynolds (Chambers) |
| Bassett         | Edwards     | Jenkins            | Rogers              |
| Bevill          | Faulk       | Johnson (Hardaway) | Rozelle             |
| Bishop          | Ferguson    | Johnston (Leonard) | Salter              |
| Boyd            | Gilchrist   | Jones (Monroe)     | Shumate             |
| Branyon         | Gilmer      | Locke              | Smith (Russell)     |
| Brewer          | Glass       | Long (Perry)       | Smith (St. Clair)   |
| Broadfoot       | Goldthwaite | McClendon (Chamb)  | Speaks              |
| Brooks          | Gordon      | Martin             | Steagall            |
| Cabiness        | Grant       | Meade              | Sullivan            |
| Callahan        | Grouby      | Merrill            | Taylor              |
| Camp            | Guthrie     | Morrow             | Thomas              |
| Casey           | Hain        | Murphy             | Torbert             |
| Cates           | Hanby       | Oakley             | Turner              |
| Chambers        | Hankins     | Owens              | Turnham             |

—76

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Goodwyn to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 113, was adopted.

And the bill:

S. 113. To amend Section 400 of Title 17, Code of Alabama (1940), which requires candidates in primary elections to file statements of campaign expenditures.

Was read a third time at length and passed.

Yeas 75; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cornett     | Hearn                         | Phillips                       |
| Adams <sup>(Houston)</sup> | Daniel      | Hocklander                    | Pierce                         |
| Albea                      | Dickson     | Ingram                        | Ramey                          |
| Ashworth                   | Dodd        | Jenkins                       | Ray                            |
| Bailey                     | Edwards     | Johnson <sup>(Hardaway)</sup> | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Faulk       | Johnston <sup>(Leonard)</sup> | Rogers                         |
| Bassett                    | Ferguson    | Jones <sup>(Monroe)</sup>     | Rozelle                        |
| Bevill                     | Gilchrist   | Locke                         | Salter                         |
| Boyd                       | Gilmer      | Long <sup>(Perry)</sup>       | Shumate                        |
| Branyon                    | Glass       | McClendon <sup>(Chamb)</sup>  | Smith <sup>(Russell)</sup>     |
| Brewer                     | Goldthwaite | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Goodwyn     | Meade                         | Solomon                        |
| Brooks                     | Gordon      | Merrill                       | Steagall                       |
| Cabiness                   | Grant       | Morrow                        | Sullivan                       |
| Callahan                   | Guthrie     | Murphy                        | Taylor                         |
| Camp                       | Hain        | Oakley                        | Thomas                         |
| Casey                      | Hanby       | Oden                          | Turner                         |
| Chambers                   | Hankins     | Owens                         | Turnham                        |
| Copeland                   | Harvey      | Perry                         |                                |

—75

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Thomas to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 39, was adopted.

And the bill:

S. 39. To establish a legislative committee to make an investigation to determine if certain businesses have formed a combination in restraint of trade or in preventing reasonable and fair competition, or have otherwise violated any of the monopoly or trust laws of this state; to provide for the selection of the committee, and to prescribe its powers, duties, and authority; to provide for the payment of the expenses of the committee out of funds appropriated for the use of the Legislature; to provide for the enforcement of the Act; and to prescribe penalties.

Was read a third time at length and passed.

Yeas 56; Nays 10.

**Yeas:**

|                            |           |             |                               |
|----------------------------|-----------|-------------|-------------------------------|
| Mr. Speaker                | Broadfoot | Faulk       | Guthrie                       |
| Adams <sup>(Houston)</sup> | Brooks    | Gilchrist   | Hain                          |
| Albea                      | Camp      | Gilmer      | Hanby                         |
| Ashworth                   | Chambers  | Glass       | Hankins                       |
| Bevill                     | Daniel    | Goldthwaite | Hocklander                    |
| Bishop                     | Dickson   | Gordon      | Ingram                        |
| Branyon                    | Dodd      | Grant       | Johnson <sup>(Hardaway)</sup> |
| Brewer                     | Edwards   | Grouby      | Johnston <sup>(Leonard)</sup> |

|                   |          |                     |          |
|-------------------|----------|---------------------|----------|
| Jones (Monroe)    | Murphy   | Ray                 | Steagall |
| Lee               | Oakley   | Reynolds (Chambers) | Sullivan |
| Locke             | Oden     | Rogers              | Taylor   |
| Long (Perry)      | Perry    | Rozelle             | Thomas   |
| McClendon (Chamb) | Phillips | Salter              | Turner   |
| Merrill           | Ramey    | Solomon             | Turnham  |

—56

**Nays:**

|          |          |         |        |
|----------|----------|---------|--------|
| Messrs.: | Boyd     | Hearn   | Pierce |
| Bailey   | Casey    | Jenkins | Speaks |
| Bassett  | Ferguson | Meade   |        |

—10

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Nichols to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 133, was adopted.

And the bill:

S. 133 (with amendment): To revise and amend Title 24, Code of Alabama 1940, which relates to hotels and innkeepers.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Section 13 of S. B. No. 133 is hereby amended by striking Section 13 in its entirety and substituting in lieu thereof the following:

"Section 13. Conditional liability. Such hotel as shall maintain a safe depository and display notice as is required by the preceding section shall in no event and under no circumstances or conditions, be liable in any amount for any loss, damage or destruction of the valuables of a guest, by theft, burglary, fire or by any other cause whatsoever whether or not of a nature enumerated above, if the said valuables shall not have been left with the hotel, its clerk or agent, for deposit in said safe depository. (Whenever the phrase—loss, damage or destruction by theft or otherwise—is hereinafter used in this title, it shall include any loss, damage or destruction of the valuables, baggage or property of a guest, as the case may be, by theft, burglary, fire or by any other cause whatsoever whether or not of a nature enumerated above.) If a hotel maintains a safe depository and valuables are left by a guest with said hotel, its clerk or agent, for deposit in said safe depository, the limit of liability of said hotel for any loss, damage or destruction of said valuables, by theft or otherwise, shall be three hundred dollars, regardless of whether or not said hotel shall have displayed notice as required by the preceding section; provided, however, that upon accepting any such valuables said hotel must furnish to said guest a receipt upon which there shall appear in not less than ten point type on the face thereof the following words: "The liability for loss, damage or destruction of valuables by theft or otherwise, is limited by law to three hundred dollars (\$300) unless otherwise provided by special written contract". There shall also appear on said receipt in not less than ten point type and underlined the following words: "If the guest is depositing valuables in the safe depository of the hotel for safekeeping which said valuables exceed in value the sum of three hundred dollars (\$300), the guest may request the hotel

to enter into a special written contract, to be supplied by the hotel, whereby the hotel agrees to assume liability for the value of said valuables, provided, however, that in no event and under no circumstances or conditions shall the hotel (1) be liable in excess of the actual value of said valuables regardless of the stated value thereof in said contract, and (11), be required to enter into a contract assuming liability in excess of five thousand dollars (\$5,000) for the loss, damage destruction of said valuables by theft or otherwise regardless of the stated value or actual value thereof. Such contract must be in writing, signed by the guest and signed on behalf of the hotel by its manager, assistant manager, desk clerk, or other person in charge of or in authority in the hotel." Failure of the hotel to provide such receipt to any guest who leaves valuables with the hotel for deposit in its safe depository shall remove the three hundred dollar limitation of liability provided by this section.

Section 14 of S. B. No. 133 is hereby amended by striking out the words "except as is hereinafter provided in this section" where these words appear together in line six of the Section, and also by striking the entire second sentence of the Section which reads, "The limitation of liability hereinabove provided for in this section shall not apply if a written contract providing for a greater liability is entered into and executed by such guest and hotel".

And the amendment was adopted.

Yeas 67; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dickson     | Hearn                          | Pruitt                         |
| Adams <sup>(Houston)</sup> | Dodd        | Hocklander                     | Ramey                          |
| Ashworth                   | Edwards     | Jenkins                        | Rast                           |
| Bailey                     | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Barnett                    | Ferguson    | Jones <sup>(Covington)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Gilchrist   | Locke                          | Rogers                         |
| Bevill                     | Gilmer      | McClendon <sup>(Chamb)</sup>   | Rozelle                        |
| Boyd                       | Glass       | Martin                         | Salter                         |
| Brewer                     | Goldthwaite | Meade                          | Shumate                        |
| Brooks                     | Goodwyn     | Merrill                        | Smith <sup>(St. Clair)</sup>   |
| Cabiness                   | Grant       | Murphy                         | Solomon                        |
| Callahan                   | Gross       | Nettles                        | Speaks                         |
| Casey                      | Grouby      | Oakley                         | Steagall                       |
| Cates                      | Guthrie     | Oden                           | Taylor                         |
| Copeland                   | Hain        | Owens                          | Torbert                        |
| Cornett                    | Hanby       | Perry                          | Turnham                        |
| Daniel                     | Harvey      | Pierce                         |                                |

—67

And said bill, S. 133, as thus amended, was read a third time at length and passed.

Yeas 68; Nays 0.

**Yeas:**

|                            |          |           |             |
|----------------------------|----------|-----------|-------------|
| Mr. Speaker                | Brewer   | Daniel    | Gilmer      |
| Adams <sup>(Houston)</sup> | Brooks   | Dickson   | Goldthwaite |
| Ashworth                   | Cabiness | Dodd      | Goodwyn     |
| Bailey                     | Callahan | Edwards   | Grant       |
| Bassett                    | Casey    | Faulk     | Gross       |
| Bevill                     | Copeland | Ferguson  | Grouby      |
| Boyd                       | Cornett  | Gilchrist | Guthrie     |

|                                |                              |                                |                              |
|--------------------------------|------------------------------|--------------------------------|------------------------------|
| Hain                           | Long <sup>(Perry)</sup>      | Owens                          | Salter                       |
| Hanby                          | McClendon <sup>(Chamb)</sup> | Perry                          | Shumate                      |
| Harvey                         | Martin                       | Pierce                         | Smith <sup>(Russell)</sup>   |
| Hearn                          | Meade                        | Pruitt                         | Smith <sup>(St. Clair)</sup> |
| Hocklander                     | Merrill                      | Ramey                          | Solomon                      |
| Jenkins                        | Murphy                       | Rast                           | Speaks                       |
| Johnson <sup>(J. T. Tom)</sup> | Nettles                      | Ray                            | Steagall                     |
| Jones <sup>(Covington)</sup>   | Nichols                      | Reynolds <sup>(Chambers)</sup> | Torbert                      |
| Lee                            | Oakley                       | Rogers                         | Turner                       |
| Locke                          | Oden                         | Rozelle                        | Turnham                      |

—68

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Cornett to suspend the rules in order to introduce a resolution was adopted.

## RESOLUTION

The following resolution was introduced:

By Messrs. Cornett and Reynolds (Chambers):

H. R. 97. WHEREAS, Ramsey High School of Birmingham has one of the outstanding high school football teams of this state, and,

WHEREAS, their prestige and standing has been greatly boosted by the powerful press of the Birmingham NEWS, and,

WHEREAS, Robert E. Lee High School has one of the outstanding high school football teams of this state, and,

WHEREAS, their prestige and standing has been greatly boosted by the powerful press of the Montgomery ADVERTISER, and,

WHEREAS, Valley High School of Fairfax, Alabama, and Central High School of Phenix City have outstanding football teams, both undefeated, but have not had the benefit of the powerful press of the large cities,

BE IT RESOLVED, that the winner of the Valley-Central High game to be played Friday night, hereby declares itself the Number One high school football team of the Triple A class in the state of Alabama, and will claim this title herewith unless the Athletic Association of Alabama gives the winner of this game the privilege of playing the winner of the Ramsey-Lee High game;

BE IT FURTHER RESOLVED that a copy of this resolution be mailed to the head coach of each team involved and to the Alabama High School Athletic Association.

The motion of Mr. Cornett to suspend the rules in order to bring up for immediate consideration the above and foregoing H. R. 97 was lost.

Yeas 38; Nays 17.

## Yeas:

|                            |          |                               |                                |
|----------------------------|----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cornett  | Harris                        | Johnson <sup>(J. T. Tom)</sup> |
| Adams <sup>(Houston)</sup> | Daniel   | Harvey                        | Johnston <sup>(Leonard)</sup>  |
| Ashworth                   | Ferguson | Hearn                         | Jones <sup>(Covington)</sup>   |
| Barnett                    | Guthrie  | Ingram                        | Long <sup>(Perry)</sup>        |
| Casey                      | Hain     | Jenkins                       | McClendon <sup>(Chamb)</sup>   |
| Copeland                   | Hanby    | Johnson <sup>(Hardaway)</sup> | Martin                         |

|         |                                |                            |         |
|---------|--------------------------------|----------------------------|---------|
| Meade   | Ramey                          | Shumate                    | Torbert |
| Merrill | Ray                            | Smith <sup>(Russell)</sup> | Turner  |
| Oden    | Reynolds <sup>(Chambers)</sup> | Sullivan                   | Turnham |
| Pruitt  | Rogers                         |                            |         |

—38

**Nays:**

|           |             |         |         |
|-----------|-------------|---------|---------|
| Messrs.:  | Brooks      | Goodwyn | Nichols |
| Bailey    | Dickson     | Locke   | Oakley  |
| Bishop    | Dodd        | Morrow  | Perry   |
| Brewer    | Gilchrist   | Nettles | Pierce  |
| Broadfoot | Goldthwaite |         |         |

—17

And said resolution, H. R. 97, was read and referred to the Standing Committee on Rules.

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Pruitt to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 197, was adopted.

And the bill:

S. 197. To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$50,000.00 for the purpose of renovating and remodelling space in the basement of the State Capitol for a restaurant and for the correction of the electrical distribution system for the Capitol.

Was taken up.

Mr. Perry offered the following substitute for the bill, S. 197:

A BILL  
TO BE ENTITLED  
AN ACT

To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$100,000.00 for the purpose of renovating and remodeling space in the basement of the State Capitol for a restaurant, for the correction of the electrical distribution system of the Capitol, and for the air conditioning of certain areas in the building of the Department of Archives and History for the purpose of preserving certain valuable records.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of \$25,000.00 to be used only for the purpose of renovating, repairing and altering space in the basement of the State Capitol Building to provide a cafeteria or other restaurant facility.

Section 2. There is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of \$25,000.00 to be used only for the purpose of repairing, altering and providing adequate space, equipment, materials, transformers, wiring and other things necessary and incident to the correction and modernization of the supply and distribution of electricity in the State Capitol Building.



Section 3. There is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of \$50,000.00 to be used only for the purpose of air conditioning certain areas of the building occupied by the Department of Archives and History, as the director of that Department may designate.

Section 4. The above appropriation shall be allotted by the budget officer on the approval of the Director of Finance and the State Building Commission shall approve all plans and specifications for such renovations, additions and alterations. The State comptroller shall issue his warrants not in excess of \$100,000.00 herein appropriated in payment for the work done, from time to time, upon approval of the Directors of the State Building Commission. All additions, repair, alteration and renovation shall be contracted pursuant to the provisions of Title 50, Code of Alabama 1940, as amended.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

The motion of Mr. Reynolds (Chambers) to lay on the table the substitute offered by Mr. Perry was lost.

Yeas 27; Nays 44.

**Yeas:**

|             |         |                                |                              |
|-------------|---------|--------------------------------|------------------------------|
| Mr. Speaker | Dickson | Johnson <sup>(J. T. Tom)</sup> | Shumate                      |
| Ashworth    | Dodd    | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>   |
| Bassett     | Faulk   | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup> |
| Boyd        | Gilmer  | Merrill                        | Solomon                      |
| Callahan    | Hain    | Oden                           | Sullivan                     |
| Casey       | Harvey  | Pruitt                         | Taylor                       |
| Copeland    | Ingram  | Reynolds <sup>(Chambers)</sup> |                              |

—27

**Nays:**

|           |             |                               |          |
|-----------|-------------|-------------------------------|----------|
| Messrs.:  | Edwards     | Johnston <sup>(Leonard)</sup> | Perry    |
| Albea     | Ferguson    | Jones <sup>(Covington)</sup>  | Pierce   |
| Bailey    | Franklin    | Lee                           | Ramey    |
| Barnett   | Glass       | Locke                         | Ray      |
| Bevill    | Goldthwaite | Long <sup>(Perry)</sup>       | Roberts  |
| Bishop    | Grouby      | Martin                        | Rogers   |
| Brewer    | Guthrie     | Morrow                        | Salter   |
| Broadfoot | Hanby       | Murphy                        | Speaks   |
| Cabiness  | Harris      | Nettles                       | Steagall |
| Camp      | Hocklander  | Nichols                       | Torbert  |
| Cornett   | Jenkins     | Oakley                        | Turnham  |
| Daniel    |             |                               |          |

—44

The motion of Mr. Pruitt to indefinitely postpone the substitute offered by Mr. Perry was lost.

Yeas 37; Nays 37.

**Yeas:**

|             |          |        |                                |
|-------------|----------|--------|--------------------------------|
| Mr. Speaker | Callahan | Faulk  | Jenkins                        |
| Ashworth    | Casey    | Gilmer | Johnson <sup>(Hardaway)</sup>  |
| Bailey      | Copeland | Gordon | Johnson <sup>(J. T. Tom)</sup> |
| Bassett     | Cornett  | Hain   | McClendon <sup>(Chamb)</sup>   |
| Boyd        | Dickson  | Harvey | McLendon <sup>(Bullock)</sup>  |
| Branyon     | Dodd     | Ingram | Merrill                        |

|        |                     |                   |          |
|--------|---------------------|-------------------|----------|
| Oden   | Ray                 | Shumate           | Sullivan |
| Pierce | Reynolds (Chambers) | Smith (Russell)   | Taylor   |
| Pruitt | Rogers              | Smith (St. Clair) | Turner   |
| Ramey  |                     |                   |          |

—37

**Nays:**

|           |             |                    |          |
|-----------|-------------|--------------------|----------|
| Messrs.:  | Ferguson    | Johnston (Leonard) | Oakley   |
| Albea     | Franklin    | Jones (Covington)  | Perry    |
| Barnett   | Glass       | Lee                | Roberts  |
| Bevill    | Goldthwaite | Locke              | Salter   |
| Bishop    | Grant       | Long (Perry)       | Solomon  |
| Brewer    | Grouby      | Martin             | Speaks   |
| Broadfoot | Guthrie     | Morrow             | Steagall |
| Cabiness  | Hanby       | Murphy             | Torbert  |
| Daniel    | Harris      | Nettles            | Turnham  |
| Edwards   | Hocklander  |                    |          |

—37

The question was upon the adoption of the substitute offered by Mr. Perry to the bill, S. 197, and said substitute was adopted.

Yeas 41; Nays 35.

**Yeas:**

|           |             |                    |          |
|-----------|-------------|--------------------|----------|
| Messrs.:  | Ferguson    | Harris             | Nettles  |
| Albea     | Franklin    | Hocklander         | Oakley   |
| Barnett   | Gilchrist   | Johnston (Leonard) | Perry    |
| Bevill    | Gilmer      | Jones (Covington)  | Ramey    |
| Bishop    | Glass       | Lee                | Roberts  |
| Branyon   | Goldthwaite | Locke              | Salter   |
| Brewer    | Gordon      | Long (Perry)       | Solomon  |
| Broadfoot | Grant       | Martin             | Speaks   |
| Cabiness  | Gross       | Morrow             | Steagall |
| Daniel    | Grouby      | Murphy             | Turnham  |
| Edwards   | Guthrie     |                    |          |

—41

**Nays:**

|             |                    |                     |                     |
|-------------|--------------------|---------------------|---------------------|
| Mr. Speaker | Dickson            | Johnson (J. T. Tom) | Reynolds (Chambers) |
| Ashworth    | Dodd               | McClendon (Chamb)   | Rogers              |
| Bailey      | Hain               | McLendon (Bullock)  | Shumate             |
| Bassett     | Hanby              | Meade               | Smith (Russell)     |
| Boyd        | Hankins            | Merrill             | Smith (St. Clair)   |
| Callahan    | Harvey             | Oden                | Sullivan            |
| Casey       | Ingram             | Pierce              | Taylor              |
| Copeland    | Jenkins            | Pruitt              | Turner              |
| Cornett     | Johnson (Hardaway) | Ray                 |                     |

—35

Mr. Pruitt moved to postpone further consideration of the bill, S. 197, as amended, until the next legislative day.

Mr. Hanby offered as a substitute motion, a motion to postpone further consideration of the bill, S. 197, as amended, temporarily, and said motion was adopted.

Yeas 44; Nays 34.

**Yeas:**

|             |         |          |          |
|-------------|---------|----------|----------|
| Mr. Speaker | Bassett | Branyon  | Casey    |
| Ashworth    | Bishop  | Callahan | Copeland |
| Bailey      | Boyd    | Camp     | Cornett  |

|          |                               |                                |                              |
|----------|-------------------------------|--------------------------------|------------------------------|
| Dodd     | Harvey                        | Murphy                         | Rogers                       |
| Franklin | Hearn                         | Nichols                        | Salter                       |
| Goodwyn  | Ingram                        | Oden                           | Shumate                      |
| Gordon   | Jenkins                       | Phillips                       | Smith <sup>(Russell)</sup>   |
| Gross    | Johnson <sup>(Hardaway)</sup> | Pierce                         | Smith <sup>(St. Clair)</sup> |
| Hain     | Jones <sup>(Covington)</sup>  | Pruitt                         | Sullivan                     |
| Hanby    | McLendon <sup>(Bullock)</sup> | Ray                            | Torbert                      |
| Hankins  | Meade                         | Reynolds <sup>(Chambers)</sup> | Turner                       |

—44

**Nays:**

|           |                                |                               |          |
|-----------|--------------------------------|-------------------------------|----------|
| Messrs.:  | Edwards                        | Johnston <sup>(Leonard)</sup> | Oakley   |
| Albea     | Ferguson                       | Lee                           | Perry    |
| Barnett   | Gilchrist                      | Locke                         | Roberts  |
| Bevill    | Gilmer                         | Long <sup>(Perry)</sup>       | Solomon  |
| Brewer    | Goldthwaite                    | McClendon <sup>(Chamb)</sup>  | Speaks   |
| Broadfoot | Grouby                         | Martin                        | Steagall |
| Cabiness  | Harris                         | Merrill                       | Taylor   |
| Daniel    | Hocklander                     | Morrow                        | Turnham  |
| Dickson   | Johnson <sup>(J. T. Tom)</sup> | Nettles                       |          |

—34

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Oakley to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 354, was adopted.

And the bill:

S. 354. To amend Section 1 of Act No. 296, page 493, 1945 General Acts of Alabama, approved July 7, 1945, entitled "An Act To amend Section 55 of Title 8 of the Code of Alabama 1940" which pertains to the fees of arresting officers in game and fish cases.

Was read a third time at length and passed.

Yeas 70; Nays 1.

**Yeas:**

|             |             |                                |          |
|-------------|-------------|--------------------------------|----------|
| Mr. Speaker | Dodd        | Hocklander                     | Perry    |
| Albea       | Edwards     | Ingram                         | Phillips |
| Ashworth    | Faulk       | Jenkins                        | Pierce   |
| Bailey      | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Powell   |
| Barnett     | Franklin    | Johnston <sup>(Leonard)</sup>  | Ramey    |
| Bevill      | Gilchrist   | Jones <sup>(Covington)</sup>   | Rast     |
| Bishop      | Gilmer      | Lee                            | Ray      |
| Boyd        | Goldthwaite | Locke                          | Roberts  |
| Brewer      | Goodwyn     | Long <sup>(Perry)</sup>        | Shumate  |
| Broadfoot   | Gordon      | McLendon <sup>(Bullock)</sup>  | Solomon  |
| Brooks      | Grant       | Martin                         | Speaks   |
| Cabiness    | Gross       | Meade                          | Steagall |
| Callahan    | Grouby      | Merrill                        | Sullivan |
| Casey       | Guthrie     | Murphy                         | Taylor   |
| Chambers    | Hain        | Nettles                        | Thomas   |
| Cornett     | Hankins     | Oakley                         | Turner   |
| Daniel      | Harris      | Oden                           | Turnham  |
| Dickson     | Hearn       |                                |          |

—70

**Nay:** Mr. Reynolds (Chambers)

—1

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 475. To amend Section 1 of Act 515 approved July 9, 1945, as amended, which relates to the Employees' Retirement System of Alabama.

Also:

H. 537. To provide a retirement benefit to any state employee who had attained age 60 on or before October 1, 1945, who declined membership in the Employees' Retirement System of Alabama in the manner prescribed in Section 3 of Act 515 approved July 9, 1945, and who retires with a minimum of fifteen years of service as a state employee; and to provide a supplement to the retirement benefits of certain state employees who are now or will be retired by the Board of Control of the Employees' Retirement System under the provisions of Act 515, approved July 9, 1945; to set forth the requirements under which said retirement and supplemental benefits shall be granted; and to provide for the management of the fund from which said assistance payments shall be made; and to repeal Act 571 approved September 18, 1957 relating to certain benefits to retired state employees, and to provide the appropriation necessary to carry out the provisions of this act.

Also:

H. 762. To authorize the sale and issuance of not exceeding \$3,000,000 principal amount of general obligation bonds of the State of Alabama for the purpose of constructing and equipping a hospital building to constitute a part of the University of Alabama Medical Center and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to appropriate and pledge, as additional security therefor, so much as may be necessary of that portion of the state taxes on the sale of spirituous or vinous liquors that is required by law to be paid into the Alabama Special Mental Health Fund; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution, and issuance of said bonds and the use of the proceeds thereof.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## RECESS

Mr. Barnett moved that the House recess until 3:30 o'clock this afternoon.

Mr Thomas offered as a substitute motion, a motion that the House recess until 2:30 o'clock this afternoon, and said motion was adopted.

Yeas 40; Nays 32.

**Yeas:**

|             |           |                    |                 |
|-------------|-----------|--------------------|-----------------|
| Mr. Speaker | Copeland  | Guthrie            | Nettles         |
| Albea       | Cornett   | Hanby              | Oden            |
| Ashworth    | Daniel    | Hearn              | Phillips        |
| Bailey      | Dodd      | Ingram             | Pruitt          |
| Barnett     | Ferguson  | Johnson (Hardaway) | Rogers          |
| Bevill      | Gilchrist | Johnston (Leonard) | Salter          |
| Bishop      | Gilmer    | Lee                | Shumate         |
| Boyd        | Goodwyn   | Long (Perry)       | Smith (Russell) |
| Brooks      | Grant     | McLendon (Bullock) | Solomon         |
| Casey       | Gross     | Merrill            | Thomas          |

—40

**Nays:**

|             |                     |         |                     |
|-------------|---------------------|---------|---------------------|
| Messrs.:    | Hain                | Murphy  | Ray                 |
| Broadfoot   | Jenkins             | Nichols | Reynolds (Chambers) |
| Camp        | Johnson (J. T. Tom) | Oakley  | Smith (St. Clair)   |
| Dickson     | Jones (Covington)   | Perry   | Steagall            |
| Edwards     | Locke               | Pierce  | Sullivan            |
| Faulk       | McClendon (Chamb)   | Powell  | Taylor              |
| Franklin    | Martin              | Ramey   | Turner              |
| Goldthwaite | Meade               | Rast    | Turnham             |
| Grouby      |                     |         |                     |

—32

## AFTERNOON SESSION

The hour of 2:30 o'clock P.M. having arrived, the House reconvened.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 92. Relative to adjournment of the two Houses until Thursday, November 12, 1959, at 11 o'clock A.M.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 270. To dissolve the municipal corporation of Daleville, Dale County, revoke its charter, and provide for the disposition of its property and payment of its debts.

Also:

S. 286. Relating to municipalities having a population of not less than 40,000 nor more than 50,000, according to the last or any subsequent federal decennial census; providing optional forms of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt such an optional form of municipal government.

Also:

S. 366. To provide an additional expense allowance to the judge of the Twenty-fifth Judicial Circuit of Alabama.

Also:

S. 399. To extend, alter and rearrange the boundary lines and corporate limits of the City of Auburn, Lee County, Alabama.

Also:

S. 404. To amend Section 1 of Act No. 486, H. 765, approved July 9, 1943, an act providing for the appointment of a board of trustees to acquire, maintain, and protect certain properties and objects of historical interest located at the first permanent seat of government of the State of Alabama at Cahaba in Dallas County, (General Acts 1943, p. 449), so as to provide for the appointment of two additional members of the board of trustees of the Cahaba Historical Commission.

Also:

S. 418. To amend Section 1 of the Act of the Legislature approved on the 9th day of August, 1949, General and Local Acts, 1949, Page 536, entitled: "To provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being served by the Mobile Public Library."

Also:

S. 428. To alter, rearrange and describe the boundary lines and corporate limits of the city of Alexander City, Tallapoosa County, Alabama.

Also:

S. 434. To require the tax collector of Mobile County to charge and collect the same fees, and to deduct from taxes collected by him the same commissions that are prescribed by the general law as compensation for tax assessors and tax collectors and to pay all such fees and commissions into the county treasury of Mobile County; and to repeal Act No. 241, H. 401 and Act No. 242, H. 473 of 1935 (Local Acts of Alabama of 1935, pages 139 and 141, respectively) and Section 1 of Act No. 191, H. 634 of 1955 (Acts of Alabama of 1955, page 476).

Also:

S. 440. To provide for the establishment and operation of a public clinic in the municipality of Uniontown, Perry County.

Also:

S. 441. To alter, rearrange, and extend the boundaries and corporate

ate limits of the Town of Brent, Bibb County, Alabama, so as to annex certain territory to the Town.

J. E. SPEIGHT,  
Secretary.

### SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

### RESOLUTION

The following resolution was introduced:

By Mr. Lee:

H. R. 98. WHEREAS, the Hon. R. C. (Red) Bamberg, State Commissioner of Agriculture, on May 18, confidently and boldly accepted the challenge of the editor of the Montgomery Advertiser to prove his fitness for office by planting, cultivating and bringing to fruit a row of cotton in the editor's flower bed sufficient to fill a pillow case; and

WHEREAS, in the course of many early morning cultivations when other officials were yet in the arms of Morpheus, Commissioner Bamberg brought the 10-yard-long row of cotton to a praise-worthy stand of emerald velvet, heavily bejeweled with platinum squares; and

WHEREAS, slaughterous waves of boll weevil found this wind-fall of late cotton with its tender squares, and a stalk-twisting summer storm flattened the stalks, and acute vigilance had to be applied to forfend the marauding of neighborhood spooks on Halloween night; and

WHEREAS, an eminent jury of cotton experts from this very body—the Hon. Charles Adams (of Houston), the Hon. Emory Solomon, the Hon. Ralph Chambers—have examined and praised the cotton; and

WHEREAS, the said jury looked on November 5 as Robert Bamberg, Jr., a fifth grade scholar, picked his father's cotton as the rain fell and the jurors stood under the carport taking time-honored precautions against colds, chills and influenza; and

WHEREAS, the wet cotton was thence taken to a suburban beauty parlor and placed under a hair drier to dry it for processing in the Hon. Charles Adams' gin;

RESOLVED BY THE HOUSE OF REPRESENTATIVES, that it does commend and certify Commissioner Bamberg as a worthy example to Alabama's 97,000 cotton farmers and as a true prophet and aggrandizer of King Cotton.

On motion of Mr. Lee the rules were suspended and the resolution H. R. 98 was adopted.

### MOTION TO RECONSIDER ADOPTED

The motion of Mr. Goodwyn to reconsider the vote by which the bill, S. 110, was passed, was adopted.

And the bill:

S. 110. To amend Sections 278 and 279 of Title 17, Code of Alabama (1940), which relate to the filing of statements of election campaign expenditures.

Was again taken up.

Mr. Goodwyn offered the following substitute for the bill, S. 110:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 278, 279, and 280 of Title 17, Code of Alabama (1940), which relate to the filing of statements of election campaign expenditures.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 278 of Title 17, Code of Alabama (1940), is amended to read as follows:

"Section 278. Statement of campaign expenditures filed. Every committee appointed under this article and each and every political committee as defined in section 268 of this title, shall file in the office of the judge of probate of the county in which the candidate by which said committee was appointed resides, if such candidate is a candidate for state senator, representative in the legislature, or for any county office or position, or in the office of the secretary of state, if he is a candidate for a national or state office, or position, or for representative in congress, or judge or solicitor of any judicial circuit, and if the political committee be one in support or opposition to any measure or proposition submitted to the popular party vote, if such measure or proposition is submitted to the voters of the state, then in the office of the secretary of state, and if it be submitted to the voters of any particular county or district or circuit, then in the offices of the judges of probate of such counties, detailed, itemized, statements of all expenditures made. It is provided, however, that the committee of any candidate who is not opposed for nomination or election shall not be required to file such statements."

Section 2. Section 279 of Title 17, Code of Alabama (1940), as amended, is amended further to read as follows:

"Section 279. Within thirty days after the election, every committee shall file a statement giving in itemized, detailed form, including names, items and detailed amounts, covering all of the expenditures made directly or indirectly, and all obligations, debts, or liabilities assumed or incurred at the time of filing of said statement. Such statement shall include the names of all contributors of amounts in excess of ten dollars, with amount given by each, and a list of all gifts, loans or contributions made. Such statements shall itemize all monies expended in sums over five dollars, and shall give the names of the various persons to whom such moneys were paid, the specific nature of each item, by whom the service was performed, and the purpose for which it was expended. There shall be attached to such statement an affidavit subscribed and sworn to by the treasurer of said committee setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all



moneys, securities or equivalents for money coming under the control or custody of the committee and by them expended directly or indirectly. If any statement required herein shall have been postmarked at any United States post office not later than midnight of the last day on which such statement is required to be filed, the committee mailing such statement shall be deemed to have complied with the requirements of this section as to filing such statement not later than such date."

Section 3. Section 280 of Title 17, Code of Alabama (1940), is amended to read as follows:

"Section 280. If such statement is filed by a committee on behalf of any candidate, there shall also be attached to such statement an affidavit subscribed and sworn to by said candidate, setting forth in substance that said statement is to the best of his knowledge and belief in all respects true, and that he has not in person made any expenditures or received any contributions which are not set forth and covered by said statement. The failure of any committee designated by any candidate to file the statements herein required in the form and at the time specified, is a corrupt practice."

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 0.

**Yeas:**

|             |          |                               |                                |
|-------------|----------|-------------------------------|--------------------------------|
| Mr. Speaker | Copeland | Ingram                        | Pierce                         |
| Albea       | Daniel   | Jenkins                       | Powell                         |
| Ashworth    | Dickson  | Johnson <sup>(Hardaway)</sup> | Ramey                          |
| Bailey      | Faulk    | Johnston <sup>(Leonard)</sup> | Rast                           |
| Barnett     | Ferguson | Jones <sup>(Monroe)</sup>     | Ray                            |
| Bassett     | Gilmer   | Lee                           | Reynolds <sup>(Chambers)</sup> |
| Bevill      | Glass    | Locke                         | Rogers                         |
| Bishop      | Goodwyn  | Long <sup>(Perry)</sup>       | Rozelle                        |
| Branyon     | Grant    | McClendon <sup>(Chamb)</sup>  | Salter                         |
| Brewer      | Gross    | McLendon <sup>(Bullock)</sup> | Shumate                        |
| Broadfoot   | Grouby   | Martin                        | Smith <sup>(Russell)</sup>     |
| Brooks      | Guthrie  | Meade                         | Smith <sup>(St. Clair)</sup>   |
| Cabiness    | Hain     | Merrill                       | Speaks                         |
| Camp        | Hanby    | Morrow                        | Steagall                       |
| Casey       | Hankins  | Nettles                       | Taylor                         |
| Cates       | Harris   | Owens                         | Turner                         |
| Chambers    | Hearn    | Perry                         |                                |

—67

And said bill, S. 110, as thus amended, was again read at length and passed.

Yeas 67; Nays 0.

**Yeas:**

|             |         |        |           |
|-------------|---------|--------|-----------|
| Mr. Speaker | Bailey  | Bevill | Branyon   |
| Albea       | Barnett | Bishop | Broadfoot |
| Ashworth    | Bassett | Boyd   | Brooks    |

|          |                               |                               |                              |
|----------|-------------------------------|-------------------------------|------------------------------|
| Cabiness | Grouby                        | Locke                         | Ramey                        |
| Camp     | Guthrie                       | Long <sup>(Perry)</sup>       | Rast                         |
| Casey    | Hain                          | McClendon <sup>(Chamb)</sup>  | Ray                          |
| Cates    | Hanby                         | McLendon <sup>(Bullock)</sup> | Rogers                       |
| Copeland | Hankins                       | Martin                        | Rozelle                      |
| Cornett  | Harris                        | Meade                         | Salter                       |
| Daniel   | Hearn                         | Merrill                       | Shumate                      |
| Dickson  | Ingram                        | Morrow                        | Smith <sup>(St. Clair)</sup> |
| Faulk    | Jenkins                       | Nettles                       | Solomon                      |
| Ferguson | Johnson <sup>(Hardaway)</sup> | Oakley                        | Speaks                       |
| Glass    | Johnston <sup>(Leonard)</sup> | Owens                         | Steagall                     |
| Goodwyn  | Jones <sup>(Covington)</sup>  | Perry                         | Taylor                       |
| Grant    | Jones <sup>(Monroe)</sup>     | Pierce                        | Turner                       |
| Gross    | Lee                           | Powell                        |                              |

—67

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Roberts to suspend the rules in order to take up for immediate consideration the third reading of the bills, S. 3 and S. 5, was adopted.

And the bill:

S. 3. To amend Title 51, Section 704, Code of Alabama, 1940, as amended, pertaining to ad valorem taxation of motor vehicles.

Was read a third time at length and passed.

Yeas 62; Nays 1.

## Yeas:

|             |           |                                |                              |
|-------------|-----------|--------------------------------|------------------------------|
| Mr. Speaker | Cornett   | Hocklander                     | Perry                        |
| Albea       | Daniel    | Ingram                         | Phillips                     |
| Ashworth    | Dickson   | Jenkins                        | Pierce                       |
| Bailey      | Dodd      | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Barnett     | Faulk     | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Bassett     | Ferguson  | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Bevill      | Gilchrist | Jones <sup>(Monroe)</sup>      | Roberts                      |
| Bishop      | Gilmer    | Long <sup>(Perry)</sup>        | Rogers                       |
| Boyd        | Grant     | McLendon <sup>(Bullock)</sup>  | Rozelle                      |
| Branyon     | Gross     | Martin                         | Salter                       |
| Brewer      | Grouby    | Merrill                        | Smith <sup>(St. Clair)</sup> |
| Broadfoot   | Guthrie   | Morrow                         | Speaks                       |
| Cabiness    | Hain      | Nettles                        | Steagall                     |
| Camp        | Hankins   | Oakley                         | Thomas                       |
| Casey       | Harris    | Owens                          | Turner                       |
| Cates       | Hearn     |                                |                              |

—62

**Nay:** Mr. Jones (Covington)

—1

And the bill:

S. 5. To repeal Title 51, Section 225, Code of Alabama, 1940 pertaining to reports of tax collectors.

Was read a third time at length and passed.

Yeas 65; Nays 3.

## Yeas:

|             |          |         |        |
|-------------|----------|---------|--------|
| Mr. Speaker | Ashworth | Bassett | Bishop |
| Albea       | Bailey   | Bevill  | Boyd   |

|           |                    |                     |                   |
|-----------|--------------------|---------------------|-------------------|
| Branyon   | Goodwyn            | Johnson (J. T. Tom) | Phillips          |
| Brewer    | Grant              | Johnston (Leonard)  | Pierce            |
| Broadfoot | Gross              | Jones (Monroe)      | Powell            |
| Brooks    | Grouby             | Lee                 | Ramey             |
| Cabiness  | Guthrie            | Long (Perry)        | Rast              |
| Casey     | Hain               | McClendon (Chamb)   | Roberts           |
| Cates     | Hanby              | McLendon (Bullock)  | Rogers            |
| Cornett   | Hankins            | Martin              | Rozelle           |
| Daniel    | Harris             | Merrill             | Smith (St. Clair) |
| Dickson   | Hearn              | Morrow              | Solomon           |
| Dodd      | Hocklander         | Nettles             | Speaks            |
| Faulk     | Ingram             | Oakley              | Steagall          |
| Ferguson  | Jenkins            | Owens               | Taylor            |
| Gilchrist | Johnson (Hardaway) | Perry               | Turner            |
| Gilmer    |                    |                     |                   |

—65

**Nays:** Messrs. Camp, Jones (Covington) and Reynolds (Chambers) —3

#### MOTION TO RECONSIDER ADOPTED

The motion of Mr. Roberts to reconsider the vote by which the bill, S. 3, was passed, was adopted.

And the bill:

S. 3. To amend Title 51, Section 704, Code of Alabama, 1940, as amended, pertaining to ad valorem taxation of motor vehicles.

Was again taken up.

Mr. Roberts offered the following amendment to the bill, S. 3:

Amend S. B. 3, by striking out Section 2 and adding in lieu thereof the following:

“Section 2. This act shall take effect October 1, 1960.”

And the amendment was adopted.

Yeas 69; Nays 2.

#### Yeas:

|             |           |                     |                   |
|-------------|-----------|---------------------|-------------------|
| Mr. Speaker | Dickson   | Hocklander          | Owens             |
| Albea       | Dodd      | Ingram              | Perry             |
| Ashworth    | Faulk     | Jenkins             | Phillips          |
| Bailey      | Ferguson  | Johnson (Hardaway)  | Pierce            |
| Barnett     | Franklin  | Johnson (J. T. Tom) | Powell            |
| Bassett     | Gilchrist | Johnston (Leonard)  | Ramey             |
| Bevill      | Gilmer    | Jones (Monroe)      | Roberts           |
| Bishop      | Glass     | Locke               | Rogers            |
| Boyd        | Goodwyn   | Long (Perry)        | Rozelle           |
| Branyon     | Grant     | McClendon (Chamb)   | Salter            |
| Brewer      | Gross     | McLendon (Bullock)  | Shumate           |
| Broadfoot   | Grouby    | Martin              | Smith (Russell)   |
| Cabiness    | Guthrie   | Meade               | Smith (St. Clair) |
| Camp        | Hain      | Merrill             | Solomon           |
| Casey       | Hankins   | Morrow              | Steagall          |
| Cates       | Harris    | Nettles             | Taylor            |
| Cornett     | Hearn     | Oakley              | Turner            |
| Daniel      |           |                     |                   |

—69

**Nays:** Messrs. Jones (Covington) and Reynolds (Chambers)

—2

Mr. Reynolds (Chambers) moved to postpone further consideration of the bill, S. 3, as amended, until the thirty-sixth legislative day.

Mr. Roberts moved to lay on the table the motion of Mr. Reynolds (Chambers) to postpone further consideration of the bill, S. 3, as amended, until the thirty-sixth legislative day, and said motion was adopted.

Yeas 42; Nays 27.

**Yeas:**

|             |                    |                     |                   |
|-------------|--------------------|---------------------|-------------------|
| Mr. Speaker | Faulk              | Johnson (J. T. Tom) | Pierce            |
| Albea       | Franklin           | Locke               | Powell            |
| Bailey      | Gilchrist          | McLendon (Bullock)  | Pruitt            |
| Bevill      | Gilmer             | Merrill             | Rast              |
| Bishop      | Gross              | Morrow              | Roberts           |
| Boyd        | Grouby             | Nichols             | Smith (St. Clair) |
| Brewer      | Guthrie            | Oakley              | Solomon           |
| Broadfoot   | Hain               | Owens               | Steagall          |
| Casey       | Hanby              | Perry               | Turner            |
| Dickson     | Ingram             | Phillips            | Turnham           |
| Dodd        | Johnson (Hardaway) |                     |                   |

—42

**Nays:**

|          |          |                    |                     |
|----------|----------|--------------------|---------------------|
| Messrs.: | Cates    | Johnston (Leonard) | Nettles             |
| Ashworth | Cornett  | Jones (Covington)  | Ramey               |
| Barnett  | Daniel   | Lee                | Reynolds (Chambers) |
| Brooks   | Ferguson | Long (Perry)       | Salter              |
| Cabiness | Grant    | McClendon (Chamb)  | Shumate             |
| Callahan | Harvey   | Martin             | Speaks              |
| Camp     | Jenkins  | Meade              | Thomas              |

—27

And said bill, S. 3, as amended, was again read at length and passed.

Yeas 42; Nays 31.

**Yeas:**

|             |           |                     |                   |
|-------------|-----------|---------------------|-------------------|
| Mr. Speaker | Dodd      | Ingram              | Rast              |
| Albea       | Franklin  | Johnson (Hardaway)  | Roberts           |
| Ashworth    | Gilchrist | Johnson (J. T. Tom) | Salter            |
| Bailey      | Gilmer    | Merrill             | Smith (St. Clair) |
| Bevill      | Glass     | Nichols             | Solomon           |
| Bishop      | Goodwyn   | Oakley              | Steagall          |
| Boyd        | Gross     | Owens               | Taylor            |
| Brewer      | Grouby    | Perry               | Torbert           |
| Broadfoot   | Hain      | Phillips            | Turner            |
| Casey       | Hanby     | Pierce              | Turnham           |
| Dickson     | Harris    |                     |                   |

—42

**Nays:**

|          |          |          |                    |
|----------|----------|----------|--------------------|
| Messrs.: | Callahan | Ferguson | Johnston (Leonard) |
| Barnett  | Camp     | Grant    | Jones (Covington)  |
| Bassett  | Cates    | Guthrie  | Lee                |
| Branyon  | Cornett  | Hankins  | McClendon (Chamb)  |
| Brooks   | Daniel   | Hearn    | Martin             |
| Cabiness | Faulk    | Jenkins  | Meade              |

|         |                     |                 |        |
|---------|---------------------|-----------------|--------|
| Nettles | Ramey               | Shumate         | Speaks |
| Powell  | Reynolds (Chambers) | Smith (Russell) | Thomas |

—31

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Gilmer to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 284, was adopted.

And the bill:

S. 284. To amend Act No. 743, H. 150, approved September 23, 1957 (Acts of Alabama, 1957, p. 1173), entitled "An Act To provide for a refund of a portion of the state tax paid on gasoline which is used in propelling or operating tractors used exclusively for agricultural purposes, or which is used in operating auxiliary engines attached to and made a part of certain farm machinery; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the commissioner of revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor; and repealing Act No. 323, H. 35, approved August 7, 1949 (Acts of Alabama, 1949, p. 469)."

Was read a third time at length and passed.

Yeas 69; Nays 0.

## Yeas:

|             |           |                     |                   |
|-------------|-----------|---------------------|-------------------|
| Mr. Speaker | Faulk     | Johnson (Hardaway)  | Ramey             |
| Albea       | Ferguson  | Johnson (J. T. Tom) | Rast              |
| Ashworth    | Franklin  | Johnston (Leonard)  | Ray               |
| Barnett     | Gilchrist | Jones (Covington)   | Roberts           |
| Bevill      | Gilmer    | Jones (Monroe)      | Rogers            |
| Bishop      | Glass     | Lee                 | Salter            |
| Boyd        | Goodwyn   | Locke               | Sessions          |
| Branyon     | Grant     | Long (Perry)        | Shumate           |
| Brewer      | Grouby    | McClendon (Chamb)   | Smith (Russell)   |
| Broadfoot   | Guthrie   | Martin              | Smith (St. Clair) |
| Cabiness    | Hain      | Merrill             | Solomon           |
| Camp        | Hankins   | Morrow              | Speaks            |
| Casey       | Harris    | Nichols             | Steagall          |
| Cates       | Harvey    | Oakley              | Taylor            |
| Copeland    | Hearn     | Owens               | Torbert           |
| Daniel      | Ingram    | Perry               | Turner            |
| Dickson     | Jenkins   | Phillips            | Turnham           |
| Dodd        |           |                     |                   |

—69

## RESOLUTION

The following resolution was introduced:

By Mr. Speaks:

H. R. 99. Be it Resolved by the House of Representatives as follows:

WHEREAS it has been the pleasure of the House to have the distinguished and capable Judge of the 19th Judicial Circuit of Alabama as its Reading Clerk on this occasion, and

WHEREAS, this distinguished person has hereto furnished outstanding service to this State in this position, and

WHEREAS, he has on this occasion showed to us this outstanding ability, now

THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES as follows: That the House expresses its deep pleasure at having had the Honorable Oakley Melton, Sr., to act today as the Reading Clerk for this body, filling a position he formerly held with much grace and finesse.

BE IT FURTHER RESOLVED that we extend warmest regards and best wishes to Judge Melton on this occasion.

On motion of Mr. Speaks the rules were suspended and H. R. 99 was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Long (Perry) to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 192, was adopted.

And the bill:

S. 192 (with amendments): To amend further Section 89 of Title 36, Code of Alabama 1940, which limits the size and weight of motor vehicles and loads.

Was taken up.

The question was upon the adoption of the amendments reported by the Standing Committee on Transportation, said committee amendments being as follows:

#### TRANSPORTATION COMMITTEE AMENDMENT

##### NO. 1 TO S. 192

In Section 1, paragraph (a), strike out "No vehicle shall be driven or drawn upon a highway with more than four animals abreast."

And

#### TRANSPORTATION COMMITTEE AMENDMENT

##### NO. 2 TO S. 192

In Section 1, paragraph (b), after "livestock" and before "shall" insert the words, "or hay".

On motion of Mr. Long (Perry) the amendments reported by the Standing Committee on Transportation were indefinitely postponed.

And said bill, S. 192, was read a third time at length and passed.

Yeas 73; Nays 0.

#### Yeas:

Mr. Speaker  
Albea  
Ashworth  
Barnett

Bassett  
Bevill  
Bishop  
Boyd

Branyon  
Brewer  
Broadfoot  
Brooks

Cabiness  
Casey  
Cates  
Copeland

# REGULAR SESSION

2361

|           |                                |          |                                |
|-----------|--------------------------------|----------|--------------------------------|
| Cornett   | Harris                         | Martin   | Reynolds <sup>(Chambers)</sup> |
| Daniel    | Harvey                         | Meade    | Roberts                        |
| Dickson   | Hearn                          | Merrill  | Rogers                         |
| Dodd      | Ingram                         | Morrow   | Salter                         |
| Ferguson  | Jenkins                        | Nettles  | Shumate                        |
| Franklin  | Johnson <sup>(Hardaway)</sup>  | Oakley   | Smith <sup>(St. Clair)</sup>   |
| Gilchrist | Johnson <sup>(J. T. Tom)</sup> | Oden     | Solomon                        |
| Gilmer    | Johnston <sup>(Leonard)</sup>  | Owens    | Speaks                         |
| Glass     | Jones <sup>(Covington)</sup>   | Perry    | Steagall                       |
| Goodwyn   | Jones <sup>(Monroe)</sup>      | Phillips | Taylor                         |
| Grant     | Lee                            | Pierce   | Thomas                         |
| Grouby    | Locke                          | Ramey    | Torbert                        |
| Guthrie   | Long <sup>(Perry)</sup>        | Rast     | Turner                         |
| Hain      | McClendon <sup>(Chamb)</sup>   | Ray      | Turnham                        |
| Hankins   |                                |          |                                |

—73

## CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 8:45 A.M. On November 6, 1959

H. 975

H. 72

H. 73

H. 605

H. 693

H. 838

H. 533

Delivered to the Governor at 2:08 P.M. On November 6, 1959

H. 944

H. 855

H. 102

H. 475

H. 537

H. 762

H. 910

H. 941

H. 942

H. 998

OAKLEY MELTON, JR.,  
Clerk.

## ADJOURNMENT

On motion of Mr. Shumate, and in accordance with House Joint Resolution No. 92 heretofore adopted, the House adjourned until Thursday, November 12, 1959, at eleven o'clock A.M.

Yeas 59; Nays 10.

## Yeas:

|             |          |                     |                     |
|-------------|----------|---------------------|---------------------|
| Mr. Speaker | Daniel   | Ingram              | Ramey               |
| Albea       | Dickson  | Jenkins             | Rast                |
| Ashworth    | Dodd     | Johnson (J. T. Tom) | Ray                 |
| Bailey      | Ferguson | Jones (Monroe)      | Reynolds (Chambers) |
| Barnett     | Franklin | Lee                 | Rogers              |
| Bevill      | Gilmer   | Long (Perry)        | Salter              |
| Bishop      | Glass    | McClendon (Chamb)   | Sessions            |
| Branyon     | Goodwyn  | Martin              | Shumate             |
| Brewer      | Grant    | Merrill             | Smith (St. Clair)   |
| Brooks      | Hain     | Morrow              | Solomon             |
| Cabiness    | Hanby    | Nichols             | Taylor              |
| Camp        | Hankins  | Owens               | Thomas              |
| Casey       | Harris   | Perry               | Turner              |
| Copeland    | Harvey   | Phillips            | Turnham             |
| Cornett     | Hearn    | Pruitt              | —59                 |

## Nays:

|          |                   |        |          |
|----------|-------------------|--------|----------|
| Messrs.: | Broadfoot         | Locke  | Speaks   |
| Bassett  | Cates             | Oakley | Steagall |
| Boyd     | Jones (Covington) | Pierce | —10      |

## THIRTY-SIXTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, November 12, 1959

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by Dr. John Scott Trent, Pastor, Norwood Baptist Church, Birmingham, Alabama.

## ROLL CALL

On a call of the roll of the House the following members answered to their names:

|                 |           |          |             |
|-----------------|-----------|----------|-------------|
| Mr. Speaker     | Boyd      | Casey    | Ferguson    |
| Adams (Houston) | Brannan   | Cates    | Franklin    |
| Albea           | Branyon   | Chambers | Gilchrist   |
| Ashworth        | Brewer    | Cook     | Gilmer      |
| Avery           | Britton   | Copeland | Glass       |
| Bailey          | Broadfoot | Cornett  | Goldthwaite |
| Barnett         | Brooks    | Daniel   | Goodwyn     |
| Bassett         | Cabiness  | Dickson  | Gordon      |
| Bevill          | Callahan  | Dodd     | Grant       |
| Bishop          | Camp      | Faulk    | Gross       |



|                     |                    |                     |                   |
|---------------------|--------------------|---------------------|-------------------|
| Grouby              | Jones (Covington)  | Oakley              | Self              |
| Guthrie             | Jones (Monroe)     | Oden                | Sessions          |
| Hain                | Lee                | Owens               | Shumate           |
| Hanby               | Locke              | Perry               | Smith (Russell)   |
| Hankins             | Long (Lauderdale)  | Phillips            | Smith (St. Clair) |
| Hardy               | Long (Perry)       | Pierce              | Solomon           |
| Harris              | McClendon (Chamb)  | Powell              | Speaks            |
| Harvey              | McCorquodale       | Pruitt              | Steagall          |
| Hawkins             | McLendon (Bullock) | Ramey               | Sullivan          |
| Hearn               | Martin             | Rast                | Taylor            |
| Hocklander          | Meade              | Ray                 | Thomas            |
| Ingram              | Merrill            | Reynolds (Chambers) | Torbert           |
| Jenkins             | Morrow             | Roberts             | Trimmier          |
| Johnson (Hardaway)  | Murphy             | Rogers              | Turner            |
| Johnson (J. T. Tom) | Nettles            | Rozelle             | Turnham           |
| Johnston (Leonard)  | Nichols            | Salter              |                   |

—103

A quorum was present.

#### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirty-fifth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the thirty-fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirty-fifth legislative day was approved.

#### SUPREME COURT ADVISORY OPINION OFFICE OF CLERK OF THE SUPREME COURT STATE OF ALABAMA MONTGOMERY

J. Render Thomas  
Clerk

November 12, 1959

Honorable Oakley W. Melton, Jr.  
Clerk of The House of Representatives  
The Legislature of Alabama  
State Capitol  
Montgomery, Alabama

In re: — Substitute for House Bill No. 1025 as set out in House Resolution No. 85, Adopted October 27, 1959.

Dear Sir: —

I enclose herewith two copies of the Opinion of the Supreme Court of Alabama rendered November 12, 1959, in response and answer to the request for an advisory opinion by the House of Representatives concerning important constitutional questions relating to

Substitute for House Bill No. 1025, as set out in House Resolution No. 85, adopted by the House of Representatives on October 27, 1959, as the same appears and remains on record on file in this office.

Yours very truly,

J. RENDER THOMAS,  
Clerk, Supreme Court

#### SUPREME COURT ADVISORY OPINION

Received, read and ordered filed.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 89 — Expressing speedy recovery to Representative and Mrs. McCorquodale.

Also:

H. J. R. 91 — Naming House Bill 533.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 365. Relating to crimes and offenses: To make it a misdemeanor to obtain or attempt to obtain telephone or telegraph service by use of false, fictitious, counterfeit, revoked or nonexistent credit card, credit number or other credit device or telephone number, or credit card, credit number or credit device or telephone number of another without authority, or through any fraudulent scheme, device, means or method; to provide for punishment of such acts; to repeal all conflicting laws.

Also:

H. 891. To authorize any municipality in Talladega County, Alabama, and Talladega County, to make appropriations of moneys and transfers of property to or for the benefit of any public hospital corporation now or hereafter organized in Talladega County, Alabama, under Act No. 211, adopted at the 1945 Regular Session of the Legislature of Alabama, Act No. 46 adopted at the 1949 Regular Session of said Legislature, or Act No. 63 adopted at the 1957 Regular Session of said Legislature; to authorize agreements between Talladega County or any municipality located in Talladega County and any such public hospital corporation located in Talladega County whereunder such corporation will agree to make available hospital space to inhabitants of such agreeing municipality or Talladega County, and whereunder such agreeing municipality or Talladega County will agree to make monthly or annual payments to such corporation; and to provide that any appropriations made hereunder and any payments provided for in any such agreements shall be deemed revenues of the public hospital corporation receiving them, within the meaning of said Act

No. 211 and said Act No. 46 and any other applicable statute, and may be pledged as security for obligations of the public hospital corporation pursuant to the provisions of said statutes.

Also:

H. 936. To authorize the court of county commissioners, board of revenue or other like governing body of Barbour County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Barbour County public highway and traffic fund.

Also:

H. 777. To provide further for enforcement of highway traffic control laws and rules of the road by deputy sheriffs in counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Also:

H. 226. To amend further Section 187 of Title 13, Code of Alabama 1940, in relation to the compensation of bailiffs of the circuit court in circuits composed of one county and having three or more circuit judges, but less than eight.

Also:

H. 836. Relating to counties having a population of less than 11,800, according to the last or any subsequent federal decennial census; to authorize the court of county commissioners, board of revenue or other like governing body to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the public highway and traffic control fund.

Also:

H. 841. To alter, rearrange and extend the boundaries of the Town of Kinston in Coffee County.

Also:

H. 870. To amend an act approved September 1, 1939, authorizing the governing body of Cherokee County to levy and collect a gasoline tax (Act No. 314, H. 700, Local Acts 1939, p. 200) so as to exclude diesel fuel as a taxable fuel under the act.

Also:

H. 904. Relating to Crenshaw County; providing for the reidentification of all registered voters; directing the board of registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 905. To provide for the payment of certain expenses of the county or deputy solicitors of all counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Also:

H. 909. Proposing an amendment to the Constitution of Alabama

relating to the levying of special property taxes in Coosa County for school purposes.

Also:

H. 940. To extend, alter, and rearrange the boundary lines and corporate limits of the City of Clanton, in Chilton County, Alabama.

Also:

H. 972. To further amend Section Two of Act No. 538, Local Acts of the Legislature, 1939, approved September 16, 1939, which said Section Two was amended by Act No. 651 of the Legislature of 1947, approved October 9, 1947, which said Act No. 538 established in Geneva County, Alabama, a Court of Record to be known as the "Inferior Court of Geneva County"; and to provide that said Court have limited equity jurisdiction and to provide for a Register of said Court and a stenographer for the Judge of said Court and fix her salary.

Also:

H. 987. To alter, rearrange and extend the boundaries of the City of Montgomery, Alabama, so as to include within the corporate limits thereof certain additional territory in Sections 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Also:

H. 988. To abolish the fine and forfeiture fund of Shelby County; to provide for the payment of all fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Also:

H. 842. To amend further Act No. 147, H. 472 approved July 17, 1947, entitled "An act to provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and to prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86).

Also:

H. 932. To establish the Winston County Court of Law and Equity in lieu of the court established by Act No. 242, H. 101, approved August 16, 1955 (Acts of Alabama, Regular Session 1955, vol. I, pp. 553-559); to define the jurisdiction and powers of said court, provide for its officers, their appointment, election, term of office, powers, duties, and compensation, and to provide that the court shall be open at all times for the transaction of business, and to authorize the judge to fix the time of holding sessions for the trial of cases; to empower the court to prescribe its own rules of pleading, practice, and procedure, and to give such rules the force and effect of law; to abolish the court established by said Act No. 242 of August 16, 1955, and provide for the transfer of all cases pending therein to the court hereby established.

Also:

H. 933. To amend Sections 1 and 2 of Act No. 291, H. 621, approved August 16, 1957, the act requiring the state department of revenue to collect any sales and use taxes levied in the city of Haleyville, Winston County, under the provisions of any ordinance or

resolution duly promulgated and adopted by the governing body of that city (Acts of Alabama, Regular Session 1957, vol. I, p. 369).

Also:

H. 935. To provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census.

Also:

H. 963. To amend Section 4 of the act approved August 16, 1955 establishing the law and equity court of Winston County (Act No. 242, H. 101, Acts of Alabama 1955, Vol. I, pp. 553, 555) so as to provide for the collection of trial fees in such court.

Also:

H. 964. To amend Section 2 of the act approved July 23, 1931 providing for a board of education for Winston County (Act No. 539, S. 253, Local Acts of Alabama 1931, pp. 257, 258) so as to provide further for the compensation of the members of said board.

Also:

H. 881. To require the Director of the State Department of Public Safety to notify the Commissioner of Licenses of Mobile County upon the suspension or revocation of the permanent driver license of any resident of Mobile County.

Also:

H. 886. To abolish the jury board of Covington County and to create in lieu thereof a commission composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to prescribe his duties and compensation; and to prescribe the functions, authority, duties, and compensation of the jury commissioners appointed hereunder.

Also:

H. 889. To amend Section 2 of an act approved August 31, 1953, providing a special fund for the payment of certain expenses incurred by the solicitor or judge of the Twenty-second Judicial Circuit (Act No. 460, H. 856, Acts of Alabama 1953, Vol. 1, p. 564).

Also:

H. 917. To amend Section 1 of the Act of the Legislature approved on the 9th day of August, 1949, General and Local Acts, 1949, Page 536, entitled: "To provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being served by the Mobile Public Library."

Also:

H. 919. Directing the Secretary of State to transmit to the Commissioner of Licenses of Mobile County copies of all acts of the Alabama Legislature when printed in slip or pamphlet form, the bound volumes of such acts when printed for distribution in bound

form, and the cumulative pocket supplements to the Code of Alabama (1940).

Also:

H. 923. To provide for the creation of the Tri-County Regional Planning Commission with jurisdiction in Morgan, Lawrence and Limestone Counties, to provide for its composition, organization, rules, procedure, appropriations, membership, terms of office, powers and duties, and for the adoption of a regional plan by such commission.

Also:

H. 924. To provide for payment by the county of expenses incurred in the operations of the office of county superintendent of education, county commissioner of education, commissioner of public instruction, commissioner of public schools, or other like officer of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census.

Also:

H. 938. To alter, rearrange and extend the boundaries and corporate limits of the Town of West Blocton, Bibb County, Alabama, so as to annex certain territory to the Town.

Also:

H. 956. To extend the boundary lines of the Town of Trinity, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Also:

H. 871. To amend Act No. 194 which was duly passed at the Regular Session, 1957, Legislature of Alabama, Vol. I, Acts of Alabama, Regular Session 1957, pp. 245-254, and which said Act did create and establish in Dallas County a Court known as the Dallas County Court.

Also:

H. 937. To amend Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama entitled "An Act relating to Bibb County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of

1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 17 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the excise tax levied in said Act No. 17 and the exemptions 1959 Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 17 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959; so as to adopt by reference certain provisions of the said Act No. 100 and the said Article 11, as so amended; so as to make subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

Also:

H. 965. Relating to Butler County; authorizing the governing body of the county to furnish fuel and necessary equipment for the preparation and storing of food for prisoners held in The Butler County Jail by the Sheriff.

Also:

H. 966. For the relief of The United Telephone & Telegraph Co., and to authorize and direct The Court of County Commissioners of Butler County, Alabama, to pay to the said United Telephone & Telegraph Co., the sum of Four Hundred Forty Dollars and Thirty-Eight Cents (\$440.38) for damages to telephone lines owned by the said United Telephone & Telegraph Co.

Also:

H. 971. To prohibit the taking of fish from the public waters of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, with hoop and fyke nets, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines; repealing conflicting laws.

Also:

H. 974. To amend Sections 1, 2, 3, 4, 7, 8, 10 and 12 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama, approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433) relative to privilege or license taxes and excise taxes in Lauderdale County and in the City of Florence, Lauderdale County.

Also:

H. 985. To alter, rearrange and extend the boundaries and cor-

porate limits of the town of Butler, Choctaw County, so as to incorporate within the town certain additional territory.

Also:

H. 986. To provide additional compensation or salary for the Official Court Reporter of the 22nd Judicial Circuit and providing for the payment thereof.

Also:

H. 946. For the relief of C. D. Chiles; providing that the Board of Managers of the City of Birmingham Retirement and Relief System, established by Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama of 1951, page 1579, et seq.) shall have four months from the effective date of this Act in which to take action on C. D. Chiles' pending application for extraordinary disability allowance.

Also:

H. 947. To alter, rearrange, and extend the corporate limits of the City of Birmingham, Jefferson County, so as to include within the corporate limits of said City of Birmingham certain additional territory.

Also:

H. 995. To provide for designating the 109th Evacuation Hospital building in Jefferson County, "Fort Mortimer H. Jordan."

Also:

H. 877. To alter, rearrange and extend the corporate limits of the Town of Millport, Lamar County, Alabama:

Also:

H. 627. Relating to the Fifth Judicial Circuit; Authorizing the circuit solicitor to appoint a stenographic secretary, and providing for the payment of such secretary's compensation by the counties composing the circuit.

Also:

H. 652. Relating to Mobile County: To provide that the laws governing the countywide Civil Service System of Mobile County shall apply to any person holding the position of Chief Clerk, unclassified, in the office of the Tax Assessor of Mobile County, provided that such person shall have held such position continuously for a period of not less than eighteen years; and to provide for the placing of such person upon the employment roster of the Civil Service System of Mobile County, without examination and without any decrease in the salary of such person.

Also:

H. 799. To provide an allowance to each official court reporter of the circuit courts in the Fifth Judicial Circuit payable by the counties composing said circuit to reimburse him for expenses incurred in the performance of his official duties.

Also:

H. 883. To amend Section 41, Title 62 of the Code of Alabama,



1940, as amended by Act 412 of the Regular Session 1947, of the Legislature of Alabama, approved September 19, 1947.

Also:

H. 1033. Relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

Also:

H. 1071. To amend Act No. 737, S. 548, approved September 20, 1957, an act providing for the operation of the county board of equalization of each county having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census (Acts of Alabama 1957, Vol. II, pp. 1158, 1159).

Also:

H. 1069. To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Also:

H. 1067. Relating to counties having a population of not less than 75,000 nor more than 93,000 inhabitants; to authorize county governing bodies to provide for payment of expenses of certain county officers.

Also:

H. 1042. Proposing an amendment to the Constitution of Alabama relative to the costs and charges of courts in St. Clair County and the compensation of certain officers of St. Clair County.

Also:

H. 1041. To change the method of compensating certain officers of St. Clair County: Fixing the salaries of such officers, and providing for the clerical assistance, office space, equipment, and supplies necessary for the conduct of their offices.

Also:

H. 1039. To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Also:

H. 1038. To authorize the governing body of any municipality in the State of Alabama having a population of not less than 75,000 nor more than 125,000, according to the last or any subsequent federal decennial census, to create a museum board; to provide for the appointment of members of such board and for their terms of office; to authorize the board to adopt rules and regulations governing procedures of the board and the use of facilities under its jurisdiction and

control; to provide for the appointment of a director and employees for such board; to provide that such employees shall be employees of the municipality and subject to any civil service or merit system law in effect in such municipality; to define the powers and duties of the board; and to authorize the municipality to acquire and provide property, and funds, for the use of said board for museum purposes.

Also:

H. 1037. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 28, T16N, R18E, Montgomery County, Alabama, and Section 21, T16N, R18E, Montgomery County, Alabama.

Also:

H. 982. To amend Section 799, Title 37, of the 1940 Code of Alabama, as heretofore amended.

Also:

H. 700. To provide for the designation by the state highway department of the bridge on Alabama Highway No. 35 across Little River at the DeKalb County-Cherokee County line as the "G. E. Hill Bridge."

Also:

H. 701. To provide for the designation by the state highway department of certain highways in DeKalb County as "Desota Parkway."

Also:

H. 473. Providing for the utilization of convicts by the Commissioner of Corrections or the Director of the State Highway Department to work upon, clean, and restore certain cemeteries or graveyards.

Also:

H. 695. To amend further Section 465 of Title 51, Code of Alabama 1940, in relation to the privilege license tax imposed on automobile accessory dealers.

Also:

H. 764. To make additional appropriations to the state institutions for the mentally ill and the mentally deficient for the two fiscal years ending September 30, 1960, and September 30, 1961, such appropriations to be paid from the Alabama Special Mental Health Fund.

Also:

H. 758. To provide for the manner of payment, disposition and use of purchase money paid or payable for sale of any lands belonging to the State of Alabama for the use of the Insane of the State, situated in Mount Vernon Barracks Military Reservation, in Mobile County, Alabama.

Also:

H. 679. To require the state department of education to furnish

free textbooks to pupils and teachers in classrooms or schools conducted under the supervision of the Alabama state hospitals.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

H. 812. To levy additional county privilege license and excise taxes for public school purposes in Chilton County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act, and prescribing penalties.

by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 24, Nays 0.

And said Bill, as thus amended by executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 24, Nays 0.

And said Bill, H. B. 812, together with the amendment proposed by His Excellency, the Governor, is herewith returned to the House.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Bill:

S. 110. To amend Sections 278, 279, and 280 of Title 17, Code of Alabama (1940), which relate to the filing of statements of election campaign expenditures.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Bill:

S. 53. To amend further Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama 1949, p. 601), entitled "An Act To provide for absentee voting in primary, general, special, and municipal elections: Prescribing penalties for violations of the Act and repealing conflicting laws," so as to provide for absentee voting only by certain electors.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Bill:

S. 261. To provide further for the organization, admission, consolidation, merger, and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors, and stockholders thereof; subject to the provisions of Section 100 of this Act, to repeal Sections 1 through Section 15, Sections 17 and 18, Sections 22 through 47, Section 70, Sections 91 through 101, Sections 103 through 110, Sections 189 through 197, all as contained in Title 10 of the Code of Alabama of 1940 as amended; and Section 198 of Title 10 of the Code of Alabama of 1940.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Bill:

S. 282. Relating to securities; prohibiting fraudulent practices in relation thereto; requiring the registration of securities dealers and salesmen and making unlawful the activities of unregistered securities dealers and salesmen; establishing the conditions precedent and concurrent to such registration; prohibiting the offer or sale of any unregistered security; requiring the registration of securities; and establishing the conditions precedent and concurrent to such registration; establishing the fees in connection with the registration of securities, securities dealers, and securities salesmen; setting out the grounds upon which a registration of securities may be denied, suspended, or revoked; defining certain terms as used in this Act; exempting certain securities from registration under the provisions of this Act; exempting certain transactions from certain provisions of this Act; requiring the filing of a consent to service of process by securities dealers and salesmen and certain issuers; making it unlawful to file any false document or material and providing the punishment therefor; giving to the Securities Commissioner authority to investigate and subpoena witnesses and records in connection with investigations; granting authority for an examination fee and deposit to defray the expense of any investigation of an applicant under this Act; giving to the Securities Commissioner authority to enjoin acts in violation of this Act; creating criminal penalties for violations of this Act; establishing civil liabilities for the violation of the provisions of this Act; providing for judicial review of the orders of the Securities Commissioner; providing for the administration of this Act by the Securities Commissioner; directing said Commissioner to appoint an Assistant Commissioner and giving said Commissioner authority to appoint other personnel to carry out the purpose and intent of this Act; providing that any exemption under this Act must be proved by the person claiming said exemption; making the provisions of this Act severable; repealing the present Alabama Securities Law and related legislation; giving to the Commissioner authority to issue warnings to the public with respect to securities; making the sale of securities by an insolvent issuer unlawful; providing that all filing and registration fees shall

be paid into the General Fund of this state and establishing the effective date of this Act.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Bill:

S. 133. To revise and amend Title 24, Code of Alabama 1940, which relates to hotels and innkeepers.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Bill:

S. 280. To provide further for the service of process in civil suits growing out of motor vehicle accidents; providing an additional or alternative method of serving such process upon any person who was a resident of the State of Alabama when a motor vehicle, owned or operated upon the public highways in the State by such person was involved in an accident, but who has since absented himself from the State or concealed himself so that personal service cannot be had upon him.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Bill:

S. 3. To amend Title 51, Section 704, Code of Alabama, 1940, as amended, pertaining to ad valorem taxation of motor vehicles.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

H. 837. To levy additional county privilege license and excise taxes for public school purposes in Hale County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11,

Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 86, H. 388, approved June 21, 1957 (Acts 1957, vol. I, pp. 127-130).

by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 24, Nays 0.

And said Bill, as thus amended by executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 24, Nays 0.

And said Bill, H. B. 837, together with the executive amendment, is herewith returned to the House.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

H. 833. To authorize, direct, and require the state department of revenue to collect any sales and use taxes which may be levied in the municipality of Double Springs, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said municipality; to prescribe the power, duties, and authority of the state department of revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

by a vote of a majority of the whole number elected to the Senate said vote being: Yeas 24, Nays 0.

And said Bill, as thus amended by executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 24, Nays 0.

And said Bill, H. B. 833, together with the executive amendment, is herewith returned to the House.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Robison:

S. J. R. 41. BE IT RESOLVED by the Senate, the House of Representatives concurring, that the Secretary of the Senate and the Clerk of the House each be allowed the Enrolling and Engrossing Clerks and twelve assistants for six weeks in addition to that provided

in the Code to assist in checking the Journals and other records of the Senate and House for delivery to the Secretary of State.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Ashworth the rules were suspended and the House concurred in and adopted the S. J. R. 41 set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Andrews:

S. J. R. 40. Resolved by the Senate, the House concurring, that the bill S. B. 53, which has passed both Houses,, be designated and known as "The Andrews, Britton, Casey and Phillips Bill."

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Ashworth the rules were suspended and the House concurred in and adopted the S. J. R. 40 to set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 13. To provide that all powers, authority and duties of the Alabama Pension Commission shall be transferred and assigned to the State Department of Pensions and Security; to direct the State Department of Pensions and Security to carry out the provisions of law applicable to the payment of pensions to Confederate veterans and their widows; to provide for the transfer of all records, reports, books, accounts, documents, files and other recorded material of the Alabama Pension Commission to the State Department of Pensions and Security; to provide for the duties of the Commissioner of the State Department of Pensions and Security as related thereto; and to repeal Title 60, Chapter 1, Sections 2, 6, 10, 14, 41 and 42, Code of Alabama 1940 which relate to the payment of pensions to Confederate veterans and their widows.

Also:

S. 39. To establish a legislative committee to make an investigation to determine if certain businesses have formed a combination in restraint of trade or in preventing reasonable and fair competition, or have otherwise violated any of the monopoly or trust laws of this state; to provide for the selection of the committee, and to prescribe its powers, duties, and authority; to provide for the payment of the expenses of the committee out of funds appropriated for the use of the Legislature; to provide for the enforcement of the Act; and to prescribe penalties.

Also:

S. 111. To amend Section 6 of Act No. 27, S. 30, approved May 31, 1949 (Acts of Alabama, 1949, p. 39), which relates to the printing and publication of the acts and journals of the Legislature, by prescribing further the number of volumes of the bound acts to be printed and delivered to the Secretary of State.

Also:

S. 112. To amend Section 274 of Title 17, Code of Alabama (1940), which requires candidates to file with the secretary of state or the judge of probate the name or names of persons selected to receive, expend, audit, and disburse moneys subscribed, donated, or contributed for the purpose of promoting or aiding the nomination or election of such candidates.

Also:

S. 113. To amend Section 400 of Title 17, Code of Alabama (1940), which requires candidates in primary elections to file statements of campaign expenditures.

Also:

S. 123. To amend Section 107 of Title 17 of the Code of Alabama (1940), as amended by Act. No. 584 of the 1949 Regular Session of the Legislature of Alabama (page 911 of Acts of 1949, approved September 19, 1949) which relates to instruction and assistance for voters at the polls where voting machines are used.

Also:

S. 172. Relating to commercial fertilizer and fertilizer material: To re-enact Section 292 of Title 2 of the Code of Alabama of 1940 heretofore repealed by Act No. 71 of the Legislature of 1951, approved June 6, 1951, said Section as re-enacted to require persons selling and shipping commercial fertilizer and fertilizer materials to notify the Commissioner of Agriculture and Industries of such sales and shipments for regulatory, control and statistical purposes.

Also:

S. 187. To permit the breeding of pen-raised quail for commercial purposes; to define pen-raised quail; to provide for the regulation of breeding pen-raised quail by the State Department of Conservation; to provide for the licensing of breeders of pen-raised quail; to provide the procedure for stamping carcasses of quail; to provide that an invoice shall be issued by the licensed breeder and shall be kept attached to such package until the quail are prepared for consumption; to provide that any person other than a retail vendor shall make a copy of the original invoice upon the resale of any such quail; to provide for the retention of records concerning the sale of such quail; to provide for the inspection of such records; to provide that persons shipping quail into this State shall be subject to the provisions of this Act; to provide for penalties; to repeal conflicting laws; and for other purposes.

Also:

S. 350. To make an appropriation from the state treasury for the relief of Hallie S. Chapman.



Also:

S. 357. To authorize and encourage joint action and cooperation between cattle raisers, cattle dealers and other handlers of cattle for the purpose of stabilizing, protecting, and promoting the cattle and beef industry in Alabama; recognizing the Alabama Cattlemen's Association as the representative and agent of the cattlemen of the state for the purpose of initiating and conducting certain programs designed to stabilize, protect and promote the cattle industry; authorizing providing for and regulating the levying and collection of assessments on sales of cattle to provide funds to finance such programs; placing certain duties relative to such assessments on the commissioner and the department of agriculture and industries; providing for a refund of any assessment collected under authority of this act to any cattleman who is dissatisfied with the levy thereof; and prescribing penalties.

Also:

S. 429. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Also:

S. 439. To further regulate the office of Circuit Solicitor of the 20th Judicial Circuit of Alabama; creating special funds for the payment of any expenses necessarily incurred for law enforcement, and to provide for the maintenance of a law library in each county of said Circuit and to provide for supplies, books, fixtures and facilities for use by or in the Office of Circuit Judge, Circuit Solicitor or in the Court room of each county in said Circuit.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate:

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 3. To amend Title 51, Section 704, Code of Alabama, 1940, as amended, pertaining to ad valorem taxation of motor vehicles.

Also:

S. 5. To repeal Title 51, Section 225, Code of Alabama, 1940 pertaining to reports of tax collectors.

Also:

S. 53. To amend further Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama 1949, p. 601), entitled "An Act To provide for absentee voting in primary, general, special, and municipal elec-

tions: Prescribing penalties for violations of the Act and repealing conflicting laws," so as to provide for absentee voting only by certain electors.

Also:

S. 110. To amend Sections 278, 279, and 280 of Title 17, Code of Alabama (1940), which relate to the filing of statements of election campaign expenditures.

Also:

S. 133. To revise and amend Title 24, Code of Alabama 1940, which relates to hotels and innkeepers.

Also:

S. 192. To amend further Section 89 of Title 36, Code of Alabama 1940, which limits the size and weight of motor vehicles and loads.

Also:

S. 261. To provide further for the organization, admission, consolidation, merger, and dissolution of certain corporations, and to prescribe the powers, authority, and duties of such corporations, and of the officers, directors, and stockholders thereof; subject to the provisions of Section 100 of this Act, to repeal Sections 1 through Section 15, Sections 17 and 18, Sections 22 through 47, Section 70, Sections 91 through 101, Sections 103 through 110, Sections 189 through 197, all as contained in Title 10 of the Code of Alabama of 1940 as amended; and Section 198 of Title 10 of the Code of Alabama of 1940.

Also:

S. 280. To provide further for the service of process in civil suits growing out of motor vehicle accidents; providing an additional or alternative method of serving such process upon any person who was a resident of the State of Alabama when a motor vehicle, owned or operated upon the public highways in the State by such person was involved in an accident, but who has since absented himself from the State or concealed himself so that personal service cannot be had upon him.

Also:

S. 282. Relating to securities; prohibiting fraudulent practices in relation thereto; requiring the registration of securities dealers and salesmen and making unlawful the activities of unregistered securities dealers and salesmen; establishing the conditions precedent and concurrent to such registration; prohibiting the offer or sale of any unregistered security; requiring the registration of securities; and establishing the conditions precedent and concurrent to such registration; establishing the fees in connection with the registration of securities, securities dealers, and securities salesmen; setting out the grounds upon which a registration of securities may be denied, suspended, or revoked; defining certain terms as used in this Act; exempting certain securities from registration under the provisions of this Act; exempting certain transactions from certain provisions of this Act; requiring the filing of a consent to service of process by securities dealers and salesmen and certain issuers; making it unlawful to file any false document or material and providing the punishment therefor; giving to the Securities Commissioner authority to investigate and subpoena witnesses and records in connection with investigations; granting authori-

ty for an examination fee and deposit to defray the expense of any investigation of an applicant under this Act; giving to the Securities Commissioner authority to enjoin acts in violation of this Act; creating criminal penalties for violations of this Act; establishing civil liabilities for the violation of the provisions of this Act; providing for judicial review of the orders of the Securities Commissioner; providing for the administration of this Act by the Securities Commissioner; directing said Commissioner to appoint an Assistant Commissioner and giving said Commissioner authority to appoint other personnel to carry out the purpose and intent of this Act; providing that any exemption under this Act must be proved by the person claiming said exemption; making the provisions of this Act severable, repealing the present Alabama Securities Law and related legislation; giving to the Commissioner authority to issue warnings to the public with respect to securities; making the sale of securities by an insolvent issuer unlawful; providing that all filing and registration fees shall be paid into the General Fund of this state and establishing the effective date of this Act.

Also:

S. 284. To amend Act No. 743, H. 150, approved September 23 1957 (Acts of Alabama, 1957, p. 1173), entitled "An Act To provide for a refund of a portion of the state tax paid on gasoline which is used in propelling or operating tractors used exclusively for agricultural purposes, or which is used in operating auxiliary engines attached to and made a part of certain farm machinery; prescribing the procedure for effecting such refunds; prescribing the powers, duties, and authority of the commissioner of revenue in the administration and enforcement of the Act; defining violations of the Act and prescribing penalties therefor; and repealing Act No. 323, H. 35, approved August 7, 1949 (Acts of Alabama, 1949, p. 469)."

Also:

S. 354. To amend Section 1 of Act No. 296, page 493, 1945 General Acts of Alabama, approved July 7, 1945, entitled "An Act To amend Section 55 of Title 8 of the Code of Alabama 1940" which pertains to the fees of arresting officers in game and fish cases.

Also:

S. 358. To authorize the governing body of DeKalb County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the

reading at length been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 812. To levy additional county privilege license and excise taxes for public school purposes in Chilton County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act, and prescribing penalties.

Also:

H. 833. To authorize, direct, and require the state department of revenue to collect any sales and use taxes which may be levied in the municipality of Double Springs, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said municipality; to prescribe the power, duties, and authority of the state department of revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Also:

H. 837. To levy additional county privilege license and excise taxes for public school purposes in Hale County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 86, H. 388, approved June 21, 1957 (Acts 1957, vol. I, pp. 127-130).

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it

has examined the following House Bills, to-wit:

H. 226. To amend further Section 187 of Title 13, Code of Alabama 1940, in relation to the compensation of bailiffs of the circuit court in circuits composed of one county and having three or more circuit judges, but less than eight.

Also:

H. 365. Relating to crimes and offenses: To make it a misdemeanor to obtain or attempt to obtain telephone or telegraph service by use of false, fictitious, counterfeit, revoked or nonexistent credit card, credit number or other credit device or telephone number, or credit card, credit number or credit device or telephone number of another without authority, or through any fraudulent scheme, device, means or method; to provide for punishment of such acts; to repeal all conflicting laws.

Also:

H. 473. Providing for the utilization of convicts by the Commissioner of Corrections or the Director of the State Highway Department to work upon, clean, and restore certain cemeteries or graveyards.

Also:

H. 627. Relating to the Fifth Judicial Circuit; Authorizing the circuit solicitor to appoint a stenographic secretary, and providing for the payment of such secretary's compensation by the counties composing the circuit.

Also:

H. 652. Relating to Mobile County: To provide that the laws governing the countywide Civil Service System of Mobile County shall apply to any person holding the position of Chief Clerk, unclassified, in the office of the Tax Assessor of Mobile County, provided that such person shall have held such position continuously for a period of not less than eighteen years; and to provide for the placing of such person upon the employment roster of the Civil Service System of Mobile County, without examination and without any decrease in the salary of such person.

Also:

H. 679. To require the state department of education to furnish free textbooks to pupils and teachers in classrooms or schools conducted under the supervision of the Alabama state hospitals.

Also:

H. 695. To amend further Section 465 of Title 51, Code of Alabama 1940, in relation to the privilege license tax imposed on automobile accessory dealers.

Also:

H. 700. To provide for the designation by the state highway department of the bridge on Alabama Highway No. 35 across Little River at the DeKalb County-Cherokee County line as the "G. E. Hill Bridge."

Also:

H. 701. To provide for the designation by the state highway

department of certain highways in DeKalb County as "Desota Parkway."

Also:

H. 758. To provide for the manner of payment, disposition and use of purchase money paid or payable for sale of any lands belonging to the State of Alabama for the use of the Insane of the State, situated in Mount Vernon Barracks Military Reservation, in Mobile County, Alabama.

Also:

H. 764. To make additional appropriations to the state institutions for the mentally ill and the mentally deficient for the two fiscal years ending Setember 30, 1960, and September 30, 1961, such appropriations to be paid from the Alabama Special Mental Health Fund.

Also:

H. 777. To provide further for enforcement of highway traffic control laws and rules of the road by deputy sheriffs in counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Also:

H. 799. To provide an allowance to each official court reporter of the circuit courts in the Fifth Judicial Circuit payable by the counties composing said circuit to reimburse him for expenses incurred in the performance of his official duties.

Also:

H. 836. Relating to counties having a population of less than 11,800, according to the last or any subsequent federal decennial census; to authorize the court of county commissioners, board of revenue or other like governing body to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the public highway and traffic control fund.

Also:

H. 841. To alter, rearrange and extend the boundaries of the Town of Kinston in Coffee County.

Also:

H. 842. To amend further Act No. 147, H. 472, approved July 17, 1947, entitled "An Act To provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and to prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86).

Also:

H. 870. To amend an act approved September 1, 1939, authorizing the governing body of Cherokee County to levy and collect a gasoline tax (Act No. 314, H. 700, Local Acts 1939, p. 200) so as to exclude diesel fuel as a taxable fuel under the act.

Also:

H. 871. To amend Act No. 194 which was duly passed at the Regular Session, 1957, Legislature of Alabama, Vol. I, Acts of Alabama, Regular Session 1957, pp. 245-254, and which said Act did create and establish in Dallas County a Court known as the Dallas County Court.

Also:

H. 877. To alter, rearrange and extend the corporate limits of the Town of Millport, Lamar County, Alabama:

Also:

H. 881. To require the Director of the State Department of Public Safety to notify the Commissioner of Licenses of Mobile County upon the suspension or revocation of the permanent driver license of any resident of Mobile County.

Also:

H. 883. To amend Section 41, Title 62 of the Code of Alabama, 1940, as amended by Act 412 of the Regular Session 1947, of the Legislature of Alabama, approved September 19, 1947.

Also:

H. 886. To abolish the jury board of Covington County and to create in lieu thereof a commission composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to prescribe his duties and compensation; and to prescribe the functions, authority, duties and compensation of the jury commissioners appointed hereunder.

Also:

H. 889. To amend Section 2 of an act approved August 31, 1953, providing a special fund for the payment of certain expenses incurred by the solicitor or judge of the Twenty-second Judicial Circuit (Act No. 460, H. 856, Acts of Alabama 1953, Vol. I, p. 564).

Also:

H. 891. To authorize any municipality in Talladega County, Alabama, and Talladega County, to make appropriations of moneys and transfers of property to or for the benefit of any public hospital corporation now or hereafter organized in Talladega County, Alabama, under Act No. 211, adopted at the 1945 Regular Session of the Legislature of Alabama, Act No. 46 adopted at the 1949 Regular Session of said Legislature, or Act No. 63 adopted at the 1957 Regular Session of said Legislature; to authorize agreements between Talladega County or any municipality in Talladega County and any such public hospital corporation located in Talladega County whereunder such corporation will agree to make available hospital space to inhabitants of such agreeing municipality or Talladega County, and whereunder such agreeing municipality or Talladega County will agree to make monthly or annual payments to such corporation; and to provide that any appropriations made hereunder and any payments provided for in any such agreements shall be deemed revenues of the public hospital corporation receiving them within the meaning of said Act No. 211 and said Act No. 46 and any other applicable statute, and may be pledged as security for obligations of the public hospital corporation pursuant to the provisions of said statutes.

Also:

H. 904. Relating to Crenshaw County; providing for the reidentification of all registered voters; directing the board of registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 905. To provide for the payment of certain expenses of the county or deputy solicitors of all counties having a population of not less than 18,700 nor more than 19,000, according to the most recent federal decennial census.

Also:

H. 909. Proposing an amendment to the Constitution of Alabama relating to the levying of special property taxes in Coosa County for school purposes.

Also:

H. 917. To amend Section 1 of the Act of the Legislature approved on the 9th day of August, 1949, General and Local Acts, 1949, Page 536, entitled: "To provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being served by the Mobile Public Library."

Also:

H. 919. Directing the Secretary of State to transmit to the Commissioner of Licenses of Mobile County copies of all acts of the Alabama Legislature when printed in slip or pamphlet form, the bound volumes of such acts when printed for distribution in bound form, and the cumulative pocket supplements to the Code of Alabama (1940).

Also:

H. 923. To provide for the creation of the Tri-County Regional Planning Commission with jurisdiction in Morgan, Lawrence and Limestone Counties, to provide for its composition, organization, rules, procedure, appropriations, membership, terms of office, powers and duties, and for the adoption of a regional plan by such commission.

Also:

H. 924. To provide for payment by the county of expenses incurred in the operations of the office of county superintendent of education, county commissioner of education, commissioner of public instruction, commissioner of public schools, or other like officer of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census.

Also:

H. 932. To establish the Winston County Court of Law and Equity in lieu of the Court established by Act No. 242, H. 101, approved August 16, 1955 (Acts of Alabama, Regular Session 1955, vol. I, pp. 553-559); to define the jurisdiction and powers of said court, provide for its officers, their appointment, election, term of office, powers, duties, and compensation, and to provide that the court shall



be open at all times for the transaction of business, and to authorize the judge to fix the time of holding sessions for the trial of cases; to empower the court to prescribe its own rules of pleading, practice and procedure, and to give such rules the force and effect of law; to abolish the court established by said Act No. 242 of August 16, 1955, and provide for the transfer of all cases pending therein to the court hereby established.

Also:

H. 933. To amend Sections 1 and 2 of Act No. 291, H. 621, approved August 16, 1957, the act requiring the state department of revenue to collect any sales and use taxes levied in the city of Haleyville, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of that city (Acts of Alabama, Regular Session 1957, vol. I, p. 369).

Also:

H. 935. To provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census.

Also:

H. 936. To authorize the court of county commissioners, board of revenue or other like governing body of Barbour County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Barbour County public highway and traffic fund.

Also:

H. 938. To alter, rearrange and extend the boundaries and corporate limits of the Town of West Blocton, Bibb County, Alabama, so as to annex certain territory to the Town.

Also:

H. 940. To extend, alter, and rearrange the boundary lines and corporate limits of the City of Clanton, in Chilton County, Alabama.

Also:

H. 946. FOR THE RELIEF OF C. D. CHILES; PROVIDING THAT THE BOARD OF MANAGERS OF THE CITY OF BIRMINGHAM RETIREMENT AND RELIEF SYSTEM, ESTABLISHED BY ACT NO. 929 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA, OF 1951, APPROVED SEPTEMBER 12, 1951 (ACTS OF ALABAMA OF 1951, PAGE 1579, ET SEQ.) SHALL HAVE FOUR MONTHS FROM THE EFFECTIVE DATE OF THIS ACT IN WHICH TO TAKE ACTION ON C. D. CHILES' PENDING APPLICATION FOR EXTRAORDINARY DISABILITY ALLOWANCE.

Also:

H. 947. To alter, rearrange, and extend the corporate limits of the City of Birmingham, Jefferson County, so as to include within the corporate limits of said City of Birmingham certain additional territory.

Also:

H. 956. To extend the boundary lines of the Town of Trinity,

in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Also:

H. 963. To amend Section 4 of the act approved August 16, 1955, establishing the law and equity court of Winston County (Act No. 242, H. 101, Acts of Alabama 1955, Vol. I, pp. 553, 555) so as to provide for the collection of trial fees in such court.

Also:

H. 937. To amend Act No. 17 adopted at the 1957 Regular Session of the Legislature of Alabama entitled "An Act relating to Bibb County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 17 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 17 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959; so as to adopt by reference certain provisions of the said Act No. 100 and the said Article 11, as so amended; so as to make subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

Also:

H. 964. To amend Section 2 of the act approved July 23, 1931 providing for a board of education for Winston County (Act No. 539, S. 253, Local Acts of Alabama 1931, pp. 257, 258) so as to provide further for the compensation of the members of said board.

Also:

H. 965. Relating to Butler County; authorizing the governing body of the county to furnish fuel and necessary equipment for the preparation and storing of food for prisoners held in The Butler County Jail by the Sheriff.

Also:

H. 966. For the relief of The United Telephone & Telegraph Co., and to authorize and direct The Court of County Commissioners of Butler County, Alabama, to pay to the said United Telephone & Telegraph Co., the sum of FOUR HUNDRED FORTY DOLLARS AND THIRTY-EIGHT CENTS (\$440.38) for damages to telephone lines owned by the said United Telephone & Telegraph Co.

Also:

H. 971. To prohibit the taking of fish from the public waters of all counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, with hoop and fyke nets, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines, repealing conflicting laws.

Also:

H. 972. To further amend Section Two of Act No. 538, Local Acts of the Legislature, 1939, approved September 16, 1939, which said Section Two was amended by Act No. 651 of the Legislature of 1947, approved October 9, 1947, which said Act No. 538 established in Geneva County, Alabama, a Court of Record to be known as the "Inferior Court of Geneva County"; and to provide that said Court have limited equity jurisdiction and to provide for a Register of said Court and a stenographer for the Judge of said Court and fix her salary.

Also:

H. 974. To amend Sections 1, 2, 3, 4, 7, 8, 10 and 12 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama, approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433) relative to privilege or license taxes and excise taxes in Lauderdale County and in the City of Florence, Lauderdale County.

Also:

H. 982. To amend Section 799, Title 37, of the 1940 Code of Alabama, as heretofore amended.

Also:

H. 985. To alter, rearrange and extend the boundaries and corporate limits of the town of Butler, Choctaw County, so as to incorporate within the town certain additional territory.

Also:

H. 986. To provide additional compensation or salary for the

Official Court Reporter of the 22nd Judicial Circuit and providing for the payment thereof.

Also:

H. 987. To alter rearrange and extend the boundaries of the City of Montgomery, Alabama, so as to include within the corporate limits thereof certain additional territory in Sections 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Also:

H. 988. To abolish the fine and forfeiture fund of Shelby County; to provide for the payment of all fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund and to provide for the registration of those claims now outstanding and those hereafter accruing.

Also:

H. 995. To provide for designating the 109th Evacuation Hospital building in Jefferson County, "Fort Mortimer H. Jordan."

Also:

H. 1033. Relating to the management of the public records of Madison County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Madison County, and for payment of the costs incurred in the purchase of photographic or microphotographic equipment; creating a county records commission to regulate the destruction or disposal of such public records; and providing for establishment of a county records custodian and reproduction department.

Also:

H. 1037. To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 28, T16N, R18E, Montgomery County, Alabama, and Section 21, T16N, R18E, Montgomery County, Alabama.

Also:

H. 1038. To authorize the governing body of any municipality in the State of Alabama having a population of not less than 75,000 nor more than 125,000, according to the last or any subsequent federal decennial census, to create a museum board; to provide for the appointment of members of such board and for their terms of office; to authorize the board to adopt rules and regulations governing procedures of the board and the use of facilities under its jurisdiction and control; to provide for the appointment of a director and employees for such board; to provide that such employees shall be employees of the municipality and subject to any civil service or merit system law in effect in such municipality; to define the powers and duties of the board; and to authorize the municipality to acquire and provide property, and funds, for the use of said board for museum purposes.

Also:

H. 1039. To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Also:

H. 1041. To change the method of compensating certain officers of St. Clair County: Fixing the salaries of such officers, and providing for the clerical assistance, office space, equipment, and supplies necessary for the conduct of their offices.

Also:

H. 1042. Proposing an amendment to the Constitution of Alabama relative to the costs and charges of courts in St. Clair County and the compensation of certain officers of St. Clair County.

Also:

H. 1067. Relating to counties having a population of not less than 75,000 nor more than 93,000 inhabitants; to authorize county governing bodies to provide for payment of expenses of certain county officers.

Also:

H. 1069. To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Also:

H. 1071. To amend Act No. 737, S. 548, approved September 20, 1957, an act providing for the operation of the county board of equalization of each county having a population of not less than 80,000 nor more than 94,000, according to the last or any subsequent federal decennial census (Acts of Alabama 1957, Vol. II, pp. 1158, 1159).

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 89. Relative to expressing sympathy and concern over the welfare and condition of Representative Joe McCorquodale, Jr., and his wife, Betty, who were involved in an automobile accident.

Also:

H. J. R. 91. Relative to naming House Bill 533.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions the titles to which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 659. To exempt from state, county and municipal taxes, licenses, fees and charges, property owned by certain non-profit membership corporations of retired public school teachers and supervisory staff personnel.

Also:

H. 239. To amend Section 413 of Title 37 of the 1940 Code of Alabama, as amended.

Also:

H. 1014. To regulate further payment of compensation to deputy sheriffs by Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to pay the compensation of deputy sheriffs from the county public highway and traffic fund.

Also:

H. 1074. To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the town of Millport, Lamar County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said town; to prescribe the powers, duties, and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Also:

H. 521. To designate certain space on the second floor of the Capitol for the use of the Legislature and the Committees, members, officers and employees thereof.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 735. Relating to counties having a population of not less than 50,000 nor more than 60,000 inhabitants, according to the last or any subsequent federal decennial census who elect to come under the provisions of this Act as hereinafter provided; providing a more convenient and efficient method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, and the transfer of ownership of motor vehicles; creating a motor vehicle license department in each county to which this Act is made to apply as herein provided and providing for the appointment, qualification, terms, compensation, powers, duties, and authority of the director and deputy director thereof; transferring to the motor vehicle license department, and the director thereof, all the powers, duties, responsibilities, liabilities and authority of the tax assessor, tax collector, and judge of probate relative to the registration, assessment for taxes, collection of ad valorem taxes, sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, the transfer of ownership of motor vehicles, and the distribution of the fees, charges and commissions collected and received therefrom; providing an additional and alternative method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles; providing for clerical assistance, office space, equipment, supplies, and other conveniences necessary of the efficient operation and conduct of the motor vehicle license department; providing for the method by which a county to which this Act applies can elect to come within the provisions of said Act and the effective date thereof; providing the method by which a county may withdraw from the provisions of this Act and the effective date of withdrawal; and the abolishing of all laws and parts of laws in conflict with said Act.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Brewer the House concurred in and adopted the Senate amendment to the bill, H. 735, said Senate amendment being as follows:

#### AMENDMENT TO H. B. 735

In Section 16, strike out the first sentence thereof and insert in lieu thereof the following sentence:

This Act shall become effective in a county to which it applies only upon a writing subscribed to by the judge of probate, the tax assessor, and the tax collector requesting to come under the provisions of this Act and upon the adoption of a resolution by a majority vote of the board of revenue, court of county commissioners, or other like governing body of the county, whereby the county elects to come under the provisions of said Act.

#### AMENDMENT TO H. B. 735

Section 1 of said Act is hereby amended to read as follows: This Act shall apply only in counties wherein the Judge of Probate is on a salary and in which the population is not less than 50,000 nor more

than 75,000 according to the last or any subsequent federal decennial census when said county elects to come under the provisions of this Act as hereinafter provided.

#### AMENDMENT TO H. B. 735

H. B. 735 is hereby amended to include Section 12 (a) which shall read as hereinafter provided and shall be inserted between Section 12 and 13 of said act: The purchaser of an automobile shall within 10 days after transfer of title to him, have the transfer of title made on the records contained in the office of the Judge of Probate; should the purchaser fail to so do he shall at the time his automobile is assessed for the preceding year pay to the Director of the Motor Vehicle License Department the sum of \$2.50 as a penalty; this penalty shall be remitted by the director to the county general fund.

#### AMENDMENT TO H. B. 735

Section 3 of H. B. 735 is hereby amended to read as follows: In those counties in which this Act applies and which elects to come under the provisions of the same as hereinafter provided, the Judge of Probate, the Tax Assessor and the Chairman of the County governing body, by majority vote, shall appoint a director of the department who shall hold office at the pleasure of the appointing body and any vacancy in the office of the Director of said Department, because of death, resignation or otherwise shall be filled by majority vote of the Judge of Probate, Tax Assessor and Chairman of the County Governing Body.

#### AMENDMENT TO H. B. 735

Section 15 of H. B. 735 is hereby amended to read as follows: The director of the department shall collect for the assessment and collection of state and county ad valorem tax on motor vehicles the same fees, charges, penalties and commissions fixed by law to be paid to the Tax Assessors and Tax Collectors for the same services. The fees, charges, penalties and commissions collected by the director of the department shall be paid into the general fund of the county.

#### AMENDMENT TO H. B. 735

Section 4 of H. B. 735 is hereby amended by deleting the phrase "in an amount not exceeding \$4800 per annum."

#### AMENDMENT TO H. B. 735

Section 16 of H. B. 735 shall be amended by adding the following sentence to said Section: Provided, however, the action of the governing body to withdraw from the provisions of this act shall be void unless the Tax Assessor, Tax Collector and the Judge of Probate have first received notice in writing from the county governing body more than six (6) months prior to the anticipated effective date of withdrawal.

Yeas 80; Nays 0.

#### Yeas:

|                            |         |          |          |
|----------------------------|---------|----------|----------|
| Mr. Speaker                | Bassett | Brewer   | Chambers |
| Adams <sup>(Houston)</sup> | Bevill  | Britton  | Cornett  |
| Albea                      | Bishop  | Brooks   | Daniel   |
| Ashworth                   | Boyd    | Cabiness | Dickson  |
| Avery                      | Brannan | Callahan | Dodd     |
| Bailey                     | Branyon | Cates    | Ferguson |



|             |                     |          |                   |
|-------------|---------------------|----------|-------------------|
| Gilmer      | Hearn               | Martin   | Ray               |
| Glass       | Hocklander          | Meade    | Rogers            |
| Goldthwaite | Ingram              | Merrill  | Rozelle           |
| Gordon      | Jenkins             | Murphy   | Sessions          |
| Grant       | Johnson (Hardaway)  | Nettles  | Shumate           |
| Gross       | Johnson (J. T. Tom) | Nichols  | Smith (Russell)   |
| Grouby      | Johnston (Leonard)  | Oakley   | Smith (St. Clair) |
| Guthrie     | Jones (Covington)   | Oden     | Solomon           |
| Hain        | Jones (Monroe)      | Owens    | Speaks            |
| Hanby       | Lee                 | Perry    | Sullivan          |
| Hankins     | Locke               | Phillips | Taylor            |
| Hardy       | Long (Perry)        | Powell   | Thomas            |
| Harris      | McClendon (Chamb)   | Ramey    | Trimmier          |
| Hawkins     | McCorquodale        | Rast     | Turnham           |

—80

And said bill, H. 735, as amended by the Senate amendment was again read at length and passed.

Yeas 75; Nays 0.

#### Yeas:

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Cornett     | Hocklander          | Oakley            |
| Adams (Houston) | Daniel      | Ingram              | Oden              |
| Albea           | Dickson     | Jenkins             | Owens             |
| Ashworth        | Dodd        | Johnson (Hardaway)  | Perry             |
| Avery           | Ferguson    | Johnson (J. T. Tom) | Phillips          |
| Barnett         | Gilmer      | Johnston (Leonard)  | Ramey             |
| Bassett         | Glass       | Jones (Covington)   | Rast              |
| Bevill          | Goldthwaite | Jones (Monroe)      | Ray               |
| Bishop          | Gordon      | Lee                 | Rozelle           |
| Boyd            | Grant       | Locke               | Sessions          |
| Brannan         | Gross       | Long (Perry)        | Shumate           |
| Branyon         | Grouby      | McClendon (Chamb)   | Smith (St. Clair) |
| Brewer          | Guthrie     | McCorquodale        | Solomon           |
| Britton         | Hain        | Martin              | Speaks            |
| Brooks          | Hanby       | Meade               | Sullivan          |
| Cabiness        | Hankins     | Merrill             | Taylor            |
| Callahan        | Hardy       | Murphy              | Thomas            |
| Cates           | Harris      | Nettles             | Trimmier          |
| Chambers        | Hearn       | Nichols             |                   |

—75

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 763. To make additional appropriations to The Board of Trustees of the University of Alabama, for mental health purposes, including payment of salaries of professional and related personnel in the Department of Psychiatry of the Medical College of Alabama, operation of the outpatient Mental Health Clinic of said College, payment of stipends and scholarships to trainees in the field of psychiatry, and hospitalization of medically indigent mental patients in University Hospital and Hillman Clinics.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Callahan the House concurred in and adopted the Senate substitute for the bill, H. 763, said Senate substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To make additional appropriations to The Board of Trustees of the University of Alabama, for mental health purposes, including payment of salaries of professional and related personnel in the Department of Psychiatry of the Medical College of Alabama, operation of the out-patient Mental Health Clinic of said college, payment of stipends and scholarships to trainees in the field of psychiatry, and hospitalization of medically indigent mental patients in University Hospital and Hillman Clinics, and to make additional appropriations to the State Department of public Health for mental health purposes, including establishment and operation of mental hygiene clinics and training and research in the field of mental health.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other funds heretofore appropriated to The Board of Trustees of the University of Alabama, there are hereby appropriated to The Board of Trustees of the University of Alabama for each of the two fiscal years ending respectively September 30, 1960, and September 30, 1961, the sums hereinafter provided, for the mental health purposes hereinafter set forth:

TO THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:

- (a) For the Medical College of Alabama, for salaries of professional and related personnel in its Department of Psychiatry .....\$ 50,000.00
- (b) For the Medical College of Alabama, for operation of its out-patient Mental Health Clinic for residents of this state .....\$50,000.00
- (c) For the Medical College of Alabama, for stipends and scholarships to be paid to trainees in the field of psychiatry,  
For the fiscal year ending September 30, 1960 .....\$ 1,666.00  
For the fiscal year ending September 30, 1961 .....\$ 18,334.00
- (d) For University Hospital and Hillman Clinics, for expenses of hospitalization of medically indigent mental patients who are residents of this state .....\$100,000.00

Section 2. In addition to all other funds heretofore appropriated to the State Department of Public Health, including the appropriations heretofore made by Act No. 98 heretofore adopted at the 1959 Regular Session of the Legislature, there is hereby appropriated to the State Department of Health for each of the two fiscal years ending respectively on September 30, 1960, and on September 30, 1961, to be used for the following mental health purposes:

TO THE STATE DEPARTMENT OF PUBLIC HEALTH:

For: (a) The establishment and operation of mental hygiene clinics in the state; (b) The training of

personnel for services in the field of mental health; and (c) Research in the field of mental health ..... \$ 50,000.00

Section 3. The appropriations herein made shall be paid from the funds deposited in the State Treasury to the credit of the Alabama Special Mental Health Fund.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Yeas 86; Nays 0.

**Yeas:**

|                            |            |                                |                              |
|----------------------------|------------|--------------------------------|------------------------------|
| Mr. Speaker                | Copeland   | Ingram                         | Owens                        |
| Adams <sup>(Houston)</sup> | Cornett    | Jenkins                        | Perry                        |
| Albea                      | Daniel     | Johnson <sup>(Hardaway)</sup>  | Phillips                     |
| Ashworth                   | Dickson    | Johnson <sup>(J. T. Tom)</sup> | Pierce                       |
| Avery                      | Dodd       | Johnston <sup>(Leonard)</sup>  | Powell                       |
| Bailey                     | Faulk      | Jones <sup>(Covington)</sup>   | Pruitt                       |
| Barnett                    | Ferguson   | Jones <sup>(Monroe)</sup>      | Ramey                        |
| Bassett                    | Gilmer     | Lee                            | Rast                         |
| Bevill                     | Glass      | Locke                          | Ray                          |
| Bishop                     | Goodwyn    | Long <sup>(Perry)</sup>        | Rogers                       |
| Boyd                       | Gordon     | McClendon <sup>(Chamb)</sup>   | Rozelle                      |
| Brannan                    | Grant      | McCorquodale                   | Sessions                     |
| Branyon                    | Gross      | McLendon <sup>(Bullock)</sup>  | Shumate                      |
| Brewer                     | Guthrie    | Martin                         | Smith <sup>(St. Clair)</sup> |
| Britton                    | Hain       | Meade                          | Solomon                      |
| Broadfoot                  | Hanby      | Merrill                        | Speaks                       |
| Brooks                     | Hankins    | Morrow                         | Sullivan                     |
| Cabiness                   | Hardy      | Murphy                         | Taylor                       |
| Callahan                   | Harris     | Nettles                        | Thomas                       |
| Casey                      | Hawkins    | Nichols                        | Trimmier                     |
| Cates                      | Hearn      | Oden                           | Turnham                      |
| Chambers                   | Hocklander |                                |                              |

—86

And said bill, H. 763, as amended by the Senate substitute was again read at length and passed.

Yeas 85; Nays 0.

**Yeas:**

|                            |          |                                |                               |
|----------------------------|----------|--------------------------------|-------------------------------|
| Mr. Speaker                | Cabiness | Gross                          | Lee                           |
| Adams <sup>(Houston)</sup> | Callahan | Guthrie                        | Locke                         |
| Albea                      | Casey    | Hain                           | Long <sup>(Lauderdale)</sup>  |
| Ashworth                   | Cates    | Hanby                          | Long <sup>(Perry)</sup>       |
| Avery                      | Chambers | Hankins                        | McClendon <sup>(Chamb)</sup>  |
| Bailey                     | Copeland | Hardy                          | McCorquodale                  |
| Barnett                    | Cornett  | Harris                         | McLendon <sup>(Bullock)</sup> |
| Bassett                    | Daniel   | Hawkins                        | Martin                        |
| Bevill                     | Dickson  | Hearn                          | Meade                         |
| Bishop                     | Dodd     | Hocklander                     | Merrill                       |
| Boyd                       | Faulk    | Ingram                         | Morrow                        |
| Brannan                    | Ferguson | Jenkins                        | Murphy                        |
| Branyon                    | Gilmer   | Johnson <sup>(Hardaway)</sup>  | Nettles                       |
| Brewer                     | Glass    | Johnson <sup>(J. T. Tom)</sup> | Oden                          |
| Britton                    | Goodwyn  | Johnston <sup>(Leonard)</sup>  | Owens                         |
| Broadfoot                  | Gordon   | Jones <sup>(Covington)</sup>   | Perry                         |
| Brooks                     | Grant    | Jones <sup>(Monroe)</sup>      | Phillips                      |

Pierce  
Powell  
Pruitt  
Ramey  
Rast

Ray  
Rogers  
Rozelle  
Sessions

Smith<sup>(St. Clair)</sup>  
Solomon  
Speaks  
Sullivan

Taylor  
Thomas  
Trimmier  
Turnham

—85

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 850. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

J. E. SPEIGHT,  
Secretary.

Amend the H. B. 850 by striking in Section 1 thereof the property described as "tract 1" therein.

Further amend the Bill by striking the words and figures "tract 2", "tract 3", "tract 4", "tract 5", "tract 6", "tract 7", "tract 8", "tract 9", "tract 10", "tract 11", where the same appear in Section 1 thereof and by substituting in lieu thereof the following, respectively, "tract 1", "tract 2", "tract 3", "tract 4", "tract 5", "tract 6", "tract 7", "tract 8", "tract 9", "tract 10".

Further amend said Bill by striking the period at the end of the paragraph designated "tract 5", inserting in lieu thereof a comma and by adding the following: "and also that part of the property shown on said map to be owned by Robert J. Gibson in said Section 11 which lies immediately east of, adjacent to and contiguous with the property of C. W. Mitchell and immediately west of the Decatur-Danville Road."

### SENATE MESSAGE

On motion of Mr. Brewer, the House non-concurred in the Senate amendment to the bill, H. 850, set out in the above and foregoing Message from the Senate, and requests a Committee on Conference.

The Speaker of the House named as the Committee on Conference on the part of the House Messrs. Brewer, Gilchrist and Morrow.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returned same herewith to the House:

H. 882. To amend Section Six (6) of an Act approved March 28, 1955, and found in Acts of Alabama, 1955, Volume 1, pages 122-123, relating to the appointment of an Assistant Treasurer of Mobile County; and providing for the qualifications, term, duties, bond, compensation, and manner and method of paying same, and fixing time at which said Act shall go into effect.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Trimmier the House concurred in and adopted the Senate amendment to the bill, H. 882, said Senate amendment being as follows:

## AMENDMENT TO HOUSE BILL NUMBER 882

Strike therefrom the words and figures "five thousand (\$5000) dollars" and substitute therefor the words and figures "four thousand eight hundred (\$4800) dollars;" also strike the words and figures "six thousand (\$6000) dollars" and substitute therefor the words and figures "five thousand four hundred (\$5400) dollars."

Yeas 84; Nays 0.

## Yeas:

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Copeland    | Harris              | Nichols           |
| Adams (Houston) | Cornett     | Hawkins             | Owens             |
| Albea           | Daniel      | Hearn               | Perry             |
| Ashworth        | Dickson     | Hocklander          | Phillips          |
| Avery           | Dodd        | Ingram              | Pierce            |
| Bailey          | Faulk       | Jenkins             | Powell            |
| Barnett         | Ferguson    | Johnson (J. T. Tom) | Pruitt            |
| Bassett         | Franklin    | Johnston (Leonard)  | Ramey             |
| Bevill          | Gilmer      | Jones (Covington)   | Rast              |
| Bishop          | Glass       | Jones (Monroe)      | Ray               |
| Boyd            | Goldthwaite | Lee                 | Rogers            |
| Brannan         | Goodwyn     | Locke               | Rozelle           |
| Branyon         | Gordon      | Long (Perry)        | Sessions          |
| Brewer          | Grant       | McClendon (Chamb)   | Smith (St. Clair) |
| Britton         | Gross       | McCorquodale        | Solomon           |
| Broadfoot       | Grouby      | McLendon (Bullock)  | Speaks            |
| Brooks          | Guthrie     | Martin              | Sullivan          |
| Cabiness        | Hain        | Meade               | Taylor            |
| Casey           | Hanby       | Merrill             | Thomas            |
| Cates           | Hankins     | Morrow              | Trimmier          |
| Chambers        | Hardy       | Nettles             | Turnham           |

—84

And said bill, H. 882, as amended by the Senate amendment, was again read at length and passed.

Yeas 86; Nays 0.

## Yeas:

|                 |           |             |                     |
|-----------------|-----------|-------------|---------------------|
| Mr. Speaker     | Broadfoot | Franklin    | Hearn               |
| Adams (Houston) | Brooks    | Gilmer      | Hocklander          |
| Albea           | Cabiness  | Glass       | Ingram              |
| Ashworth        | Camp      | Goldthwaite | Johnson (Hardaway)  |
| Avery           | Casey     | Goodwyn     | Johnson (J. T. Tom) |
| Bailey          | Cates     | Gordon      | Johnston (Leonard)  |
| Barnett         | Chambers  | Grant       | Jones (Covington)   |
| Bassett         | Copeland  | Grouby      | Jones (Monroe)      |
| Bevill          | Cornett   | Guthrie     | Lee                 |
| Bishop          | Daniel    | Hain        | Locke               |
| Boyd            | Dickson   | Hanby       | Long (Lauderdale)   |
| Brannan         | Dodd      | Hankins     | Long (Perry)        |
| Branyon         | Faulk     | Hardy       | McClendon (Chamb)   |
| Britton         | Ferguson  | Hawkins     | McCorquodale        |

|                    |          |                   |          |
|--------------------|----------|-------------------|----------|
| McLendon (Bullock) | Owens    | Ray               | Speaks   |
| Martin             | Perry    | Rogers            | Sullivan |
| Meade              | Phillips | Rozelle           | Taylor   |
| Merrill            | Pierce   | Sessions          | Thomas   |
| Morrow             | Powell   | Smith (Russell)   | Trimmier |
| Murphy             | Pruitt   | Smith (St. Clair) | Turner   |
| Nettles            | Ramey    | Solomon           | Turnham  |
| Nichols            | Rast     |                   |          |

—86

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 968. Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Jones (Covington) the House concurred in and adopted the Senate amendment to the bill, H. 968, said Senate amendment being as follows:

## AMENDMENT TO H. B. 968

On page 6, in Section 15, strike out "In all cases, the board of registrars must complete its reidentification meetings within two years from the date registration began in the county and within the calendar year of 1970 and each 10 years thereafter." and insert "The voters of the county shall be allowed a period of two years from the date voter identification began in which to apply for reidentification."

Yeas 88; Nays 0.

## Yeas:

|                 |             |                     |                    |
|-----------------|-------------|---------------------|--------------------|
| Mr. Speaker     | Cabiness    | Gordon              | Jones (Covington)  |
| Adams (Houston) | Camp        | Grant               | Jones (Monroe)     |
| Albea           | Casey       | Grouby              | Lee                |
| Ashworth        | Cates       | Guthrie             | Locke              |
| Avery           | Chambers    | Hain                | Long (Lauderdale)  |
| Bailey          | Copeland    | Hanby               | Long (Perry)       |
| Barnett         | Cornett     | Hankins             | McClendon (Chamb)  |
| Bassett         | Daniel      | Hardy               | McCorquodale       |
| Bevill          | Dickson     | Harris              | McLendon (Bullock) |
| Bishop          | Dodd        | Hawkins             | Martin             |
| Boyd            | Faulk       | Hearn               | Meade              |
| Brannan         | Ferguson    | Hocklander          | Merrill            |
| Branyon         | Franklin    | Ingram              | Morrow             |
| Brewer          | Gilmer      | Jenkins             | Nettles            |
| Britton         | Glass       | Johnson (Hardaway)  | Nichols            |
| Broadfoot       | Goldthwaite | Johnson (J. T. Tom) | Owens              |
| Brooks          | Goodwyn     | Johnston (Leonard)  | Perry              |

|          |          |                   |          |
|----------|----------|-------------------|----------|
| Phillips | Ray      | Smith (St. Clair) | Taylor   |
| Pierce   | Rogers   | Solomon           | Thomas   |
| Powell   | Rozelle  | Speaks            | Trimmier |
| Ramey    | Sessions | Steagall          | Turner   |
| Rast     | Shumate  | Sullivan          | Turnham  |

—88

And said bill, H. 968, as amended by the Senate amendment, was again read at length and passed.

Yeas 88; Nays 0.

#### Yeas:

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Copeland    | Hocklander          | Perry             |
| Adams (Houston) | Cornett     | Ingram              | Phillips          |
| Albea           | Daniel      | Jenkins             | Pierce            |
| Ashworth        | Dickson     | Johnson (Hardaway)  | Powell            |
| Avery           | Dodd        | Johnson (J. T. Tom) | Ramey             |
| Bailey          | Ferguson    | Johnston (Leonard)  | Rast              |
| Barnett         | Franklin    | Jones (Covington)   | Ray               |
| Bassett         | Gilmer      | Jones (Monroe)      | Rogers            |
| Bevill          | Glass       | Lee                 | Rozelle           |
| Bishop          | Goldthwaite | Locke               | Sessions          |
| Boyd            | Goodwyn     | Long (Lauderdale)   | Shumate           |
| Brannan         | Gordon      | Long (Perry)        | Smith (Russell)   |
| Branyon         | Grant       | McClendon (Chamb)   | Smith (St. Clair) |
| Brewer          | Grouby      | McCorquodale        | Solomon           |
| Britton         | Guthrie     | McLendon (Bullock)  | Speaks            |
| Broadfoot       | Hain        | Martin              | Steagall          |
| Brooks          | Hanby       | Meade               | Sullivan          |
| Cabiness        | Hankins     | Merrill             | Taylor            |
| Camp            | Hardy       | Morrow              | Thomas            |
| Casey           | Harris      | Nettles             | Trimmier          |
| Cates           | Hawkins     | Nichols             | Turner            |
| Chambers        | Hearn       | Owens               | Turnham           |

—88

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 983. To amend Section 1 of Act Number 65 H. 138 approved April 5, 1956, (Acts of Alabama Special Session 1956, page 357 entitled, "To provide that the Recorder's Court of any city having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census trying any person for violation of an ordinance of such city making it unlawful to engage in or conduct a lottery, to possess lottery paraphernalia, to possess gaming paraphernalia, to engage in bookmaking, to accept bets on horse racing or other sporting events, to conduct a house of prostitution, to possess, sell, give away or display obscene pictures, prints, drawings or literature, or to molest children shall upon the conviction of such person, have the power and authority to impose a fine not exceeding three hundred dollars upon such person and to sentence him to hard labor upon the streets or public works, or in the workhouse or house of corrections of such city for not exceeding six months; to provide that this Act shall be cumulative and the power and authority hereby granted to any such Recorder's Court shall

be in addition to any power and authority which such court may have under any other law either general or local.

J. E. SPEIGHT,  
Secretary.

### SENATE MESSAGE

On motion of Mr. Perry the House concurred in and adopted the Senate amendment to the bill, H. 983, said Senate amendment being as follows:

Amend Section 1 of H. B. 983 by striking therefrom the following words "if said person has two prior convictions for the last named offense of driving a vehicle while under the influence of intoxicating-liquor or a drug".

Yeas 84; Nays 0.

#### Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Copeland    | Hocklander                     | Phillips                     |
| Adams <sup>(Houston)</sup> | Cornett     | Ingram                         | Pierce                       |
| Albea                      | Daniel      | Jenkins                        | Powell                       |
| Ashworth                   | Dickson     | Johnson <sup>(Hardaway)</sup>  | Ramey                        |
| Avery                      | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Bailey                     | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ray                          |
| Barnett                    | Franklin    | Jones <sup>(Monroe)</sup>      | Rogers                       |
| Bassett                    | Gilmer      | Lee                            | Rozelle                      |
| Bevill                     | Glass       | Locke                          | Sessions                     |
| Bishop                     | Goldthwaite | Long <sup>(Perry)</sup>        | Shumate                      |
| Boyd                       | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>   |
| Brannan                    | Gordon      | McCorquodale                   | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Grant       | McLendon <sup>(Bullock)</sup>  | Solomon                      |
| Brewer                     | Grouby      | Martin                         | Speaks                       |
| Britton                    | Guthrie     | Meade                          | Steagall                     |
| Broadfoot                  | Hain        | Merrill                        | Sullivan                     |
| Cabiness                   | Hanby       | Morrow                         | Taylor                       |
| Camp                       | Hankins     | Nettles                        | Thomas                       |
| Casey                      | Hardy       | Nichols                        | Trimmier                     |
| Cates                      | Hawkins     | Owens                          | Turner                       |
| Chambers                   | Hearn       | Perry                          | Turnham                      |

—84

And said bill, H. 983, as amended by the Senate amendment, was again read at length and passed.

Yeas 85; Nays 0.

#### Yeas:

|                            |          |             |                                |
|----------------------------|----------|-------------|--------------------------------|
| Mr. Speaker                | Branyon  | Dickson     | Hain                           |
| Adams <sup>(Houston)</sup> | Brewer   | Dodd        | Hanby                          |
| Albea                      | Britton  | Faulk       | Hankins                        |
| Ashworth                   | Brooks   | Ferguson    | Hardy                          |
| Avery                      | Cabiness | Franklin    | Hawkins                        |
| Bailey                     | Camp     | Gilmer      | Hearn                          |
| Barnett                    | Casey    | Glass       | Hocklander                     |
| Bassett                    | Cates    | Goldthwaite | Ingram                         |
| Bevill                     | Chambers | Gordon      | Jenkins                        |
| Bishop                     | Copeland | Grant       | Johnson <sup>(Hardaway)</sup>  |
| Boyd                       | Cornett  | Grouby      | Johnson <sup>(J. T. Tom)</sup> |
| Brannan                    | Daniel   | Guthrie     | Johnston <sup>(Leonard)</sup>  |



|                    |          |                   |          |
|--------------------|----------|-------------------|----------|
| Jones (Covington)  | Merrill  | Ramey             | Solomon  |
| Jones (Monroe)     | Morrow   | Rast              | Speaks   |
| Lee                | Nettles  | Ray               | Steagall |
| Locke              | Nichols  | Rogers            | Sullivan |
| Long (Perry)       | Owens    | Rozelle           | Taylor   |
| McClendon (Chamb)  | Perry    | Sessions          | Thomas   |
| McCorquodale       | Phillips | Shumate           | Trimmier |
| McLendon (Bullock) | Pierce   | Smith (Russell)   | Turner   |
| Martin             | Powell   | Smith (St. Clair) | Turnham  |
| Meade              |          |                   |          |

—85

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 989. To alter and extend the boundaries of the City of Birmingham, to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Perry the House concurred in and adopted the Senate amendment to the Bill, H. 989, said Senate amendment being as follows:

Amend Section 2 of H. B. 989 by adding after the word "Birmingham" where it first appears in said Section 2 the following: "within thirty days of the effective date of this Act."

Yeas 85; Nays 0.

## Yeas:

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Copeland    | Hocklander          | Perry             |
| Adams (Houston) | Cornett     | Ingram              | Phillips          |
| Albea           | Daniel      | Jenkins             | Pierce            |
| Ashworth        | Dickson     | Johnson (Hardaway)  | Powell            |
| Avery           | Dodd        | Johnson (J. T. Tom) | Ramey             |
| Bailey          | Faulk       | Johnston (Leonard)  | Rast              |
| Barnett         | Ferguson    | Jones (Covington)   | Ray               |
| Bassett         | Franklin    | Jones (Monroe)      | Rogers            |
| Bevill          | Gilmer      | Locke               | Rozelle           |
| Bishop          | Glass       | Long (Lauderdale)   | Sessions          |
| Boyd            | Goldthwaite | Long (Perry)        | Shumate           |
| Brannan         | Goodwyn     | McClendon (Chamb)   | Smith (St. Clair) |
| Branyon         | Gordon      | McCorquodale        | Solomon           |
| Brewer          | Grant       | McLendon (Bullock)  | Speaks            |
| Britton         | Grouby      | Martin              | Steagall          |
| Broadfoot       | Hain        | Meade               | Sullivan          |
| Brooks          | Hanby       | Merrill             | Taylor            |
| Cabiness        | Hankins     | Morrow              | Thomas            |
| Camp            | Hardy       | Nettles             | Trimmier          |
| Casey           | Hawkins     | Nichols             | Turner            |
| Cates           | Hearn       | Owens               | Turnham           |
| Chambers        |             |                     |                   |

—85

And said bill, H. 989, as amended by the Senate amendment, was again read at length and passed.

Yeas 85; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Copeland    | Hocklander                     | Perry                        |
| Adams <sup>(Houston)</sup> | Cornett     | Ingram                         | Phillips                     |
| Albea                      | Daniel      | Jenkins                        | Pierce                       |
| Ashworth                   | Dickson     | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Avery                      | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Bailey                     | Faulk       | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Barnett                    | Ferguson    | Jones <sup>(Covington)</sup>   | Ray                          |
| Bassett                    | Franklin    | Jones <sup>(Monroe)</sup>      | Rogers                       |
| Bevill                     | Gilmer      | Locke                          | Rozelle                      |
| Bishop                     | Glass       | Long <sup>(Lauderdale)</sup>   | Sessions                     |
| Boyd                       | Goldthwaite | Long <sup>(Perry)</sup>        | Smith <sup>(Russell)</sup>   |
| Brannan                    | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Gordon      | McCorquodale                   | Solomon                      |
| Brewer                     | Grant       | McLendon <sup>(Bullock)</sup>  | Speaks                       |
| Britton                    | Grouby      | Martin                         | Steagall                     |
| Broadfoot                  | Hain        | Meade                          | Sullivan                     |
| Brooks                     | Hanby       | Merrill                        | Taylor                       |
| Cabiness                   | Hankins     | Morrow                         | Thomas                       |
| Camp                       | Hardy       | Nettles                        | Trimmier                     |
| Casey                      | Hawkins     | Nichols                        | Turner                       |
| Cates                      | Hearn       | Owens                          | Turnham                      |
| Chambers                   |             |                                |                              |

—85

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 992. To alter and extend the boundaries of the City of Birmingham to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

J. E. SPEIGHT,  
Secretary.

**SENATE MESSAGE**

On motion of Mr. Perry the House concurred in and adopted the Senate amendment to the bill, H. 992, said Senate amendment being as follows:

Amend Section 2 of H. B. 992 by adding after the word "Birmingham" where it first appears in said Section 2 the following: "within thirty days of the effective date of this Act."

Yeas 86; Nays 0.

**Yeas:**

|                            |         |         |           |
|----------------------------|---------|---------|-----------|
| Mr. Speaker                | Bailey  | Boyd    | Broadfoot |
| Adams <sup>(Houston)</sup> | Barnett | Brannan | Brooks    |
| Albea                      | Bassett | Branyon | Cabiness  |
| Ashworth                   | Bevill  | Brewer  | Camp      |
| Avery                      | Bishop  | Britton | Casey     |

|             |                                |                               |                              |
|-------------|--------------------------------|-------------------------------|------------------------------|
| Cates       | Guthrie                        | Long <sup>(Perry)</sup>       | Rast                         |
| Chambers    | Hain                           | McClendon <sup>(Chamb)</sup>  | Ray                          |
| Copeland    | Hanby                          | McCorquodale                  | Rogers                       |
| Cornett     | Hankins                        | McLendon <sup>(Bullock)</sup> | Rozelle                      |
| Daniel      | Hardy                          | Martin                        | Sessions                     |
| Dickson     | Harris                         | Meade                         | Smith <sup>(Russell)</sup>   |
| Dodd        | Hawkins                        | Merrill                       | Smith <sup>(St. Clair)</sup> |
| Faulk       | Hearn                          | Morrow                        | Solomon                      |
| Ferguson    | Hocklander                     | Nettles                       | Speaks                       |
| Franklin    | Ingram                         | Nichols                       | Steagall                     |
| Gilmer      | Jenkins                        | Owens                         | Sullivan                     |
| Glass       | Johnson <sup>(Hardaway)</sup>  | Perry                         | Taylor                       |
| Goldthwaite | Johnson <sup>(J. T. Tom)</sup> | Phillips                      | Thomas                       |
| Goodwyn     | Johnston <sup>(Leonard)</sup>  | Pierce                        | Trimmier                     |
| Gordon      | Jones <sup>(Covington)</sup>   | Powell                        | Turner                       |
| Grant       | Jones <sup>(Monroe)</sup>      | Ramey                         | Turnham                      |
| Grouby      | Locke                          |                               |                              |

—86

And said bill, H. 992, as amended by the Senate amendment, was again read at length and passed.

Yeas 81; Nays 0.

#### Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Chambers    | Harris                         | Nichols                      |
| Adams <sup>(Houston)</sup> | Copeland    | Hawkins                        | Owens                        |
| Albea                      | Cornett     | Hearn                          | Phillips                     |
| Ashworth                   | Daniel      | Hocklander                     | Powell                       |
| Avery                      | Dickson     | Ingram                         | Ramey                        |
| Bailey                     | Dodd        | Jenkins                        | Rast                         |
| Barnett                    | Faulk       | Johnson <sup>(Hardaway)</sup>  | Ray                          |
| Bassett                    | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Rogers                       |
| Bevill                     | Franklin    | Johnston <sup>(Leonard)</sup>  | Rozelle                      |
| Bishop                     | Gilmer      | Jones <sup>(Covington)</sup>   | Sessions                     |
| Boyd                       | Glass       | Jones <sup>(Monroe)</sup>      | Smith <sup>(St. Clair)</sup> |
| Brannan                    | Goldthwaite | Locke                          | Solomon                      |
| Branyon                    | Gordon      | Long <sup>(Perry)</sup>        | Speaks                       |
| Brewer                     | Grant       | McClendon <sup>(Chamb)</sup>   | Steagall                     |
| Britton                    | Grouby      | McCorquodale                   | Sullivan                     |
| Broadfoot                  | Guthrie     | McLendon <sup>(Bullock)</sup>  | Taylor                       |
| Brooks                     | Hain        | Martin                         | Thomas                       |
| Cabiness                   | Hanby       | Merrill                        | Trimmier                     |
| Camp                       | Hankins     | Morrow                         | Turner                       |
| Casey                      | Hardy       | Nettles                        | Turnham                      |
| Cates                      |             |                                |                              |

—81

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 994. To establish a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief or retirement and relief system heretofore established or hereafter established under Act Number 929 of Legislature of Alabama of 1951, Approved September 12, 1951 (Acts of Alabama 1951, page 1579 et seq. as amended) and on whose account, or for whose benefit, the city by whom they are employed makes no contribution, or pays no tax, to the United

States of America under the Federal Social Security Act; to provide certain disability benefits for such firemen and policemen and also certain benefits for the widows and children of any such firemen or policemen who die; to make provision for a supplemental retirement benefit for such firemen and policemen, if and when said Act No. 929 is amended as stipulated in this act; to provide that from the funds of the system established by this act certain payments shall be made to the fund of the system established by said Act No. 929, subject to said Act No. 929 being amended so as to authorize the Board of Managers of the system created by said Act Number 929 to receive said payments; to establish a Board of Managers for the pension system hereby created and to provide for the method of selection of the said board and to define the power, authority and duties of the said Board of Managers; to provide for the actuarial study, investigation and report showing the probable ability or inability of the fund hereby created to meet the benefits provided for by the system created by this Act; to provide for paying from funds of the system expenses incurred in securing any such actuarial study, investigation and report; to provide that at least sixty days prior to the convening of the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to each member of the House of Representatives and of the Senate of the Legislature of Alabama residing in any county or Senatorial District wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall give such opinion separately and severally with respect to each of the said benefits, and which said report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what change or changes he considers necessary; and to provide that the Board of Managers shall present to the members of the House of Representatives and the Senator designated above a similar actuarial report or survey at least once every four years sixty days prior to the convening of a Regular Session of the Legislature of Alabama.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Perry the House concurred in and adopted the Senate amendment to the bill, H 994, said Senate amendment being as follows:

Amend Section 4 of House Bill 994 by deleting from the first line on page 8 A the word "Legislature" and put in its place the following words "said Board".

Yeas 86; Nays 0.

#### Yeas:

|                 |           |          |             |
|-----------------|-----------|----------|-------------|
| Mr. Speaker     | Bevill    | Brooks   | Cornett     |
| Adams (Houston) | Bishop    | Cabiness | Daniel      |
| Albea           | Boyd      | Callahan | Dodd        |
| Ashworth        | Brannan   | Camp     | Ferguson    |
| Avery           | Branyon   | Casey    | Franklin    |
| Bailey          | Brewer    | Cates    | Gilmer      |
| Barnett         | Britton   | Chambers | Glass       |
| Bassett         | Broadfoot | Copeland | Goldthwaite |

|            |                                |          |                              |
|------------|--------------------------------|----------|------------------------------|
| Gordon     | Johnson <sup>(Hardaway)</sup>  | Morrow   | Rozelle                      |
| Grant      | Johnson <sup>(J. T. Tom)</sup> | Nettles  | Sessions                     |
| Guthrie    | Johnston <sup>(Leonard)</sup>  | Nichols  | Smith <sup>(Russell)</sup>   |
| Hain       | Jones <sup>(Covington)</sup>   | Oakley   | Smith <sup>(St. Clair)</sup> |
| Hanby      | Jones <sup>(Monroe)</sup>      | Owens    | Solomon                      |
| Hankins    | Lee                            | Perry    | Speaks                       |
| Hardy      | Locke                          | Phillips | Steagall                     |
| Harris     | Long <sup>(Perry)</sup>        | Pierce   | Sullivan                     |
| Harvey     | McClendon <sup>(Chamb)</sup>   | Powell   | Taylor                       |
| Hawkins    | McCorquodale                   | Ramey    | Thomas                       |
| Hearn      | McLendon <sup>(Bullock)</sup>  | Rast     | Trimmier                     |
| Hocklander | Martin                         | Ray      | Turner                       |
| Ingram     | Meade                          | Rogers   | Turnham                      |
| Jenkins    | Merrill                        |          |                              |

—86

And said bill, H. 994, as amended by the Senate amendment was again read at length and passed.

Yeas 88; Nays 0.

#### Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Copeland    | Hearn                          | Perry                        |
| Adams <sup>(Houston)</sup> | Cornett     | Hocklander                     | Phillips                     |
| Albea                      | Daniel      | Ingram                         | Pierce                       |
| Ashworth                   | Dodd        | Jenkins                        | Powell                       |
| Avery                      | Faulk       | Johnson <sup>(Hardaway)</sup>  | Ramey                        |
| Bailey                     | Ferguson    | Johnson <sup>(J. T. Tom)</sup> | Rast                         |
| Barnett                    | Franklin    | Johnston <sup>(Leonard)</sup>  | Ray                          |
| Bassett                    | Gilmer      | Jones <sup>(Covington)</sup>   | Rogers                       |
| Bevill                     | Glass       | Jones <sup>(Monroe)</sup>      | Rozelle                      |
| Bishop                     | Goldthwaite | Lee                            | Sessions                     |
| Boyd                       | Goodwyn     | Locke                          | Smith <sup>(Russell)</sup>   |
| Brannan                    | Gordon      | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Grant       | McClendon <sup>(Chamb)</sup>   | Solomon                      |
| Brewer                     | Grouby      | McCorquodale                   | Speaks                       |
| Britton                    | Guthrie     | McLendon <sup>(Bullock)</sup>  | Steagall                     |
| Broadfoot                  | Hain        | Meade                          | Sullivan                     |
| Brooks                     | Hanby       | Merrill                        | Taylor                       |
| Cabiness                   | Hankins     | Morrow                         | Thomas                       |
| Camp                       | Hardy       | Nettles                        | Torbert                      |
| Casey                      | Harris      | Nichols                        | Trimmier                     |
| Cates                      | Harvey      | Oakley                         | Turner                       |
| Chambers                   | Hawkins     | Owens                          | Turnham                      |

—88

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 996. To authorize the incorporation in any county in this state having a population of 500,000 or more, according to the last or any succeeding Federal Census, of a health care authority as a public corporation for hospital purposes, including, among others, the making of provisions for medical and hospital aid to the indigent sick of such county; to provide a method of effecting the incorporation of such authority and electing the members of its board of directors and its officers; to specify the powers of such board of directors and the powers

of such authority; to provide for the payment to such authority by the county in which it is organized of all revenue received and held by such county from any tax levied by the state for the benefit of the county for health and medical care of indigent residents of the county, and to authorize such county to allocate and pay other funds to such authority; to provide for the expenditure of the funds of such authority for any of its corporate purposes; to authorize the sale and issuance of securities by such authority for any of its purposes; to authorize such authority to provide the details of such securities and the pledge of revenues of the authority and the execution of mortgages or deeds of trust as security thereof; to provide that such securities shall constitute negotiable instruments; to provide that the properties and income of such authority, the securities issued by it and the interest payable thereon, and all mortgages and other instruments executed as security therefor shall be exempt from taxation; to authorize investment of fiduciary funds in securities by such authority; to require the making of annual reports and the submission of an annual budget to the governing body of such county; to provide the time and method of dissolution of such authority; to provide that the formation and dissolution of one or more such authorities shall not prevent the subsequent formation of another authority in the same county; and to authorize such county and any municipality therein to transfer to such authority projects and funds acquired or allocated for any of the purposes for which such authority shall have been organized.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Perry the House concurred in and adopted the Senate amendment to the bill H. 996, said Senate amendment being as follows:

Amend H. B. 996 as follows:

On page 3, in Section 7, strike out "to provide for medical aid to and hospitalization for the indigent sick of the county who cannot pay for such care, including the authority to contract with public or private hospitals, physicians, and other health agencies in the county for the rendition of such services" and insert in lieu thereof "to provide for medical aid to and hospitalization for the indigent sick of the county who cannot pay for such care, including the authority to contract with public or private hospitals, physicians, pharmacists, and other health agencies in the county for the rendition of such services";

Also, in Section 7, add the following sentence at the end thereof:

"Nothing herein contained shall give any authority created under the terms of this Act any right or power to acquire or operate, or, in any manner, interfere with the operation of any home or institution for the aged indigent operated by any county subject to the provisions of this Act."

Yeas 89; Nays 0.

#### Yeas:

|                 |         |         |           |
|-----------------|---------|---------|-----------|
| Mr. Speaker     | Avery   | Bevill  | Branyon   |
| Adams (Houston) | Bailey  | Bishop  | Brewer    |
| Albea           | Barnett | Boyd    | Broadfoot |
| Ashworth        | Bassett | Brannan | Brooks    |

|             |                                |                               |                              |
|-------------|--------------------------------|-------------------------------|------------------------------|
| Cabiness    | Grant                          | Locke                         | Rast                         |
| Callahan    | Grouby                         | Long <sup>(Perry)</sup>       | Ray                          |
| Camp        | Guthrie                        | McClendon <sup>(Chamb)</sup>  | Rogers                       |
| Casey       | Hanby                          | McCorquodale                  | Rozelle                      |
| Cates       | Hankins                        | McLendon <sup>(Bullock)</sup> | Self                         |
| Chambers    | Hardy                          | Martin                        | Sessions                     |
| Copeland    | Harris                         | Meade                         | Smith <sup>(Russell)</sup>   |
| Cornett     | Harvey                         | Merrill                       | Smith <sup>(St. Clair)</sup> |
| Daniel      | Hawkins                        | Morrow                        | Solomon                      |
| Dickson     | Hearn                          | Nettles                       | Speaks                       |
| Dodd        | Hocklander                     | Nichols                       | Steagall                     |
| Faulk       | Ingram                         | Oakley                        | Sullivan                     |
| Ferguson    | Jenkins                        | Owens                         | Taylor                       |
| Franklin    | Johnson <sup>(Hardaway)</sup>  | Perry                         | Thomas                       |
| Gilmer      | Johnson <sup>(J. T. Tom)</sup> | Phillips                      | Torbert                      |
| Glass       | Johnston <sup>(Leonard)</sup>  | Pierce                        | Trimmier                     |
| Goldthwaite | Jones <sup>(Covington)</sup>   | Powell                        | Turner                       |
| Goodwyn     | Lee                            | Ramey                         | Turnham                      |
| Gordon      |                                |                               |                              |

—89

And said bill, H. 996, as amended by the Senate amendment, was again read at length and passed.

Yeas 87; Nays 0.

#### Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Cornett     | Hocklander                     | Pierce                       |
| Adams <sup>(Houston)</sup> | Daniel      | Ingram                         | Powell                       |
| Albea                      | Dickson     | Jenkins                        | Ramey                        |
| Ashworth                   | Dodd        | Johnson <sup>(Hardaway)</sup>  | Rast                         |
| Avery                      | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ray                          |
| Bailey                     | Ferguson    | Johnston <sup>(Leonard)</sup>  | Rogers                       |
| Barnett                    | Franklin    | Jones <sup>(Covington)</sup>   | Rozelle                      |
| Bassett                    | Gilmer      | Jones <sup>(Monroe)</sup>      | Self                         |
| Bevill                     | Glass       | Lee                            | Sessions                     |
| Bishop                     | Goldthwaite | Locke                          | Smith <sup>(Russell)</sup>   |
| Boyd                       | Goodwyn     | Long <sup>(Perry)</sup>        | Smith <sup>(St. Clair)</sup> |
| Brannan                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Solomon                      |
| Branyon                    | Grant       | McCorquodale                   | Speaks                       |
| Brewer                     | Grouby      | McLendon <sup>(Bullock)</sup>  | Steagall                     |
| Britton                    | Guthrie     | Martin                         | Sullivan                     |
| Broadfoot                  | Hanby       | Merrill                        | Taylor                       |
| Brooks                     | Hankins     | Morrow                         | Thomas                       |
| Cabiness                   | Hardy       | Nettles                        | Torbert                      |
| Camp                       | Harris      | Nichols                        | Trimmier                     |
| Casey                      | Harvey      | Oakley                         | Turner                       |
| Chambers                   | Hawkins     | Perry                          | Turnham                      |
| Copeland                   | Hearn       | Phillips                       |                              |

—87

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 999. To amend further Act No. 259, H. 530, approved June 24, 1943, an act providing for appeals to the circuit court in certain counties having a population of 400,000 or more, according to the last or any subsequent federal decennial census, from decisions of the board of

equalization (General Acts, Regular Session 1943, p. 230), which is known as "The Expeditious and Economical Tax Appeals Act."

J. E. SPEIGHT,  
Secretary.

### SENATE MESSAGE

On motion of Mr. Perry the House concurred in and adopted the Senate amendment to the bill, H. 999, said Senate amendment being as follows:

House bill No. 999 is amended by striking the words and figures "and 14" and inserting before the figure "8" and after the figure "7", the word "and"

House Bill No. 999 is further amended by striking out the paragraph thereof which begins "Section 14"

Yeas 83; Nays 0.

#### Yeas:

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Chambers    | Hawkins                       | Pierce                       |
| Adams <sup>(Houston)</sup> | Copeland    | Hearn                         | Powell                       |
| Albea                      | Cornett     | Hocklander                    | Ramey                        |
| Ashworth                   | Daniel      | Ingram                        | Rast                         |
| Avery                      | Dickson     | Jenkins                       | Ray                          |
| Bailey                     | Dodd        | Johnson <sup>(Hardaway)</sup> | Rogers                       |
| Barnett                    | Faulk       | Johnston <sup>(Leonard)</sup> | Rozelle                      |
| Bassett                    | Ferguson    | Jones <sup>(Covington)</sup>  | Self                         |
| Bevill                     | Franklin    | Jones <sup>(Monroe)</sup>     | Sessions                     |
| Bishop                     | Gilmer      | Locke                         | Smith <sup>(Russell)</sup>   |
| Boyd                       | Glass       | Long <sup>(Perry)</sup>       | Smith <sup>(St. Clair)</sup> |
| Brannan                    | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Solomon                      |
| Branyon                    | Goodwyn     | McCorquodale                  | Speaks                       |
| Britton                    | Gordon      | McLendon <sup>(Bullock)</sup> | Steagall                     |
| Broadfoot                  | Grant       | Martin                        | Sullivan                     |
| Brooks                     | Grouby      | Merrill                       | Taylor                       |
| Cabiness                   | Guthrie     | Morrow                        | Thomas                       |
| Callahan                   | Hanby       | Nettles                       | Trimmier                     |
| Camp                       | Hankins     | Nichols                       | Turner                       |
| Casey                      | Hardy       | Oakley                        | Turnham                      |
| Cates                      | Harris      | Perry                         |                              |

—83

And said bill, H. 999, as amended by the Senate amendment, was again read at length and passed.

Yeas 81; Nays 0.

#### Yeas:

|             |           |          |             |
|-------------|-----------|----------|-------------|
| Mr. Speaker | Boyd      | Camp     | Faulk       |
| Albea       | Brannan   | Casey    | Ferguson    |
| Ashworth    | Branyon   | Cates    | Franklin    |
| Bailey      | Brewer    | Copeland | Gilmer      |
| Barnett     | Britton   | Cornett  | Glass       |
| Bassett     | Broadfoot | Daniel   | Goldthwaite |
| Bevill      | Brooks    | Dickson  | Goodwyn     |
| Bishop      | Cabiness  | Dodd     | Gordon      |



|                     |                    |         |                   |
|---------------------|--------------------|---------|-------------------|
| Grant               | Johnston (Leonard) | Nettles | Sessions          |
| Grouby              | Jones (Covington)  | Nichols | Smith (Russell)   |
| Guthrie             | Jones (Monroe)     | Oakley  | Smith (St. Clair) |
| Hanby               | Lee                | Owens   | Solomon           |
| Hankins             | Locke              | Pierce  | Speaks            |
| Hardy               | Long (Perry)       | Powell  | Steagall          |
| Hawkins             | McClendon (Chamb)  | Ramey   | Sullivan          |
| Hearn               | McCorquodale       | Rast    | Taylor            |
| Hocklander          | McLendon (Bullock) | Ray     | Thomas            |
| Ingram              | Martin             | Rogers  | Trimmier          |
| Jenkins             | Merrill            | Rozelle | Turner            |
| Johnson (Hardaway)  | Morrow             | Self    | Turnham           |
| Johnson (J. T. Tom) |                    |         |                   |

—81

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1023. To further regulate the Probate Court and office of Judge of Probate in counties having a population of 500,000 or more according to the last or any subsequent federal census; to authorize and empower the judge of probate in any such county to delegate and assign duties, ministerial functions and authority to the chief clerk and other clerks and personnel of such probate court and its divisions and offices; to delegate and assign to, and invest in, the chief clerk of such probate court the title, duties and power of clerk of the probate court of such county, and to further prescribe the powers, duties and authority of such (chief clerk as) clerk and register of such probate court; to authorize the appointment of deputy clerks — registers in each office of such probate court from the personnel in such offices.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Perry the House concurred in and adopted the Senate amendment to the bill, H. 1023, said Senate amendment being as follows:

House Bill 1023 is hereby amended by adding at the end of Section 2 and before Section 3 a new section as follows:

“Section 2A. Any appointment or designation pursuant to this Act shall be subject to the provisions of any civil service or merit system law applicable to counties to which this Act applies.”

Yeas 82; Nays 0.

## Yeas:

|             |          |          |             |
|-------------|----------|----------|-------------|
| Mr. Speaker | Boyd     | Casey    | Ferguson    |
| Albea       | Brannan  | Cates    | Franklin    |
| Ashworth    | Branyon  | Copeland | Gilmer      |
| Bailey      | Brewer   | Cornett  | Glass       |
| Barnett     | Britton  | Daniel   | Goldthwaite |
| Bassett     | Brooks   | Dickson  | Goodwyn     |
| Bevill      | Cabiness | Dodd     | Gordon      |
| Bishop      | Camp     | Faulk    | Grant       |

|                     |                    |         |                   |
|---------------------|--------------------|---------|-------------------|
| Grouby              | Johnston (Leonard) | Nichols | Sessions          |
| Guthrie             | Jones (Covington)  | Oakley  | Smith (Russell)   |
| Hanby               | Jones (Monroe)     | Owens   | Smith (St. Clair) |
| Hankins             | Lee                | Perry   | Solomon           |
| Hardy               | Locke              | Pierce  | Speaks            |
| Harris              | Long (Perry)       | Powell  | Steagall          |
| Hawkins             | McClendon (Chamb)  | Ramey   | Sullivan          |
| Hearn               | McCorquodale       | Rast    | Taylor            |
| Hocklander          | McLendon (Bullock) | Ray     | Thomas            |
| Ingram              | Martin             | Rogers  | Trimmier          |
| Jenkins             | Merrill            | Rozelle | Turner            |
| Johnson (Hardaway)  | Morrow             | Self    | Turnham           |
| Johnson (J. T. Tom) | Nettles            |         |                   |

—82

And said bill, H. 1023, as amended by the Senate amendment, was again read at length and passed.

Yeas 83; Nays 0.

#### Yeas:

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Daniel      | Ingram              | Pierce            |
| Adams (Houston) | Dickson     | Jenkins             | Powell            |
| Albea           | Dodd        | Johnson (Hardaway)  | Ramey             |
| Ashworth        | Faulk       | Johnson (J. T. Tom) | Rast              |
| Avery           | Ferguson    | Johnston (Leonard)  | Ray               |
| Bailey          | Franklin    | Jones (Covington)   | Rogers            |
| Barnett         | Gilmer      | Jones (Monroe)      | Rozelle           |
| Bassett         | Glass       | Locke               | Self              |
| Bevill          | Goldthwaite | Long (Perry)        | Sessions          |
| Bishop          | Goodwyn     | McClendon (Chamb)   | Smith (Russell)   |
| Boyd            | Gordon      | McCorquodale        | Smith (St. Clair) |
| Brannan         | Grant       | McLendon (Bullock)  | Solomon           |
| Branyon         | Grouby      | Martin              | Speaks            |
| Brewer          | Guthrie     | Merrill             | Steagall          |
| Britton         | Hanby       | Morrow              | Sullivan          |
| Brooks          | Hankins     | Nettles             | Taylor            |
| Cabiness        | Hardy       | Nichols             | Thomas            |
| Camp            | Harris      | Oakley              | Trimmier          |
| Casey           | Hawkins     | Owens               | Turner            |
| Cates           | Hearn       | Perry               | Turnham           |
| Cornett         | Hocklander  | Phillips            |                   |

—83

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1024. To levy a license tax in Jefferson County, Alabama, on persons and other engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail; to provide that the tax be measured by the kind and quantity of such beverages so sold; to provide for the payment of such tax, the making of records and reports, and the maintaining of records with respect thereto; to provide for the collection and distribution of said tax, and the enforcement of the provisions of this act; to provide that the County Commission of Jefferson County, Alabama, shall have authority to adopt ordinances, rules and regulations pertaining to the collection of the tax, and the making of re-

ports and maintaining of records with respect thereto, and providing that such ordinances, rules, and regulations shall have the force and effect of law; to provide that the tax imposed shall constitute a debt to the county and may be collected by civil suit in addition to all other methods provided by law; to provide penalties for the violation of the provisions of this act; to provide that the tax, together with interest and penalties with respect thereto, shall constitute, and be secured by, a lien upon the property of any person from whom the tax is due; to require any person or others engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit from the Department of Revenue of Jefferson County, and to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from the tax, less the cost of collection shall be used solely to care for indigent sick and injured persons, including the necessary facilities therefor, who are bona fide residents of the county. In the event that other taxes are levied for these purposes, then such tax shall be used for the construction and operation of an outpatient clinic.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Perry the House concurred in and adopted the Senate substitute for the bill, H. 1024, said Senate substitute being as follows:

#### A BILL TO BE ENTITLED AN ACT

To levy a license tax in Jefferson County, Alabama, on persons and others engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail; to provide that the tax be measured by the kind and quantity of such beverages so sold, distributed, delivered, stored or taken out of storage; to provide for the payment of such tax, the making of records and reports, and the maintaining of records with respect thereto; to provide for the collection and distribution of said tax, and the enforcement of the provisions of this act; to provide that the County Commission of Jefferson County, Alabama, shall have authority to adopt ordinances, rules, and regulations pertaining to the collection of the tax, and the making of reports and maintaining of records with respect thereto, and providing that such ordinances, rules, and regulations shall have the force and effect of law; to provide that the tax imposed shall constitute a debt to the county and may be collected by civil suit in addition to all other methods provided by law; to provide penalties for the violation of the provisions of this act; to provide that the tax, together with interest and penalties with respect thereto, shall constitute, and be secured by, a lien upon the property of any person from whom the tax is due; to require any person or others engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit from the Department of Revenue of Jefferson County, and to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from the tax, less the cost of collection shall be used solely to care for indigent sick and injured persons, including the necessary facilities therefor, who are bona fide residents of the county; to provide that in the event that other taxes are levied for these purposes, then such tax shall be used for the construction and operation of an outpatient clinic; to repeal any

act now in effect in Jefferson County, Alabama, which levies a license tax on the sale of alcoholic, spirituous, vinous or fermented liquors, the proceeds of which tax are used exclusively for indigent patient care.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in Jefferson County Alabama. This act shall have the effect or repealing any act now in effect in Jefferson County which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquor, when the revenue derived from such tax is used solely for indigent patient care.

Section 2. Definitions. When used in this Act the term (a) "hotel" (b) "restaurant" (c) "club" (d) "corporation" (e) "State Liquor Store" (f) "Liquor" (g) "malt" or brewed beverages" (h) "wine" (i) "municipality" (j) "package" (k) "person" (l) "sale" or "sell", shall have the same meaning ascribed to them by Section 1 of Title 29 of the 1940 Code of Alabama, provided, however, the term "person" shall not mean and include the Alabama Alcoholic Beverage Control Board, nor the members, officers, or employees thereof, while engaged in the performance of their duties under the Alabama Alcoholic Beverage Control Act nor any liquor store or warehouse established, operated and maintained by the said Alabama Alcoholic Beverage Control Board under said Act.

Section 3. (a) Every person engaged in the sale of alcoholic, spirituous, vinous or fermented liquor, except malt or brewed beverages of an alcoholic content not in excess of four percent by weight and five percent by volume, shall, in addition to all other taxes and licenses now imposed by law, pay a license tax to Jefferson County, and a license tax is hereby fixed and created in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten cents (10c); on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five cents (25c); on each bottle or container of more than one-half pint and not more than one pint, one dollar (\$1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents (\$1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars (\$2.00); on each bottle or container of more than one quart; two dollars (\$2.00) plus ten cents (10c) for each one and six-tenths (1-6/10) ounces or fractional part thereof in excess of one quart. Wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five cents (25c). The tax hereby levied shall be paid by and through the purchase of stamps or decals purchased from the Director of Revenue of the county. It shall be unlawful for any person subject to this act to have in his possession any beverage subject to the tax hereby levied unless such person has at the place where such beverage is located a receipt issued by the store from which he purchased said beverage showing the time of purchase. Any person selling any bottle or container of two (2) ounces or less containing a beverage subject to the tax hereby levied shall simultaneously with said sale obliterate the stamp affixed to the said bottle or container; any person subject to the tax levied by this act who withdraws any beverage subject to the tax hereby levied from a bottle or container of more than two (2) ounces shall immediately break or destroy the bottle or container upon the same being emptied. Provided, however, that where the additional license tax hereby required to be paid shall have been paid by a person or distributor or seller of alcoholic, spirituous,

vinous or fermented liquors subject to this act, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on the same identical beverage; provided further, however, that any person, in order to be exempt under this provision shall first comply with the provisions of subsection (b) of this section. (b) Any person selling, distributing, delivering, storing or taking out of storage alcoholic, spirituous, vinous or fermented liquors purchased from any other person who has paid the license tax thereon as fixed in subsection (a) of this section shall not be required to pay such license; provided, however, that in order to obtain such exemption such person claiming such exemption must, on or before the fifteenth day of the month next succeeding the effective date of this Act, and on or before the 15th day of each and every calendar month thereafter, file with the Director of the Department of Revenue of Jefferson County, a written statement, sworn to and subscribed by such person claiming exemption, showing the name and address of such person, each and every purchase, receipt or procurement of alcoholic, spirituous, vinous or fermented liquors made by such person during the calendar month next preceeding, together with the name and address of the person from whom purchased, received or procured, and the brand of such beverage, the quantity of each brand of such beverages, the size of containers of each brand of such beverages, the date or dates on which purchased, received or procured, and the disposition thereof by such person claiming the exemption; such statement to be made on forms prescribed by the Director of the Department of Revenue of Jefferson County. (c) Each and every person selling, distributing, delivering, storing, or taking out of storage alcoholic, spirituous, vinous or fermented liquors subject to this Act, except such as claim and obtain exemption under the provisions of subsection (b) of this section, shall, on or before the 15th day of the month next succeeding the effective date of this Act, and on or before the 15th day of each and every month thereafter, file with the Director of the Department of Revenue of Jefferson County, on forms prescribed by the said Director of Revenue, a written statement, sworn to and subscribed by such person, showing the name and address of such person, each and every purchase, receipt or procurement of alcoholic, spirituous, vinous or fermented liquors made by such person during the calendar month next preceeding, together with the name and address of the person from whom purchased, received or procured, the brand of such beverages, the quantity of each brand of such beverages, the size of containers of each brand of such beverages and the date or dates on which purchased, received, or procured; and any person failing, refusing or omitting to file such statement as herein prescribed shall be guilty of a misdemeanor, and each day that such default continues shall constitute a separate offense.

Section 4. The county commission, is hereby authorized to adopt rules and regulations upon the recommendation of the Director of the Department of Revenue of Jefferson County, consistent with good fiscal policy, to assist and guide the efforts of the Director of Revenue in the collection of the license tax herein levied. Provided the County Commission is authorized to have prepared and to purchase stamps, decals, or other means of identification to assure the collection of the tax and assist in the enforcement of the provisions of this Act. Such stamps, or other means of identification, shall be delivered to the Director of Revenue to be used by him in the collection and enforcement of the provisions of this Act. Each stamp, or other means of identification, shall have inscribed thereon the words "Jefferson County Beverage Tax", but such words need not be arranged in the foregoing order and may be abbreviated, and such stamps shall show the amount of the tax covered by the said stamps. Any person having in their possession any unstamped or improperly stamped

beverage or beverages subject to the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$100.00.

Section 5. Every person subject to the provisions of this Act shall within one hour after the receipt of any such alcoholic, spirituous, vinous, or fermented liquor within the county, unless sooner offered for sale, cause stamps in the requisite amount of tax to be affixed. After such stamping has begun, it shall be continued with reasonable diligence by such person until all of the unstamped alcoholic, spirituous, vinous or fermented liquor required to be stamped has been stamped. Such stamps shall be affixed to each individual bottle or other container as provided in this act in such a manner that its removal will require continued application of water or steam.

Section 6. (a) Any person before engaging in selling, distributing, delivering, storing or taking out of storage any alcoholic, spirituous, vinous or fermented liquors in Jefferson County shall file with the Director of Revenue a bond in the approximate sum of two times the average monthly tax estimated by the Director of Revenue which will be due by the applicant. The bond shall be in such form and amount as may be approved by the Director of Revenue, shall be executed by a surety company licensed and duly authorized to do business in Alabama, shall be payable to the county subject to the provisions of this Act, and be conditioned upon the prompt filing of true reports, proper stamping as herein provided, and the payment by the applicant to the Director of Revenue of the license tax herein fixed and provided, together with all penalties thereon, and generally upon faithful compliance with the provisions of this Act. Upon the filing of such bond and approval thereof, the Director of Revenue shall issue a permit to applicant to engage in such business so long as applicant may not be in default in compliance with the provisions of this Act. It shall be unlawful and constitute a misdemeanor for any person to engage in selling, distributing, delivering, storing or taking out of storage any alcoholic, spirituous, vinous or fermented liquors in Jefferson County without first having filed the bond and secured the permit as required herein. (b) In the event the liability upon any bond filed under the provision of this Act shall be discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the Director of Revenue any surety on the bond theretofore given which becomes unsatisfactory or unacceptable, then the Director of Revenue may require the filing of a new or additional bond conditioned as hereinabove provided and in the event of the failure of any person, within ten days of written notice to it by the Director of Revenue to file such new or additional bond, the Director of Revenue shall revoke the permit issued to such person. (c) If the Director of Revenue shall decide that the amount of any existing bond filed by any person is insufficient, the Director of Revenue may order such person to file, within ten days after written notice by the Director of Revenue to such person, a new or additional bond in such amount as the Director of Revenue may find reasonably necessary to insure payment of all amounts due or to become due the county, and if such new or additional bond is not filed within ten days after such notice from the Director of Revenue, the Director of Revenue may revoke the permit already issued to such person. (d) Any surety on any bond furnished by any person, as above provided, shall be released and discharged from any and all liability to the county accruing on such bond after the expiration of sixty days from the date upon which surety shall have filed with the Director of Revenue written request to be released and discharged, provided,

however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue before the expiration of said sixty day period. The Director of Revenue shall promptly upon receipt of notice of such request notify the person who furnished such bond of the request of the surety on said bond, and unless such person shall, on or before the expiration of such sixty day period, file with the Director of Revenue a new bond in the amount and form hereinabove in this section provided, the Director of Revenue shall forthwith cancel the permit of said person.

Section 7. It shall be unlawful for any person having no place of business within Jefferson County to make any sale, distribution, or delivery of any alcoholic, spirituous, vinous or fermented liquors within the county without first having obtained a permit to do so from the Director of the Department of Revenue of Jefferson County; and such person shall be liable for and subject to the license tax fixed and specified in section 3 (a) of this Act.

Section 8. (a) It shall be the duty of any person subject to the license tax imposed by this Act to keep full and complete records of all purchases, receipts, inventories and of all other matters from which the correct amount of license tax to which such person is subject may be ascertained; and in the event that such person shall discontinue his business, he shall not destroy or dispose of such records until he shall have given the Director of Revenue thirty days notice in writing of his intent to destroy or dispose of such records. The failure of such person to keep such records, or his destruction or disposition of such records without giving such notice, shall constitute a misdemeanor. (b) Upon demand by the Director of Revenue or his authorized deputy, auditor, or representative, it shall be the duty of any such person subject to the license tax imposed by this Act to furnish such demanding person, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination, during reasonable hours, at such person's place of business within Jefferson County, all books of accounts, invoices, papers, reports, memoranda containing entries showing the amount of purchases, receipts, inventories, and any other information from which the correct amount of license tax to which such person is subject may be determined and any person failing or refusing to submit such records for such inspection and examination upon such demand shall be guilty of a misdemeanor. (c) If any person subject to the provisions of this act does not have in such person's control or possession, within Jefferson County, true and intelligible books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for determination of the correct amount of the license tax due, or if having in such person's possession or under such person's control such books, invoices, papers, reports or memoranda, such person shall fail or refuse to submit and exhibit the same for inspection and examination as herein required, then, in either event, it shall be the duty of the Director of the Department of Revenue of Jefferson County to ascertain, from such information and data as he may reasonably obtain, the correct amount of license tax due from such person, and to assess the same against such person and to give such person notice of said assessment and to demand of such person immediate payment of the amount of such license tax. If the amount of the license tax so ascertained and demanded is not paid within ten days after receipt of notice of the assessment and demand

for payment thereof, then, so long as said amount remains unpaid it shall be unlawful, and shall constitute a misdemeanor, for the person to engage in business, and each day's engagement in such business shall constitute a separate offense.

Section 9. Among others the following acts and omissions shall be unlawful: (a) It shall be unlawful for any person subject to the license tax imposed by this Act to fail to affix any stamps in the manner or within the time required by this act. (b) It shall be unlawful for any person to sell, offer for sale, or deliver within Jefferson County any alcoholic, spirituous, vinous, or fermented liquor on which stamps are required and have not been properly affixed. (c) It shall be unlawful for any person to have in his possession or under his control any alcoholic, spirituous, vinous, or fermented liquors not properly stamped as required for more than one hour after receipt of such alcoholic, spirituous, vinous or fermented liquor on the premises of such person. (d) It shall be unlawful to manufacture, buy, sell, offer for sale, or possess or to attempt any reproduction or counterfeit of the stamps provided for or to alter or cause to be altered any stamp provided for. (e) It shall be unlawful to remove from a bottle or container of alcoholic, spirituous, vinous or fermented liquors, or otherwise prepare, any stamp with intent to use or cause the same to be used after it has already been used; to buy, sell or offer for sale, or give away, any washed, removed, altered or restored stamp to any person, or to have in possession any such washed, removed, restored, or altered stamp, or for the purpose of indicating the payment of any tax hereunder, to reuse any tax stamp which has heretofore been used for the payment of any tax provided in this Act, or, except as to the Director of Revenue, to sell any stamp provided for herein. (f) The Director of Revenue, his agent, or any peace officer of said county, shall have authority to seize without warrant any and all alcoholic, spirituous, vinous, or fermented liquors on which the license tax levied by this Act has not been paid, including the containers or packages in which such alcoholic, spirituous, vinous or fermented liquors are found, in the possession of any person violating the provisions of this Act, and such alcoholic, spirituous, vinous or fermented liquor in the possession of such persons are hereby declared to be contraband goods and upon such confiscation shall be delivered to the Director of Revenue for sale at public auction to the highest bidder after due advertisement; the Director of Revenue may deliver such alcoholic, spirituous, vinous or fermented liquor to the County Purchasing Agent to be sold at public auction as herein provided; the proceeds of the sale of any such alcoholic, spirituous, vinous or fermented liquor sold hereunder after paying all costs shall be distributed by the Director of Revenue as provided in Section 10 of this Act. The arresting officer or person making the seizure shall proceed as follows: First he shall cause a list, containing a particular description of the alcoholic, spirituous, vinous or fermented liquor seized, showing the quantity of each brand, the size and kind of containers of each brand, the date or dates on which confiscated, and the person or persons from whom confiscated, to be prepared in duplicate. The said officer or person shall proceed to post a notice for three weeks in writing at three places in the county, that the seizure was made, describing the alcoholic, spirituous, vinous or fermented liquor, the quantity of each brand, the size of containers of each brand, stating the time and place and cause of their seizure, and requiring any person claiming them to appear and make such claim within thirty days from the date of the first posting of such notice. Second, any person claiming said liquors so seized as contraband within the time specified in the notice, may file with the Director



of Revenue a claim in writing stating his interest in the articles seized, and shall execute a bond to the Director of Revenue in the penal sum equal to double the value of the alcoholic, spirituous, vinous or fermented liquor so seized, but in no case will the said bond be less than the sum of two hundred dollars (\$200.00), with sureties to be approved by the Director of Revenue, conditioned that in the case of condemnation of the alcoholic, spirituous, vinous or fermented liquor the obligor shall pay to the Director of Revenue the full value of the alcoholic, spirituous, vinous or fermented liquor so seized, and all costs and expenses of the proceeding to obtain such condemnation, including a reasonable attorney's fee. Upon the delivery of such bond to the Director of Revenue, he shall transmit the same with the duplicate list or description of the alcoholic, spirituous, vinous or fermented liquor so seized to the county attorney, or to the solicitor of the county, and the said county attorney or solicitor shall file a bill in the Circuit Court in Equity to secure the forfeiture of said alcoholic, spirituous, vinous or fermented liquor and the bottles and containers in which seized. Upon filing the bond as aforesaid, the said alcoholic, spirituous, vinous or fermented liquor shall be delivered to the claimant pending the outcome of said case; provided, however, the proper license tax must be paid by the claimant before said alcoholic, spirituous, vinous or fermented liquor are delivered by the Director of Revenue. Third, if no claim is interposed or no bond given within the time above specified, such alcoholic, spirituous, vinous or fermented liquor shall be forfeited without further proceedings and the same shall be sold as herein provided. The proceedings against such alcoholic, spirituous, vinous or fermented liquor pursuant to the provisions of this subsection shall be considered as proceedings in rem.

Section 10. The license tax required to be paid to the Director of Revenue by this Act shall be received by him, and shall be distributed by him on or before the 15th day of the month following the month in which it is received, as follows: Two percent of said tax shall be paid to the Director of Revenue to be paid by him into the general treasury of the county for the collection, enforcement, and distribution of said tax; the remainder of said tax after first deducting the two percent as above provided, shall be paid by the Director of Revenue into a special fund known as the "Jefferson County Indigent Patient Care Fund" to be distributed on proper resolution by the County Commission exclusively for residents of Jefferson County in the care of indigent patient requirements, including the construction, maintenance or operation of emergency room facilities; provided, further, that if other taxes are levied for the foregoing purposes, then the tax hereby levied, or part thereof, may be used for the construction, maintenance or operation of an outpatient clinic exclusively for residents of Jefferson County. Provided, further, if there be in the county a county hospital authority, or county indigent pay authority, or any similar authority created by legislative act for the purpose of administering funds for indigent patient care, then such tax shall be paid by the Director of Revenue to such authority.

Section 11. It shall be the duty of the Director of Revenue to enforce the provisions of this Act, including the inspection of the premises of anyone engaged in the sale of alcoholic, spirituous, vinous or fermented liquor. It shall be unlawful for any person to interfere or obstruct the Director of Revenue, his inspector, auditor or representative in the exercise of the power and authority conferred by this act.

Section 12. Any person violating any of the provisions of this Act, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) and may also be sentenced to hard labor for the county for not exceeding six months, either or both. It shall be the duty of the Director of Revenue to receive the license tax herein levied and to make distribution as herein provided. It shall be the duty of the Director of Revenue to enforce the provisions of this Act and to check the books, records, etc., of any such person subject to the license tax imposed by this Act.

Section 13. Severability—If, for any reason, any clause, sentence, subsection, section or provision of this Act, or the application thereof to any person, body, situation or circumstance is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation or circumstance shall not be affected thereby.

Section 14. This Act shall take effect on the first day of the month following its passage and approval by the Governor or otherwise becoming a law.

Yeas 84; Nays 0.

**Yeas:**

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Daniel      | Ingram                         | Phillips                     |
| Adams <sup>(Houston)</sup> | Dickson     | Jenkins                        | Pierce                       |
| Albea                      | Dodd        | Johnson <sup>(Hardaway)</sup>  | Powell                       |
| Ashworth                   | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ramey                        |
| Bailey                     | Ferguson    | Johnston <sup>(Leonard)</sup>  | Rast                         |
| Barnett                    | Franklin    | Jones <sup>(Covington)</sup>   | Ray                          |
| Bassett                    | Gilmer      | Jones <sup>(Monroe)</sup>      | Rogers                       |
| Bevill                     | Glass       | Lee                            | Rozelle                      |
| Bishop                     | Goldthwaite | Locke                          | Self                         |
| Boyd                       | Goodwyn     | Long <sup>(Perry)</sup>        | Sessions                     |
| Brannan                    | Gordon      | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>   |
| Branyon                    | Grant       | McCorquodale                   | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Grouby      | McLendon <sup>(Bullock)</sup>  | Solomon                      |
| Britton                    | Guthrie     | Martin                         | Speaks                       |
| Brooks                     | Hanby       | Merrill                        | Steagall                     |
| Cabiness                   | Hankins     | Morrow                         | Sullivan                     |
| Camp                       | Hardy       | Nettles                        | Taylor                       |
| Casey                      | Harris      | Nichols                        | Thomas                       |
| Cates                      | Hawkins     | Oakley                         | Trimmier                     |
| Chambers                   | Hearn       | Owens                          | Turner                       |
| Cornett                    | Hocklander  | Perry                          | Turnham                      |

—84

And said bill, H. 1024, as amended by the Senate substitute, was again read at length and passed.

Yeas 81; Nays 0.

**Yeas:**

|                            |         |         |          |
|----------------------------|---------|---------|----------|
| Mr. Speaker                | Bassett | Brewer  | Chambers |
| Adams <sup>(Houston)</sup> | Bevill  | Britton | Daniel   |
| Albea                      | Bishop  | Brooks  | Dickson  |
| Ashworth                   | Boyd    | Camp    | Dodd     |
| Bailey                     | Brannan | Casey   | Faulk    |
| Barnett                    | Branyon | Cates   | Ferguson |

|             |                     |          |                   |
|-------------|---------------------|----------|-------------------|
| Franklin    | Hocklander          | Martin   | Rozelle           |
| Gilmer      | Ingram              | Merrill  | Self              |
| Glass       | Jenkins             | Morrow   | Sessions          |
| Goldthwaite | Johnson (Hardaway)  | Nettles  | Smith (Russell)   |
| Goodwyn     | Johnson (J. T. Tom) | Nichols  | Smith (St. Clair) |
| Gordon      | Johnston (Leonard)  | Oakley   | Solomon           |
| Grant       | Jones (Covington)   | Perry    | Speaks            |
| Grouby      | Jones (Monroe)      | Phillips | Steagall          |
| Guthrie     | Lee                 | Pierce   | Sullivan          |
| Hain        | Locke               | Powell   | Taylor            |
| Hanby       | Long (Perry)        | Ramey    | Thomas            |
| Hankins     | McClendon (Chamb)   | Rast     | Trimmier          |
| Hardy       | McCorquodale        | Ray      | Turner            |
| Harris      | McLendon (Bullock)  | Rogers   | Turnham           |
| Hearn       |                     |          |                   |

—81

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 335. To make further provision regarding the taxation affecting motor fuel, as defined in this Act, sold to, or withdrawn from storage or used in this State by motor carriers, as defined in this Act, including the imposition of an excise tax measured by the quantity of motor fuel used by such motor carriers in their operations in this State; the definition of the terms motor vehicle, motor carrier, operations, motor fuel, Commissioner, gasoline tax and Diesel fuel tax, as used in this Act; the fixing of the amount of such tax and provision for the collection thereof; provision for credit upon such tax for payment of the gasoline tax and the Diesel fuel tax and, in certain cases, provision for refunds of the gasoline tax and the Diesel fuel tax, if proper bond be given; provision for an audit of the records of applicants for refunds; provision for penalties for the violation of this Act; provision for the costs of administration of this Act; provision for the disposition of the proceeds of the tax imposed by this Act; provision for the making of reports by all motor carriers subject to this Act and for joint reports by certain of such motor carriers; provision for sales of motor fuel, as defined in this Act, to motor carriers duly reporting pursuant to this Act by a distributor or storer without liability for the gasoline tax or the Diesel fuel tax if such motor carrier has given bond in such amount as may be required by the Commissioner to secure the payment of the tax imposed by this Act; authorizing the Commissioner of the State Department of Revenue to promulgate rules and regulations with respect to the enforcement of the provisions of this Act; provision for reciprocal agreements with other states; provision for the modification and repeal of laws or portions thereof to the extent of any conflict with the provisions of this Act; the fixing of the effective date of this Act; and generally, provision for the enforcement of the provisions of this Act and rules and regulations adopted pursuant thereto.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Nichols the House concurred in the Senate amendment to the bill, H. 335, said Senate amendment being as follows:

## AMENDMENT TO HOUSE BILL 335

Amend Section 7 of said bill as follows:

In Section 7, line 9, strike out the words "shall be provided to" and insert in lieu thereof "which amounts are hereby appropriated for".

Yeas 80; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Daniel      | Jenkins             | Powell            |
| Adams (Houston) | Dickson     | Johnson (Hardaway)  | Ramey             |
| Albea           | Dodd        | Johnson (J. T. Tom) | Rast              |
| Ashworth        | Faulk       | Johnston (Leonard)  | Ray               |
| Avery           | Ferguson    | Jones (Covington)   | Rogers            |
| Barnett         | Gilmer      | Jones (Monroe)      | Rozelle           |
| Bassett         | Glass       | Lee                 | Self              |
| Bevill          | Goldthwaite | Locke               | Sessions          |
| Bishop          | Gordon      | Long (Perry)        | Shumate           |
| Boyd            | Grant       | McClendon (Chamb)   | Smith (Russell)   |
| Brannan         | Grouby      | McCorquodale        | Smith (St. Clair) |
| Branyon         | Guthrie     | McLendon (Bullock)  | Solomon           |
| Brewer          | Hain        | Meade               | Speaks            |
| Britton         | Hankins     | Morrow              | Steagall          |
| Brooks          | Hardy       | Nettles             | Sullivan          |
| Camp            | Harris      | Nichols             | Taylor            |
| Casey           | Harvey      | Owens               | Thomas            |
| Cates           | Hearn       | Perry               | Trimmier          |
| Chambers        | Hocklander  | Phillips            | Turner            |
| Cornett         | Ingram      | Pierce              | Turnham           |

—80

And said bill, H. 335, as amended by the Senate amendment, was again read at length and passed.

Yeas 83; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Daniel      | Johnson (Hardaway)  | Powell            |
| Adams (Houston) | Dickson     | Johnson (J. T. Tom) | Ramey             |
| Albea           | Dodd        | Johnston (Leonard)  | Rast              |
| Ashworth        | Faulk       | Jones (Covington)   | Ray               |
| Bailey          | Ferguson    | Jones (Monroe)      | Rogers            |
| Barnett         | Gilmer      | Lee                 | Rozelle           |
| Bassett         | Glass       | Locke               | Self              |
| Bevill          | Goldthwaite | McClendon (Chamb)   | Sessions          |
| Bishop          | Goodwyn     | McCorquodale        | Shumate           |
| Boyd            | Gordon      | McLendon (Bullock)  | Smith (Russell)   |
| Brannan         | Grant       | Martin              | Smith (St. Clair) |
| Branyon         | Grouby      | Meade               | Solomon           |
| Brewer          | Guthrie     | Merrill             | Speaks            |
| Britton         | Hain        | Morrow              | Steagall          |
| Brooks          | Hankins     | Nettles             | Sullivan          |
| Cabiness        | Harris      | Nichols             | Taylor            |
| Camp            | Harvey      | Oakley              | Thomas            |
| Casey           | Hearn       | Owens               | Trimmier          |
| Cates           | Hocklander  | Perry               | Turner            |
| Chambers        | Ingram      | Phillips            | Turnham           |
| Cornett         | Jenkins     | Pierce              |                   |

—83

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 850. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Berryman, Archer and Godfrey.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to House Bill 998.

Respectfully submitted,

JOSEPH G. ROBERTSON,  
Executive Secretary.

NOVEMBER 12, 1959

To the House of Representatives  
State Capitol  
Montgomery, Alabama

I am returning to you, the Body in which this bill originated, House Bill 998, with a suggested executive amendment, as follows:

Amend House Bill 998 by striking out all of Section 1 following the colon which ends the first paragraph, and inserting in lieu thereof the following:

"Beginning at the southwest corner of the Southwest Quarter of Section 6, Township 13 South, Range 10 East, in Calhoun County, Alabama; running thence north along the west line of the said "Forty" to the northwest corner thereof; thence east along the north line of the said "Forty" and continuing east along the north line of the Southeast Quarter of the Southwest Quarter of Section 6, Township 13, Range 10, to the northeast corner of said "Forty"; thence south along the east line of said "Forty" to the northeast corner of the east one-half (E½) of the Northwest Quarter of Section 7, Township 13, Range 10 and continuing south along the east line of the said east half (E½) of the Northwest Quarter to the north boundary of the right-of-way of the Piedmont-Jacksonville Highway; thence with and along the said

right-of-way southwesterly to a point where said highway right-of-way line intersects the Cherokee-Creek Indian boundary line, which is the south line of the east one-half (E½) of the Northwest Quarter of said Section 7; thence westerly along said Indian boundary line 341.9 feet to the southwest corner of the east one-half (E½) of the Northwest Quarter of said Section 7; thence north along the west line of said east one-half (E½) of Northwest Quarter to the southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 6, Township 13, Range 10 East; thence west along the south line of the said "Forty" to the point of beginning.

"All of the foregoing property being situated in Sections 6 and 7, Township 13 South, Range 10 East and in Calhoun County, Alabama."

"There is excepted from the foregoing description all the property lying within the present city limits of the City of Piedmont, Alabama.

"Also, fractional Lots Eighteen (18), Twenty-three (23) and Twenty-four (24) in fractional Section Thirty-one (31), Township Twelve (12), Range Ten (10) in Calhoun County, Alabama. There is expected from the foregoing description all the property lying within the present city limits of the City of Piedmont, Alabama. There is also excepted from this description a triangular strip of land containing Two and one-half (2½) acres, more or less, situated on the south side of the Piedmont-Gadsden Highway out of the southwest corner of the said Lot 23."

This bill is being returned with the full knowledge and approval of the author of the bill, and if the above amendment is adopted, it will remove my objection to the bill.

Respectfully,

JOHN PATTERSON,  
Governor.

#### GOVERNOR'S MESSAGE

The House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 998, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 89; Nays 0.

#### Yeas:

|                 |           |            |                     |
|-----------------|-----------|------------|---------------------|
| Mr. Speaker     | Broadfoot | Glass      | Jenkins             |
| Adams (Houston) | Brooks    | Goodwyn    | Johnson (Hardaway)  |
| Albea           | Cabiness  | Gordon     | Johnson (J. T. Tom) |
| Ashworth        | Camp      | Grant      | Johnston (Leonard)  |
| Avery           | Casey     | Grouby     | Jones (Covington)   |
| Bailey          | Cates     | Guthrie    | Jones (Monroe)      |
| Barnett         | Chambers  | Hain       | Lee                 |
| Bassett         | Cornett   | Hanby      | Locke               |
| Bevill          | Daniel    | Hankins    | Long (Perry)        |
| Bishop          | Dickson   | Hardy      | McClendon (Chamb)   |
| Boyd            | Dodd      | Harris     | McCorquodale        |
| Brannan         | Faulk     | Harvey     | McLendon (Bullock)  |
| Branyon         | Ferguson  | Hearn      | Martin              |
| Brewer          | Franklin  | Hocklander | Meade               |
| Britton         | Gilmer    | Ingram     | Merrill             |

|          |        |                              |          |
|----------|--------|------------------------------|----------|
| Morrow   | Pierce | Self                         | Steagall |
| Nettles  | Powell | Sessions                     | Sullivan |
| Nichols  | Pruitt | Shumate                      | Taylor   |
| Oakley   | Ramey  | Smith <sup>(Russell)</sup>   | Thomas   |
| Oden     | Rast   | Smith <sup>(St. Clair)</sup> | Trimmier |
| Owens    | Ray    | Solomon                      | Turner   |
| Perry    | Rogers | Speaks                       | Turnham  |
| Phillips |        |                              |          |

—89

Which was a majority of the whole number elected to the House.

And said bill:

H. 998. To alter, extend and rearrange the boundary lines and corporate limits of the City of Piedmont in Calhoun County, so as to annex certain territory to the city.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 87; Nays 0.

#### Yeas:

|                            |             |                                |                              |
|----------------------------|-------------|--------------------------------|------------------------------|
| Mr. Speaker                | Dickson     | Johnson <sup>(Hardaway)</sup>  | Pierce                       |
| Adams <sup>(Houston)</sup> | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Powell                       |
| Albea                      | Ferguson    | Johnston <sup>(Leonard)</sup>  | Pruitt                       |
| Avery                      | Franklin    | Jones <sup>(Covington)</sup>   | Ramey                        |
| Bailey                     | Gilchrist   | Jones <sup>(Monroe)</sup>      | Rast                         |
| Barnett                    | Gilmer      | Lee                            | Ray                          |
| Bassett                    | Goldthwaite | Locke                          | Rogers                       |
| Bevill                     | Goodwyn     | Long <sup>(Perry)</sup>        | Self                         |
| Bishop                     | Gordon      | McClendon <sup>(Chamb)</sup>   | Sessions                     |
| Boyd                       | Grant       | McCorquodale                   | Shumate                      |
| Brannan                    | Grouby      | McLendon <sup>(Bullock)</sup>  | Smith <sup>(Russell)</sup>   |
| Branyon                    | Guthrie     | Martin                         | Smith <sup>(St. Clair)</sup> |
| Brewer                     | Hain        | Meade                          | Solomon                      |
| Britton                    | Hanby       | Merrill                        | Speaks                       |
| Broadfoot                  | Hankins     | Morrow                         | Steagall                     |
| Brooks                     | Hardy       | Nettles                        | Sullivan                     |
| Cabiness                   | Harris      | Nichols                        | Taylor                       |
| Camp                       | Hawkins     | Oakley                         | Thomas                       |
| Casey                      | Hearn       | Oden                           | Trimmier                     |
| Cates                      | Hocklander  | Owens                          | Turner                       |
| Chambers                   | Ingram      | Perry                          | Turnham                      |
| Cornett                    | Jenkins     | Phillips                       |                              |

—87

Which was a majority of the whole number elected to the House.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

#### Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 239. To amend Section 413 of Title 37 of the 1940 Code of Alabama, as amended.

Also:

H. 521. To designate certain space on the second floor of the

Capitol for the use of the Legislature and the Committees, members, officers and employees thereof.

Also:

H. 659. TO exempt from state, county and municipal taxes, licenses, fees and charges, property owned by certain non-profit membership corporations of retired public school teachers and supervisory staff personnel.

Also:

H. 1014. To regulate further payment of compensation to deputy sheriffs by Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to pay the compensation of deputy sheriffs from the county public highway and traffic fund.

Also:

H. 1074. To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the town of Millport, Lamar County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said town; to prescribe the powers, duties, and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Green:

S. J. R. 28. WHEREAS, the mental health program has received such publicity and attention by the people of Alabama as well as by the members of this Legislature; and

WHEREAS bills have been introduced in this Legislature and are now pending before the Legislature, and it appears that some relief will be granted to this most worthwhile program, but that the long range objectives and needs will not be fully met at this time; and

WHEREAS a legislative committee on mental health was created by the provisions of SJR 6 adopted at the Second Special Session 1959 and there is a need to continue the work of this committee, as well as to enlarge the scope of its inquiries; now therefore, be it



RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint legislative committee created by S. J. R. 6, Second Special Session 1959, is hereby continued and authorized to continue working on the many problems which have not yet been solved in the field of mental health, and to study the legal status of the mentally ill in this State, with particular reference to commitment and discharge procedures for the mentally ill, and other related aspects of this problem. The committee is further directed to study the Alabama statutes relating to the problem of mental illness and bring in such recommendations for changes as in its judgment may be necessary in the light of modern psychiatric knowledge and the general practices prevailing throughout the Nation. The committee is also directed to conduct such hearings and make such inquiries as it may consider necessary to ascertain the relevant facts concerning the resources and needs for the operation of a program of providing medical and hospital care for indigent patients at the University Hospital in Jefferson County.

2. The committee shall advise with all agencies concerned with the administration of the State's health program, and make a complete investigation of the hospitals, bureaus, and agencies receiving and expending money in connection with the mental health program.

3. Each member of the committee shall receive his regular legislative compensation and expenses for each day of actual attendance at a meeting of the committee, but no member shall receive compensation or expenses for more than sixty days .

4. The committee is authorized to employ such clerical assistants as is necessary and such personnel shall be paid in accordance with Title 32, Section 13, Code of Alabama 1940. The per diem and expenses of the members of the committee and all other expenses incurred by the committee shall be paid out of any funds appropriated for the payment of expenses of the Legislature.

5. The committee shall report its findings, conclusions, and recommendations to the two Houses on or before the 5th Legislative day of the 1961 regular session.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The motion of Mr. Turnham to suspend the rules in order to bring up for immediate consideration the S. J. R. 28 set out in the above and foregoing Message from the Senate was lost.

Yeas 27; Nays 44.

#### Yeas:

|                            |         |                               |          |
|----------------------------|---------|-------------------------------|----------|
| Messrs.:                   | Daniel  | Hardy                         | Rogers   |
| Adams <sup>(Houston)</sup> | Dodd    | Hocklander                    | Shumate  |
| Avery                      | Gilmer  | Johnston <sup>(Leonard)</sup> | Speaks   |
| Barnett                    | Glass   | Jones <sup>(Covington)</sup>  | Steagall |
| Bevill                     | Guthrie | Nettles                       | Taylor   |
| Cabiness                   | Hain    | Nichols                       | Trimmier |
| Callahan                   | Hanby   | Oakley                        | Turnham  |

**Nays:**

|             |           |                    |                   |
|-------------|-----------|--------------------|-------------------|
| Mr. Speaker | Chambers  | Hearn              | Powell            |
| Ashworth    | Cornett   | Ingram             | Pruitt            |
| Bailey      | Dickson   | Jenkins            | Rast              |
| Bassett     | Faulk     | Jones (Monroe)     | Ray               |
| Bishop      | Franklin  | Locke              | Self              |
| Boyd        | Gilchrist | McClendon (Chamb)  | Sessions          |
| Brewer      | Gordon    | McLendon (Bullock) | Smith (Russell)   |
| Britton     | Gross     | Oden               | Smith (St. Clair) |
| Broadfoot   | Grouby    | Perry              | Solomon           |
| Brooks      | Hankins   | Phillips           | Sullivan          |
| Casey       | Hawkins   | Pierce             | Turner            |

—44

And said resolution, S. J. R. 28, was read and referred to the Standing Committee on Rules.

**RESOLUTIONS**

The following resolutions were introduced:

By Mr. Ashworth:

H. J. R. 100. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the members of the Legislature do hereby express their thanks and appreciation to Mr. Charles Cooper, Director of the Legislative Reference Service and all members of his staff for the excellent service and assistance they have rendered to the members of the Legislature in preparing and drafting bills, resolutions and other legislative documents.

Mr. Cooper and his staff have always been ready and able to advise with members of the Legislature and thereafter carry out our wishes in a prompt and efficient manner.

BE IT FURTHER RESOLVED That the Clerk of the House be directed to transmit a copy of this Resolution to Mr. Charles Cooper.

On motion of Mr. Ashworth the rules were suspended and H. J. R. 100 was adopted.

Also:

By Mr. Ashworth:

H. R. 101. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That the members of this body do hereby express their thanks and appreciation to the Honorable Oakley Melton, Jr., Clerk of the House of Representatives and to each and every member of his staff for a job well done during all sessions of the 1959 Legislature. The Clerk and his staff have rendered most efficient, courteous and expert service to the members of the Legislature, as well as to the public at large, and the members of this House are grateful for this excellent service.

On motion of Mr. Ashworth the rules were suspended and H. R. 101 was adopted.

Also:

By Mr. Ashworth:

H. J. R. 102. WHEREAS the printing of Bills, Resolutions, Roll Calls, Daily Calendars, Pamphlet Acts and other forms have been a necessary and vital part of the efficient functioning of this Legislature, and

WHEREAS the Brown Printing Company through their Executive Vice President, Herbert R. Nation have cooperated with the Legislature far beyond the terms of their contract to the end that at no time has the business of the Legislature been delayed, said printer having been of constant service to this Legislature, therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING that the Brown Printing Company and Mr. Nation are hereby thanked and commended for their efficiency and promptness during this session of the Legislature.

On motion of Mr. Ashworth the rules were suspended and H. J. R. 102 was adopted.

Also:

By Mr. Ashworth:

H. J. R. 103. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Secretary of the Senate, the Clerk of the House, the Secretary of State and the doorkeepers of the House and Senate be and they are hereby relieved of any responsibility for the Codes, Supplements, Acts, Journals and any other books furnished to the members of the Legislature, and

BE IT FURTHER RESOLVED that the Clerk of the House and the Secretary of the Senate be and they are hereby relieved of any responsibility for the legislative payrolls of all sessions of this year and said payrolls as heretofore submitted and paid are hereby approved.

On motion of Mr. Ashworth the rules were suspended and H. J. R. 103 was adopted.

Also:

By Mr. Ashworth:

H. J. R. 104. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature acknowledges with grateful appreciation the numerous and faithful services rendered by Miss Mittie Miller and Charles Miller, who are now and have been for many years loyally and faithfully serving the Legislature and all of its members.

BE IT FURTHER RESOLVED that "Mittie" and Charles are hereby commended and heartily thanked not only for the diligence with which they always perform their duties, but their readiness at all times to go beyond the call of duty to accomodate or render a favor to the members of the Legislature.

On motion of Mr. Ashworth the rules were suspended and H. J. R. 104 was adopted.

Also:

By Mr. Ashworth:

H. R. 105. WHEREAS, the telephone operators in the Capitol Rotunda have been most efficient and courteous in placing and receiving telephone calls for the Members of the House, and

WHEREAS, these ladies have always rendered excellent service and have been cooperative beyond the call of duty at all times and such efforts on their part are deeply appreciated by the Members of the House, now

THEREFORE BE IT RESOLVED by the House of Representatives that said House express thanks and appreciation to Mrs. Mildred Breedlove, Mrs. Cubie Trafford, Mrs. Mildred Auxford and Mrs. Oma Screws, and ask that the Clerk of the House forward a copy of this Resolution to each of these ladies.

On motion of Mr. Ashworth the rules were suspended and H. R. 105 was adopted.

Also:

By Mr. Meade:

H. J. R. 106. RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill H. B. 345, which has passed both Houses be designated and known as "The Meade, Guthrie, Harris, Ray, Oden, Harvey, Jenkins, Albea, Casey, Solomon, Godfrey and Clark Bill."

On motion of Mr. Meade the rules were suspended and H. J. R. 106 was adopted.

Also:

By Mr. Goodwyn:

H. J. R. 107. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Council be directed to make a comprehensive survey of all statutes, practices, and policies of the state government relative to the compensation of, or the method of compensating state officers and employees; also, to make comparative studies of other state government pay plans and policies and the pay plans and policies of private industry and private enterprises, toward the end of developing a systematic, feasible, harmonious, and equitable method of compensating state officers and employees on the basis of responsibility, merit, and related factors. The Council shall enlist the aid and assistance of all state departments, agencies, and institutions in the performance of their duties hereunder, especially the State Personnel Department and the director thereof, and shall hold such hearings and conduct such inquiries as may be necessary to obtain the views, advice, and suggestions of all persons and groups interested in the result of the Council's study. The Council shall submit its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the next regular session.

On motion of Mr. Goodwyn the rules were suspended and H. J. R. 107 was adopted.

### BILLS ON THIRD READING

#### S. 318 INDEFINITELY POSTPONED

On motion of Mr. Smith (St. Clair), the bill, S. 318, was indefinitely postponed.

And the bill:

S. 425. To alter or rearrange the boundary lines of the city of Pell City, St. Clair County, Alabama, so as to include within the Corporate Limits of said City all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama.

Was read a third time at length and passed.

Yeas 78; Nays 0.

**Yeas:**

|                 |             |                    |                   |
|-----------------|-------------|--------------------|-------------------|
| Mr. Speaker     | Chambers    | Hearn              | Perry             |
| Adams (Houston) | Copeland    | Hocklander         | Phillips          |
| Albea           | Cornett     | Ingram             | Pierce            |
| Ashworth        | Daniel      | Johnson (Hardaway) | Powell            |
| Avery           | Dickson     | Johnston (Leonard) | Pruitt            |
| Bailey          | Dodd        | Jones (Monroe)     | Ramey             |
| Barnett         | Ferguson    | Lee                | Rast              |
| Bassett         | Gilmer      | Locke              | Ray               |
| Bishop          | Glass       | Long (Perry)       | Rogers            |
| Boyd            | Goldthwaite | McClendon (Chamb)  | Self              |
| Brannan         | Goodwyn     | McCorquodale       | Sessions          |
| Branyon         | Grant       | McLendon (Bullock) | Smith (Russell)   |
| Brewer          | Gross       | Meade              | Smith (St. Clair) |
| Britton         | Grouby      | Merrill            | Solomon           |
| Broadfoot       | Guthrie     | Morrow             | Speaks            |
| Brooks          | Hain        | Murphy             | Steagall          |
| Cabiness        | Hankins     | Nettles            | Sullivan          |
| Callahan        | Hardy       | Nichols            | Taylor            |
| Camp            | Harris      | Oakley             | Thomas            |
| Casey           | Hawkins     |                    |                   |

—78

And the bill:

S. 460. To extend, alter and rearrange the boundary lines and corporate limits of the city of Irondale in Jefferson County, Alabama, so as to include within the corporate limits of said city of Irondale all territory now within such corporate limits and also certain other territory contiguous thereto.

Was read a third time at length and passed.

Yeas 72; Nays 0.

**Yeas:**

|             |             |                    |                   |
|-------------|-------------|--------------------|-------------------|
| Mr. Speaker | Chambers    | Harris             | Nichols           |
| Albea       | Copeland    | Hawkins            | Oakley            |
| Ashworth    | Cornett     | Hearn              | Perry             |
| Avery       | Daniel      | Hocklander         | Phillips          |
| Bailey      | Dickson     | Ingram             | Pierce            |
| Barnett     | Dodd        | Johnson (Hardaway) | Powell            |
| Bassett     | Gilchrist   | Johnston (Leonard) | Pruitt            |
| Bishop      | Gilmer      | Lee                | Rast              |
| Boyd        | Glass       | Locke              | Ray               |
| Brannan     | Goldthwaite | Long (Perry)       | Rogers            |
| Branyon     | Goodwyn     | McClendon (Chamb)  | Self              |
| Brewer      | Grant       | McLendon (Bullock) | Sessions          |
| Britton     | Gross       | Martin             | Smith (St. Clair) |
| Broadfoot   | Grouby      | Meade              | Speaks            |
| Brooks      | Guthrie     | Merrill            | Steagall          |
| Cabiness    | Hain        | Morrow             | Sullivan          |
| Camp        | Hankins     | Murphy             | Taylor            |
| Casey       | Hardy       | Nettles            | Thomas            |

—72

And the bill:

S. 459. To apply in all counties of the State having a population of not less than 500,000 according to the last or any subsequent Federal decennial census; to authorize the county commission of any county

to which this act applies to call an election for the approval or disapproval of central daylight savings time; providing for the ordering and holding of such election.

Was read a third time at length and passed.

Yeas 75; Nays 0.

**Yeas:**

|                            |             |                               |                              |
|----------------------------|-------------|-------------------------------|------------------------------|
| Mr. Speaker                | Cornett     | Harvey                        | Oakley                       |
| Adams <sup>(Houston)</sup> | Daniel      | Hawkins                       | Perry                        |
| Albea                      | Dickson     | Hearn                         | Phillips                     |
| Ashworth                   | Dodd        | Hocklander                    | Pierce                       |
| Bailey                     | Ferguson    | Ingram                        | Powell                       |
| Barnett                    | Gilchrist   | Johnson <sup>(Hardaway)</sup> | Pruitt                       |
| Bassett                    | Gilmer      | Johnston <sup>(Leonard)</sup> | Ramey                        |
| Bishop                     | Glass       | Lee                           | Rast                         |
| Royd                       | Goldthwaite | Locke                         | Ray                          |
| Brannan                    | Goodwyn     | Long <sup>(Perry)</sup>       | Rogers                       |
| Branyon                    | Grant       | McClendon <sup>(Onamib)</sup> | Seif                         |
| Brewer                     | Gross       | McLendon <sup>(Bullock)</sup> | Sessions                     |
| Britton                    | Grouby      | Martin                        | Smith <sup>(St. Clair)</sup> |
| Broadfoot                  | Guthrie     | Meade                         | Speaks                       |
| Brooks                     | Hain        | Merrill                       | Steagall                     |
| Cabiness                   | Hanby       | Morrow                        | Sullivan                     |
| Camp                       | Hankins     | Murphy                        | Taylor                       |
| Casey                      | Hardy       | Nettles                       | Thomas                       |
| Copeland                   | Harris      | Nichols                       |                              |

—75

**And the bill:**

S. 461. To prohibit any person who has attained the age of 70 years from holding any position in the classified service in any county to which Act No. 248, General Laws of Alabama, approved July 6, 1945 (1945 Acts, pp. 376-400), entitled "An Act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the county affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof," applies and to provide that this Act shall become effective January 1, 1962.

Was read a third time at length and passed.

Yeas 76; Nays 0.

**Yeas:**

|                            |             |                               |          |
|----------------------------|-------------|-------------------------------|----------|
| Mr. Speaker                | Daniel      | Hawkins                       | Nichols  |
| Adams <sup>(Houston)</sup> | Dickson     | Hearn                         | Oakley   |
| Albea                      | Dodd        | Hocklander                    | Perry    |
| Ashworth                   | Ferguson    | Ingram                        | Phillips |
| Avery                      | Gilchrist   | Johnson <sup>(Hardaway)</sup> | Pierce   |
| Bailey                     | Gilmer      | Johnston <sup>(Leonard)</sup> | Powell   |
| Barnett                    | Glass       | Jones <sup>(Monroe)</sup>     | Pruitt   |
| Bassett                    | Goldthwaite | Lee                           | Ramey    |
| Bishop                     | Goodwyn     | Locke                         | Rast     |
| Boyd                       | Grant       | Long <sup>(Perry)</sup>       | Ray      |
| Brannan                    | Gross       | McClendon <sup>(Chamb)</sup>  | Rogers   |
| Branyon                    | Grouby      | McCorquodale                  | Self     |
| Brewer                     | Guthrie     | McLendon <sup>(Bullock)</sup> | Sessions |
| Brooks                     | Hain        | Martin                        | Solomon  |
| Cabiness                   | Hanby       | Meade                         | Speaks   |
| Camp                       | Hankins     | Merrill                       | Steagall |
| Casey                      | Hardy       | Morrow                        | Sullivan |
| Chambers                   | Harris      | Murphy                        | Taylor   |
| Cornett                    | Harvey      | Nettles                       | Thomas   |

—76

**S. 409 INDEFINITELY POSTPONED**

On motion of Mr. Meade, the bill, S. 409, was indefinitely postponed.

And the bill:

S. 433. To extend, alter, and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Was taken up.

Mr. Callahan offered the following amendment to the bill, S. 433:

Amend Section 1 of Senate Bill 433 by adding on Page 10 of said Bill, after the description of Parcel B, the following words and figures:

“Less and except the territory included within the boundaries of Circlewood Subdivision Section A and Circlewood Subdivision Section B, as the same appear of record in the Office of the Probate Judge of Tuscaloosa County, Alabama, in Plat Book 5 at Pages 124 and 125.”

And the amendment was adopted.

Yeas 78; Nays 0.

**Yeas:**

|                            |           |             |         |
|----------------------------|-----------|-------------|---------|
| Mr. Speaker                | Brannan   | Cornett     | Gross   |
| Adams <sup>(Houston)</sup> | Branyon   | Daniel      | Grouby  |
| Albea                      | Brewer    | Dickson     | Guthrie |
| Ashworth                   | Britton   | Dodd        | Hain    |
| Avery                      | Broadfoot | Ferguson    | Hanby   |
| Bailey                     | Cabiness  | Gilmer      | Hankins |
| Barnett                    | Camp      | Glass       | Hardy   |
| Bassett                    | Casey     | Goldthwaite | Harris  |
| Bishop                     | Chambers  | Goodwyn     | Harvey  |
| Boyd                       | Copeland  | Grant       | Hawkins |

|                    |                    |          |                   |
|--------------------|--------------------|----------|-------------------|
| Hearn              | McCorquodale       | Perry    | Smith (Russell)   |
| Hocklander         | McLendon (Bullock) | Phillips | Smith (St. Clair) |
| Ingram             | Martin             | Pierce   | Solomon           |
| Johnson (Hardaway) | Meade              | Powell   | Speaks            |
| Johnston (Leonard) | Merrill            | Pruitt   | Steagall          |
| Jones (Covington)  | Morrow             | Ray      | Sullivan          |
| Jones (Monroe)     | Murphy             | Rogers   | Taylor            |
| Lee                | Nettles            | Self     | Thomas            |
| Long (Perry)       | Nichols            | Sessions | Turner            |
| McClendon (Chamb)  | Oakley             |          |                   |

—78

And said bill, S. 433, as thus amended, was read a third time at length and passed.

Yeas 83; Nays 0.

#### Yeas:

|                 |             |                    |                     |
|-----------------|-------------|--------------------|---------------------|
| Mr. Speaker     | Cornett     | Ingram             | Phillips            |
| Adams (Houston) | Daniel      | Johnson (Hardaway) | Pierce              |
| Albea           | Dickson     | Johnston (Leonard) | Powell              |
| Ashworth        | Dodd        | Jones (Covington)  | Pruitt              |
| Avery           | Ferguson    | Jones (Monroe)     | Ramey               |
| Bailey          | Gilmer      | Lee                | Rast                |
| Barnett         | Glass       | Locke              | Ray                 |
| Bassett         | Goldthwaite | Long (Perry)       | Reynolds (Chambers) |
| Bishop          | Grant       | McClendon (Chamb)  | Rogers              |
| Boyd            | Gross       | McCorquodale       | Self                |
| Brannan         | Grouby      | McLendon (Bullock) | Sessions            |
| Branyon         | Guthrie     | Martin             | Smith (Russell)     |
| Brewer          | Hain        | Meade              | Smith (St. Clair)   |
| Britton         | Hanby       | Merrill            | Solomon             |
| Broadfoot       | Hankins     | Morrow             | Speaks              |
| Brooks          | Hardy       | Murphy             | Steagall            |
| Cabiness        | Harris      | Nettles            | Sullivan            |
| Camp            | Harvey      | Nichols            | Taylor              |
| Casey           | Hawkins     | Oakley             | Thomas              |
| Cates           | Hearn       | Owens              | Turner              |
| Chambers        | Hocklander  | Perry              |                     |

—83

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Rast to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 427, was adopted.

And the bill:

S. 427. To propose an Amendment to the Constitution of Alabama to provide that the making and collection of mortgage loans in Alabama by non-residents solely through the Agency of loan brokers duly licensed as Mortgage Loan Brokers under the laws of Alabama, and maintaining a place of business in the State of Alabama, shall not constitute doing business in Alabama by such non-resident lender, but subjecting such non-resident lender to process in Alabama for the purpose of determining any question concerning such loans.

Was read a third time at length and passed.

Yeas 77; Nays 0.



**Yeas:**

|                            |             |                               |                            |
|----------------------------|-------------|-------------------------------|----------------------------|
| Mr. Speaker                | Copeland    | Harvey                        | Perry                      |
| Adams <sup>(Houston)</sup> | Cornett     | Hawkins                       | Phillips                   |
| Albea                      | Daniel      | Hearn                         | Pierce                     |
| Ashworth                   | Dickson     | Hocklander                    | Powell                     |
| Avery                      | Dodd        | Ingram                        | Pruitt                     |
| Bailey                     | Ferguson    | Johnson <sup>(Hardaway)</sup> | Ramey                      |
| Barnett                    | Gilchrist   | Johnston <sup>(Leonard)</sup> | Rast                       |
| Bassett                    | Gilmer      | Jones <sup>(Covington)</sup>  | Ray                        |
| Bishop                     | Glass       | Jones <sup>(Monroe)</sup>     | Rogers                     |
| Boyd                       | Goldthwaite | Lee                           | Self                       |
| Brannan                    | Goodwyn     | Long <sup>(Perry)</sup>       | Sessions                   |
| Branyon                    | Grant       | McClendon <sup>(Chamb)</sup>  | Smith <sup>(Russell)</sup> |
| Brewer                     | Gross       | McLendon <sup>(Bullock)</sup> | Solomon                    |
| Britton                    | Grouby      | Martin                        | Speaks                     |
| Broadfoot                  | Guthrie     | Merrill                       | Steagall                   |
| Cabiness                   | Hain        | Morrow                        | Sullivan                   |
| Callahan                   | Hanby       | Murphy                        | Taylor                     |
| Camp                       | Hankins     | Nichols                       | Thomas                     |
| Casey                      | Hardy       | Owens                         | Turner                     |
| Chambers                   |             |                               |                            |

—77

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Rast to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 335, was adopted.

And the bill:

S. 335. To revise and amend Chapter 4 of Title 46 of the Code of Alabama (1940), relating to the licensing of general contractors.

Was taken up.

The motion of Mr. Long (Lauderdale) to indefinitely postpone the bill, S. 335, was lost.

Yeas 10; Nays 59.

**Yeas:**

|          |           |                                |         |
|----------|-----------|--------------------------------|---------|
| Messrs.: | Broadfoot | Johnson <sup>(J. T. Tom)</sup> | Speaks  |
| Albea    | Copeland  | Long <sup>(Lauderdale)</sup>   | Turnham |
| Britton  | Hanby     | Shumate                        |         |

—10

**Nays:**

|                            |           |                               |          |
|----------------------------|-----------|-------------------------------|----------|
| Mr. Speaker                | Cornett   | Hearn                         | Phillips |
| Adams <sup>(Houston)</sup> | Daniel    | Hocklander                    | Pierce   |
| Ashworth                   | Dodd      | Ingram                        | Powell   |
| Avery                      | Faulk     | Johnson <sup>(Hardaway)</sup> | Pruitt   |
| Bailey                     | Franklin  | Lee                           | Ramey    |
| Barnett                    | Gilchrist | Locke                         | Rast     |
| Boyd                       | Gilmer    | Long <sup>(Perry)</sup>       | Rogers   |
| Brewer                     | Glass     | McLendon <sup>(Bullock)</sup> | Sessions |
| Brooks                     | Goodwyn   | Martin                        | Solomon  |
| Cabiness                   | Grant     | Meade                         | Steagall |
| Callahan                   | Grouby    | Merrill                       | Sullivan |
| Camp                       | Guthrie   | Morrow                        | Taylor   |
| Casey                      | Hain      | Murphy                        | Thomas   |
| Cates                      | Hardy     | Nettles                       | Turner   |
| Chambers                   | Hawkins   | Perry                         |          |

—59

Mr. Hocklander offered the following amendment to the bill, S. 335:

Amend Sub Sec 78 of Senate Bill 335 by deleting therefrom the words:

"and an individual firm or corporation constructing building facilities or other improvements with its own employees, for its own uses and purposes, and not to be occupied by other than its own employees".

and substitute in lieu thereof the following:

"and a person, firm or corporation constructing a building or other improvements on his or its own property".

And the amendment was adopted.

Yeas 81; Nays 0.

**Yeas:**

|                            |           |                     |                   |
|----------------------------|-----------|---------------------|-------------------|
| Mr. Speaker                | Copeland  | Hawkins             | Owens             |
| Adams <sup>(Houston)</sup> | Cornett   | Hearn               | Perry             |
| Albea                      | Daniel    | Hocklander          | Phillips          |
| Ashworth                   | Dickson   | Ingram              | Pierce            |
| Avery                      | Dodd      | Johnson (J. T. Tom) | Powell            |
| Bailey                     | Faulk     | Johnston (Leonard)  | Pruitt            |
| Bassett                    | Ferguson  | Jones (Monroe)      | Ramey             |
| Bevill                     | Franklin  | Lee                 | Rast              |
| Bishop                     | Gilchrist | Locke               | Ray               |
| Boyd                       | Gilmer    | Long (Perry)        | Rogers            |
| Brannan                    | Goodwyn   | McClendon (Chamb)   | Self              |
| Branyon                    | Gordon    | McLendon (Bullock)  | Sessions          |
| Brewer                     | Grant     | Martin              | Smith (Russell)   |
| Britton                    | Gross     | Meade               | Smith (St. Clair) |
| Broadfoot                  | Grouby    | Merrill             | Speaks            |
| Brooks                     | Guthrie   | Morrow              | Steagall          |
| Cabiness                   | Hain      | Murphy              | Taylor            |
| Camp                       | Hanby     | Nettles             | Thomas            |
| Casey                      | Hankins   | Nichols             | Turner            |
| Cates                      | Hardy     | Oden                | Turnham           |
| Chambers                   |           |                     |                   |

—81

And said bill, S. 335, as thus amended, was read a third time at length and passed.

Yeas 75; Nays 11.

**Yeas:**

|                            |           |             |                    |
|----------------------------|-----------|-------------|--------------------|
| Mr. Speaker                | Cabiness  | Goldthwaite | Hearn              |
| Adams <sup>(Houston)</sup> | Camp      | Goodwyn     | Hocklander         |
| Ashworth                   | Casey     | Gordon      | Ingram             |
| Avery                      | Cates     | Grant       | Johnson (Hardaway) |
| Bailey                     | Daniel    | Gross       | Johnston (Leonard) |
| Barnett                    | Dickson   | Grouby      | Lee                |
| Bassett                    | Dodd      | Guthrie     | Locke              |
| Bevill                     | Faulk     | Hain        | Long (Perry)       |
| Boyd                       | Ferguson  | Hankins     | McClendon (Chamb)  |
| Brannan                    | Franklin  | Hardy       | McLendon (Bullock) |
| Branyon                    | Gilchrist | Harris      | Martin             |
| Brewer                     | Gilmer    | Harvey      | Meade              |
| Brooks                     | Glass     | Hawkins     | Merrill            |

|          |        |                     |          |
|----------|--------|---------------------|----------|
| Morrow   | Pierce | Reynolds (Chambers) | Steagall |
| Murphy   | Powell | Rogers              | Sullivan |
| Nettles  | Pruitt | Self                | Taylor   |
| Nichols  | Ramey  | Sessions            | Thomas   |
| Perry    | Rast   | Smith (Russell)     | Turner   |
| Phillips | Ray    | Smith (St. Clair)   |          |

—75

**Nays:**

|           |                     |                   |         |
|-----------|---------------------|-------------------|---------|
| Messrs.:  | Copeland            | Jones (Covington) | Shumate |
| Britton   | Hanby               | Long (Lauderdale) | Speaks  |
| Broadfoot | Johnson (J. T. Tom) | Owens             | Turnham |

—11

**REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS**

**Mr. Speaker:**

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 735. Relating to counties having a population of not less than 50,000 nor more than 60,000 inhabitants, according to the last or any subsequent federal decennial census who elect to come under the provisions of this Act as hereinafter provided; providing a more convenient and efficient method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, and the transfer of ownership of motor vehicles; creating a motor vehicle license department in each county to which this Act is made to apply as herein provided and providing for the appointment, qualification, terms, compensation, powers, duties, and authority of the director and deputy director thereof; transferring to the motor vehicle license department, and the director thereof, all the powers, duties, responsibilities, liabilities and authority of the tax assessor, tax collector, and judge of probate to the registration, assessment for taxes, collection of ad valorem taxes, sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, the transfer of ownership of motor vehicles, and the distribution of the fees, charges and commissions collected and received therefrom; providing an additional and alternative method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles; providing for clerical assistance, office space, equipment, supplies, and other conveniences necessary of the efficient operation and conduct of the motor vehicle license department; providing for the method by which a county to which this Act applies can elect to come within the provisions of said Act and the effective date thereof; providing the method by which a county may withdraw from the provisions of this Act and the effective date of withdrawal; and the abolishing of all laws and parts of laws in conflict with said Act.

Also:

H. 763. To make additional appropriations to The Board of Trustees of the University of Alabama, for mental health purposes, including payment of salaries of professional and related personnel in the Department of Psychiatry of the Medical College of Alabama, operation of the out-patient Mental Health Clinic of said college, payment of stipends and scholarships to trainees in the field of psychiatry, and hospitalization of medically indigent mental patients in University Hos-

pital and Hillman Clinics, and to make additional appropriations to the State Department of Public Health for mental health purposes, including establishment and operation of mental hygiene clinics and training and research in the field of mental health.

Also:

H. 882. To amend Section Six (6) of an Act approved March 28, 1955, and found in Acts of Alabama, 1955, Volume 1, pages 122-123, relating to the appointment of an Assistant Treasurer of Mobile County; and providing for the qualifications, term, duties, bond, compensation, and manner and method of paying same, and fixing time at which said Act shall go into effect.

Also:

H. 968. Relating to the purging of voter registration lists in Covington County; providing for periodic reidentification of registered voters in Covington County and for the removal of the names of those now required by law to be stricken from the lists of registered voters in Covington County; providing for supplies to carry out reidentification and to maintain current voter files in the county; providing for the administration and enforcement of the act; and prescribing penalties.

Also:

H. 983. To amend Section 1 of Act Number 65 H. 138 approved April 5, 1956, (Acts of Alabama Special Session 1956, page 357 entitled, "To provide that the Recorder's Court of any city having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census trying any person for violation of an ordinance of such city making it unlawful to engage in or conduct a lottery, to possess lottery paraphernalia, to possess gaming paraphernalia, to engage in bookmaking, to accept bets on horse racing or other sporting events, to conduct a house of prostitution, to possess, sell, give away or display obscene pictures, prints, drawings, or literature, or to molest children shall upon the conviction of such person, have the power and authority to impose a fine not exceeding three hundred dollars upon such person and to sentence him to hard labor upon the streets or public works, or in the workhouse or house of corrections of such city for not exceeding six months; to provide that this Act shall be cumulative and the power and authority hereby granted to any such Recorder's Court shall be in addition to any power and authority which such court may have under any other law either general or local.

Also:

H. 989. To alter and extend the boundaries of the City of Birmingham, to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Also:

H. 992. To alter and extend the boundaries of the City of Birmingham to provide for an election to submit to the qualified voters of said territory to be annexed to said City of Birmingham for their approval or rejection of such alteration and extensions.

Also:

H. 999. To amend further Act No. 259, H. 530, approved June 24,

1943, an act providing for appeals to the circuit court in certain counties having a population of 400,000 or more, according to the last or any subsequent federal decennial census, from decisions of the board of equalization (General Acts, Regular Session 1943, p. 230), which is known as "The Expeditious and Economical Tax Appeals Act."

Also:

H. 994. To establish a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief or retirement and relief system heretofore established or hereafter established under Act Number 929 of Legislature of Alabama of 1951, Approved September 12, 1951 (Acts of Alabama 1951, page 1579 et seq. as amended) and on whose account, or for whose benefit, the city by whom they are employed makes no contribution, or pays no tax, to the United States of America under the Federal Social Security Act; to provide certain disability benefits for such firemen and policemen and also certain benefits for the widows and children of any such firemen or policemen who die; to make provision for a supplemental retirement benefit for such firemen and policemen, if and when said Act No. 929 is amended as stipulated in this act; to provide that from the funds of the system established by this act certain payments shall be made to the fund of the system established by said Act No. 929, subject to said Act No. 929 being amended so as to authorize the Board of Managers of the system created by said Act Number 929 to receive said payments; to establish a Board of Managers for the pension system hereby created and to provide for the method of selection of the said board and to define the power, authority and duties of the said Board of Managers; to provide for the actuarial study, investigation and report showing the probable ability or inability of the fund hereby created to meet the benefits provided for by the system created by this Act; to provide for paying from funds of the system expenses incurred in securing any such actuarial study, investigation and report; to provide that at least sixty days prior to the convening of the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to each member of the House of Representatives and of the Senate of the Legislature of Alabama residing in any county or Senatorial District wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall give such opinion separately and severally with respect to each of the said benefits, and which said report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what change or changes he considers necessary; and to provide that the Board of Managers shall present to the members of the House of Representatives and the Senator designated above a similar actuarial report or survey at least once every four years sixty days prior to the convening of a Regular Session of the Legislature of Alabama.

Also:

H. 996. To authorize the incorporation in any county in this state having a population of 500,000 or more, according to the last or any succeeding Federal Census, of a health care authority as a public corporation for hospital purposes, including, among others, the making of provisions for medical and hospital aid to the indigent sick of such county; to provide a method of effecting the incorporation of such authority and electing the members of its board of directors and its officers; to specify the powers of such board of directors and the powers

of such authority; to provide for the payment to such authority by the county in which it is organized of all revenue received and held by such county from any tax levied by the state for the benefit of the county for health and medical care of indigent residents of the county, and to authorize such county to allocate and pay other funds to such authority; to provide for the expenditure of the funds of such authority for any of its corporate purposes; to authorize the sale and issuance of securities by such authority for any of its purposes; to authorize such authority to provide the details of such securities and the pledge of revenues of the authority and the execution of mortgages or deeds of trust as security thereof; to provide that such securities shall constitute negotiable instruments; to provide that the properties and income of such authority, the securities issued by it and the interest payable thereon, and all mortgages and other instruments executed as security therefor shall be exempt from taxation; to authorize investment of fiduciary funds in securities by such authority; to require the making of annual reports and the submission of an annual budget to the governing body of such county; to provide the time and method of dissolution of such authority; to provide that the formation and dissolution of one or more such authorities shall not prevent the subsequent formation of another authority in the same county; and to authorize such county and any municipality therein to transfer to such authority projects and funds acquired or allocated for any of the purposes for which such authority shall have been organized.

Also:

H. 1023. To further regulate the Probate Court and office of Judge of Probate in counties having a population of 500,000 or more according to the last or any subsequent federal census; to authorize and empower the judge of probate in any such county to delegate and assign duties, ministerial functions and authority to the chief clerk and other clerks and personnel of such probate court and its divisions and offices; to delegate and assign to, and invest in, the chief clerk of such probate court the title, duties and power of clerk of the probate court of such county, and to further prescribe the powers, duties and authority of such (chief clerk as) clerk and register of such probate court; to authorize the appointment of deputy clerks—registers in each office of such probate court from the personnel in such offices.

Also:

H. 1024. To levy a license tax in Jefferson County, Alabama, on persons and others engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail; to provide that the tax be measured by the kind and quantity of such beverages so sold, distributed, delivered, stored or taken out of storage; to provide for the payment of such tax, the making of records and reports, and the maintaining of records with respect thereto; to provide for the collection and distribution of said tax, and the enforcement of the provisions of this act; to provide that the County Commission of Jefferson County, Alabama, shall have authority to adopt ordinances, rules and regulations pertaining to the collection of the tax, and the making of reports and maintaining of records with respect thereto, and providing that such ordinances, rules, and regulations shall have the force and effect of law; to provide that the tax imposed shall constitute a debt to the county and may be collected by civil suit in addition to all other methods provided by law; to provide penalties for the violation of the provisions of this act; to provide that the tax, together with interest and penalties with respect thereto, shall constitute, and be secured by, a lien upon the property of any person from whom the tax is due; to require any person or

others engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit from the Department of Revenue of Jefferson County, and to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from the tax, less the cost of collection shall be used solely to care for indigent sick and injured persons, including the necessary facilities therefor, who are bona fide residents of the county; to provide that in the event that other taxes are levied for these purposes, then such tax shall be used for the construction and operation of an outpatient clinic; to repeal any act now in effect in Jefferson County, Alabama, which levies a license tax on the sale of alcoholic, spirituous, vinous or fermented liquors; the proceeds of which tax are used exclusively for indigent patient care.

Also:

H. 335. To make further provision regarding the taxation affecting motor fuel, as defined in this Act, sold to, or withdrawn from storage or used in this State by motor carriers, as defined in this Act, including the imposition of an excise tax measured by the quantity of motor fuel used by such motor carriers in their operations in this State; the definition of the terms motor vehicle, motor carrier, operations, motor fuel, Commissioner, gasoline tax and Diesel fuel tax, as used in this Act; the fixing of the amount of such tax and provision for the collection thereof; provision for credit upon such tax for payment of the gasoline tax and the Diesel fuel tax and, in certain cases, provision for refunds of the gasoline tax and the Diesel fuel tax, if proper bond be given; provision for an audit of the records of applicants for refunds, provision for penalties for the violation of this Act; provision for the costs of administration of this Act; provision for the disposition of the proceeds of the tax imposed by this Act; provision for the making of reports by all motor carriers subject to this Act and for joint reports by certain of such motor carriers; provision for sales of motor fuel, as defined in this Act, to motor carriers duly reporting pursuant to this Act by a distributor or storer without liability for the gasoline tax or the Diesel fuel tax if such motor carrier has given bond in such amount as may be required by the Commissioner to secure the payment of the tax imposed by this Act; authorizing the Commissioner of the State Department of Revenue to promulgate rules and regulations with respect to the enforcement of the provisions of this Act; provision for reciprocal agreements with other states; provision for the modification and repeal of laws or portions thereof to the extent of any conflict with the provisions of this Act; the fixing of the effective date of this Act; and generally, provision for the enforcement of the provisions of this Act and rules and regulations adopted pursuant thereto.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same

herewith to the House:

H. 1130. To amend Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama entitled "An Act relating to Lawrence County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 25 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 25 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said State Use Tax; so as to adopt by reference certain provisions of the said Act No. 100 and the said Article 11, as so amended; so as to make subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

Also:

H. 1134. To alter, rearrange and extend the boundaries of Dadeville, Tallapoosa County; repealing Section 2 of Act No. 286, H. B. 197, passed at the Session of 1878-1879, and approved January 16, 1879 (Acts of Alabama 1878, p. 328).

Also:

H. 1012. To provide for the recording of conveyances in Barbour



County, and to repeal Sections 2, 3, 4 and 5 of Act No. 270, approved February 12, 1879, Acts of Alabama 1878-79, pages 295 and 296.

Also:

H. 38. Relating to civil remedies and procedures; providing for actions on worthless checks, drafts, or orders for the payment of money.

Also:

H. 952. To provide for an additional judge of the Thirteenth Judicial Circuit of Alabama.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 36. Relating to frauds concerning checks, drafts, or orders for payment of money; prohibiting the giving of worthless checks or drafts; prescribing penalties; repealing conflicting laws (Act No. 116, H. 63, approved June 20, 1951).

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Copeland the House concurred in and adopted the Senate amendment to the bill, H. 36, said Senate amendment being as follows:

#### AMENDMENT TO H. B. 36

Amend Section 1 by striking out in line 3 the words "or to make payment of any pre-existing debt or other obligation of whatsoever form or nature, or for any other purpose, including"; insert between the words "attached" in line 3 and "payment" in line 5 the words "or for the"; strike out the words "for personal services," in line 6.

Amend Section 4 by striking from the end of said section the period and inserting in lieu thereof a comma and adding the following words "for which the court may place the defendant on probation".

Yeas 80; Nays 0.

#### Yeas:

|                            |          |          |             |
|----------------------------|----------|----------|-------------|
| Mr. Speaker                | Boyd     | Cates    | Gilmer      |
| Adams <sup>(Houston)</sup> | Brannan  | Chambers | Glass       |
| Ashworth                   | Branyon  | Copeland | Goldthwaite |
| Avery                      | Brewer   | Cornett  | Gordon      |
| Bailey                     | Britton  | Daniel   | Grant       |
| Barnett                    | Brooks   | Dickson  | Gross       |
| Bassett                    | Cabiness | Faulk    | Grouby      |
| Bevill                     | Camp     | Ferguson | Guthrie     |
| Bishop                     | Casey    | Franklin | Hain        |

|                     |                    |                     |                   |
|---------------------|--------------------|---------------------|-------------------|
| Hanby               | Lee                | Nichols             | Salter            |
| Hankins             | Locke              | Oden                | Self              |
| Hardy               | Long (Perry)       | Owens               | Smith (Russell)   |
| Harris              | McClendon (Chamb)  | Phillips            | Smith (St. Clair) |
| Hearn               | McLendon (Bullock) | Pierce              | Speaks            |
| Hocklander          | Martin             | Powell              | Steagall          |
| Ingram              | Meade              | Pruitt              | Sullivan          |
| Johnson (Hardaway)  | Merrill            | Ramey               | Taylor            |
| Johnson (J. T. Tom) | Morrow             | Ray                 | Thomas            |
| Johnston (Leonard)  | Murphy             | Reynolds (Chambers) | Trimmier          |
| Jones (Monroe)      | Nettles            | Rogers              | Turner            |

—80

And said bill, H. 36, as amended by the Senate amendment, was again read at length and passed.

Yeas 78; Nays 0.

#### Yeas:

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Copeland    | Hearn               | Oakley              |
| Adams (Houston) | Daniel      | Hocklander          | Oden                |
| Ashworth        | Dickson     | Ingram              | Owens               |
| Avery           | Dodd        | Johnson (Hardaway)  | Phillips            |
| Bailey          | Faulk       | Johnson (J. T. Tom) | Pierce              |
| Barnett         | Ferguson    | Johnston (Leonard)  | Powell              |
| Bassett         | Franklin    | Jones (Monroe)      | Pruitt              |
| Bevill          | Gilmer      | Lee                 | Ramey               |
| Bishop          | Glass       | Locke               | Ray                 |
| Boyd            | Goldthwaite | Long (Perry)        | Reynolds (Chambers) |
| Brannan         | Gordon      | McClendon (Chamb)   | Rogers              |
| Branyon         | Grant       | McLendon (Bullock)  | Salter              |
| Brewer          | Gross       | Martin              | Smith (Russell)     |
| Britton         | Grouby      | Meade               | Smith (St. Clair)   |
| Brooks          | Guthrie     | Merrill             | Steagall            |
| Cabiness        | Hain        | Morrow              | Sullivan            |
| Camp            | Hanby       | Murphy              | Taylor              |
| Casey           | Hankins     | Nettles             | Trimmier            |
| Cates           | Hardy       | Nichols             | Turner              |
| Chambers        | Harris      |                     |                     |

—78

#### RESOLUTION

The following resolution was introduced:

By Mr. Smith (St. Clair):

H.J.R. 108. RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill H. B. 1042, which has passed both Houses be designated and known as "The Smith (St. Clair)-Wyatt Bill."

On motion of Mr. Smith (St. Clair) the rules were suspended and H. J. R. 108 was adopted.

#### RECESS

On motion of Mr. Boyd the House recessed until 3:00 o'clock this afternoon.

#### AFTERNOON SESSION

The hour of 3:00 o'clock P. M. having arrived, the House reconvened.

## UNFINISHED BUSINESS

The House proceeded to the consideration of the Unfinished Business, which was the bill, S. 92.

And the bill:

S. 92 (with substitute). To provide that all municipalities shall have the authority to license businesses which are subject to a state license under Section 1 of Act No. 159, approved June 23, 1945 (General Acts of Alabama 1945, page 200), as amended, for the privilege of engaging in or carrying on such business in the city or town, and that such power and authority shall not be limited or restricted.

Was again taken up.

The question was upon the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the licensing of small loan businesses, as defined by Act No. 159, approved June 23, 1945 (General Acts of Alabama 1945, page 200), as amended, by the cities and towns of this State.

Be It Enacted by the Legislature of Alabama:

Section 1. Each city and town in this State shall have the power and authority to license small loan businesses, as described by the provisions of Act No. 159, approved June 23, 1945 (General Acts of Alabama 1945, page 200) as amended, for the privilege of engaging in or carrying on such business in such municipality in an amount not exceeding \$500 per annum for each place of business; provided, however, cities and towns which were levying a license upon such businesses in excess of \$500 per annum on January 1, 1959, are hereby authorized and empowered to levy a license upon such businesses in an amount not exceeding that in effect on January 1, 1959; provided, further, that cities and towns which were on January 1, 1959 levying a license upon such businesses, said licenses being levied on percentage of the gross interest or gross brokerage fees collected from said business with a stated minimum amount of license, may at the option of said city or town levy each year on each such business a license under the provisions of this act or the license schedule in effect in said city or town on January 1, 1959. The power and authority herein granted shall not be limited or restricted by the provisions of Title 51, Section 429 of the Code of Alabama 1940, as amended.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 70; Nays 4.

**Yeas:**

Mr. Speaker  
Adams (Houston)  
Albea  
Ashworth

Bailey  
Barnett  
Bassett  
Bevill

Boyd  
Brannan  
Branyon  
Brewer

Britton  
Brooks  
Cabiness  
Casey

|          |                     |                   |                     |
|----------|---------------------|-------------------|---------------------|
| Cates    | Hain                | Lee               | Powell              |
| Cook     | Hanby               | Locke             | Pruitt              |
| Copeland | Hankins             | Long (Perry)      | Ramey               |
| Cornett  | Hardy               | McClendon (Chamb) | Reynolds (Chambers) |
| Daniel   | Harris              | Martin            | Rozelle             |
| Dickson  | Harvey              | Merrill           | Smith (Russell)     |
| Dodd     | Hearn               | Murphy            | Smith (St. Clair)   |
| Ferguson | Hocklander          | Nettles           | Solomon             |
| Gilmer   | Ingram              | Nichols           | Speaks              |
| Glass    | Jenkins             | Oakley            | Steagall            |
| Gordon   | Johnson (J. T. Tom) | Owens             | Taylor              |
| Grant    | Johnston (Leonard)  | Phillips          | Trimmier            |
| Gross    | Jones (Covington)   | Pierce            | Turner              |
| Grouby   | Jones (Monroe)      |                   |                     |

—70

**Nays:** Messrs. Guthrie, Long (Lauderdale), Shumate and Torbert. —4

Mr. Shumate offered the following amendment to the bill, S. 92, as amended:

#### AMENDMENT TO S. B. 92, AS AMENDED

Amend the bill by adding at the end of Section 1 thereof the following:

"Provided, that in cities and towns having a population of 10,000 or less such license shall not exceed two hundred fifty dollars per annum."

On motion of Mr. Long (Perry) the amendment offered by Mr. Shumate was laid upon the table.

Yeas 44; Nays 30.

#### Yeas:

|                 |          |                |              |
|-----------------|----------|----------------|--------------|
| Mr. Speaker     | Chambers | Grant          | Long (Perry) |
| Adams (Houston) | Cook     | Gross          | Merrill      |
| Albea           | Copeland | Hain           | Morrow       |
| Avery           | Cornett  | Hanby          | Pruitt       |
| Bailey          | Daniel   | Hardy          | Ramey        |
| Barnett         | Dickson  | Harris         | Rast         |
| Boyd            | Dodd     | Harvey         | Salter       |
| Brannan         | Ferguson | Hawkins        | Solomon      |
| Brewer          | Franklin | Ingram         | Speaks       |
| Brooks          | Gilmer   | Jones (Monroe) | Steagall     |
| Cabiness        | Glass    | Locke          | Turner       |

—44

#### Nays:

|          |                     |                     |                   |
|----------|---------------------|---------------------|-------------------|
| Messrs.: | Guthrie             | Nettles             | Rogers            |
| Bassett  | Jenkins             | Nichols             | Shumate           |
| Bevill   | Johnson (J. T. Tom) | Oakley              | Smith (St. Clair) |
| Britton  | Johnston (Leonard)  | Owens               | Sullivan          |
| Callahan | Lee                 | Pierce              | Taylor            |
| Camp     | Long (Lauderdale)   | Powell              | Torbert           |
| Casey    | McClendon (Chamb)   | Ray                 | Turnham           |
| Grouby   | Martin              | Reynolds (Chambers) |                   |

—30

And said bill, S. 92, as amended, was read a third time at length and passed.

Yeas 67; Nays 13.

**Yeas:**

|                            |          |                               |          |
|----------------------------|----------|-------------------------------|----------|
| Mr. Speaker                | Copeland | Harvey                        | Phillips |
| Adams <sup>(Houston)</sup> | Cornett  | Hawkins                       | Pierce   |
| Albea                      | Daniel   | Hearn                         | Powell   |
| Ashworth                   | Dickson  | Hocklander                    | Pruitt   |
| Bailey                     | Dodd     | Ingram                        | Ramey    |
| Barnett                    | Ferguson | Johnston <sup>(Leonard)</sup> | Rast     |
| Bassett                    | Franklin | Jones <sup>(Monroe)</sup>     | Ray      |
| Bevill                     | Gilmer   | Locke                         | Rogers   |
| Boyd                       | Glass    | Long <sup>(Perry)</sup>       | Rozelle  |
| Brannan                    | Grant    | Martin                        | Salter   |
| Branyon                    | Gross    | Merrill                       | Solomon  |
| Brewer                     | Grouby   | Morrow                        | Speaks   |
| Britton                    | Hain     | Murphy                        | Steagall |
| Cabiness                   | Hanby    | Nettles                       | Sullivan |
| Cates                      | Hankins  | Nichols                       | Trimmier |
| Chambers                   | Hardy    | Oakley                        | Turner   |
| Cook                       | Harris   | Owens                         |          |

—67

**Nays:**

|          |                                |                                |         |
|----------|--------------------------------|--------------------------------|---------|
| Messrs.: | Jenkins                        | Reynolds <sup>(Chambers)</sup> | Taylor  |
| Camp     | Johnson <sup>(J. T. Tom)</sup> | Shumate                        | Torbert |
| Casey    | Lee                            | Smith <sup>(St. Clair)</sup>   | Turnham |
| Guthrie  | Long <sup>(Lauderdale)</sup>   |                                |         |

—13

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Long (Perry) to suspend the rules in order to introduce a resolution was adopted.

**RESOLUTION**

The following resolution was introduced:

By Mr. Long (Perry):

H. J. R. 109. RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill H. B. 102, which has passed both Houses be designated and known as "The Gilchrist-Roberts (Madison) Bill."

On motion of Mr. Long (Perry) the rules were suspended and H. J. R. 109 was adopted.

**MOTION TO SUSPEND RULES ADOPTED**

The motion of Mr. Boyd to suspend the rules in order to introduce a resolution was adopted.

**RESOLUTION**

The following resolution was introduced:

By Mr. Boyd:

H. R. 110. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the members of this body do hereby commend the Honorable Charles C. Adams, the Speaker of the House, The Honorable Virgis M. Ashworth, the Speaker Pro Tem, The Honorable Ira Pruitt and the Honorable Joe Smith for their outstanding service in the Legislature and for their statesman like conduct and leadership of legislative business.

BE IT FURTHER RESOLVED that the members of this House do hereby express their thanks and appreciation to these men for their fairness, impartiality and assistance during all Sessions of the Legislature this year.

BE IT FURTHER RESOLVED that the Clerk of the House be directed to transmit a copy of this Resolution to the aforementioned persons.

On motion of Mr. Boyd the rules were suspended and H. R. 110 was adopted.

MOTION TO RECEIVE REPORT OF COMMITTEE ON  
CONFERENCE ADOPTED

The motion of Mr. Brewer that the House receive the Report of the Committee on Conference on the bill, H. 850, was adopted.

REPORT OF COMMITTEE OF CONFERENCE  
ON H. B. 850

We, your committee of conference appointed to reconcile the disagreement between the two houses concerning the bill, H. B. 850, report as follows:

First, we recommend that the House agree to the senate amendment to the bill.

Second, we recommend that Section 2 of the bill be amended to read as follows:

Section 2. That the boundary lines of the City of Decatur, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

Beginning at the point of intersection of the south right-of-way line of Alabama Highway No. 20 (U.S.-72A) and west city limit of City of Decatur (East boundary Section 12, Township 5 South, Range 5 West), thence west along said right-of-way line to the point of intersection with the west boundary of Section 15, Township 5 South, Range 5 West, thence south along section lines to the point of intersection with the south right-of-way line of Old Alabama Highway No. 24 (near the southeast corner of Section 27, Township 5 South, Range 5 West); thence northeasterly along said right-of-way line to the point of intersection with the East boundary of NW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 26, Township 5 South, Range 5 West, thence South along said East boundary to the southeast corner of said forty, thence East along the North boundary of SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 26 to the northeast corner of the W $\frac{1}{2}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 26, thence South to the southeast corner of said forty, thence East to the center of said Section 26, thence North to the northwest corner of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 26, thence East to the center of the NE $\frac{1}{4}$  of said Section 26, thence North along the West boundary of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26 and the West boundary of the E $\frac{1}{2}$  of the SE $\frac{1}{4}$ , Section 23, Township 5 South, Range 5 West to the point of intersection with the South right-of-way line of Old Alabama Highway 24, thence northeast along said right-of-way line to the point of intersection with the City limit line of the City of Decatur, Alabama, thence West, North, East, North, Southeast, Northeast, Southeast and North along the present Decatur City limit line to the point of beginning.

Third, we recommend that two new sections be added to the bill as follows:

Section 3. The provisions of Section 1 of this Act shall become effective immediately upon the passage and approval of the Act; but the provisions of Section 2 shall take effect only as provided in Section 4.

Section 4. (a) The provisions of Section 2 of this Act shall become effective only upon the approval of a majority of the qualified electors of Morgan County who reside within the territory described in Section 2 which is outside the present corporate limits of the City of Decatur, who vote thereon at a referendum election. The election shall be held within six months from the date of this enactment. The city council or commission of the City of Decatur shall provide for the holding of such a referendum.

(b) Notice of the election shall be given by the mayor of the City of Decatur and shall be published at least one time in a newspaper published in the City of Decatur not less than ten days prior to the date of the election. The notice shall state the date on which the election is to be held and describe the voting places designated by the council or commission of the City of Decatur and the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory to be annexed to the city by Section 2 of this Act; and the notice must also state that a map of the territory to be affected is on file in the office of the city clerk, open to inspection by the public. The council or commission of the City of Decatur shall provide for such a map.

(c) The mayor of the City of Decatur, with the approval of the council or commission of the city, shall designate as many places within the particular territory to be annexed to the City of Decatur by Section 2 of this Act as he may deem necessary for the convenience of the voters, and must designate the boundaries within which the voters must reside to vote at the respective voting places; and the mayor of said city, with the approval of the city council or commission, shall appoint the election officials necessary to conduct the election.

(d) Each qualified voter of Morgan County who has resided within the boundaries of the territory to be annexed to the city by section 2 of this Act for three months or more next preceding the election may vote at the election, but he or she must vote at the voting place designated for voters in the territory in which he or she resides and in no other place. There shall be no absentee voting in the election. The election provided for herein shall be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as modified by the provisions of this section. The election officials at the several voting places, as soon as the polls are closed on the date of the election, shall ascertain and certify the results of the election to the city clerk, and the city council or commission shall, within ten days thereafter, canvass the returns as made. If a majority of the voters who vote at the election approve of the annexation of the territory described in Section 2, the provisions of Section 2 of this Act shall become operative on the first day of the month next following the date of such election; however, if a majority of the votes cast at the election are against such annexation, the provisions of Section 2 of this Act shall have no further effect. The mayor of the City of Decatur shall certify the results

of the election to the secretary of state of the State of Alabama and to the probate judge of Morgan County within thirty days of the date of the election, and he shall file with the city clerk a copy of such certificate.

(e) The costs for holding the referendum election provided for in this section shall be paid entirely by the City of Decatur.

Fourth, we recommend that the following be added in Section 1 at the end of the paragraph designated "Tract 5" as amended following the words "Decatur-Danville Road" and north of the property shown to be owned by Paul O. Hampton.

**Conferees on part of Senate**

Dave Archer  
George Godfrey  
Robert R. Berryman

**Conferees on part of House**

Bob Gilchrist  
Hugh Merrill  
Albert P. Brewer

**CONFERENCE COMMITTEE REPORT ADOPTED**

On motion of Mr. Brewer, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 850, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 91; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dickson     | Ingram                         | Powell                         |
| Adams <sup>(Houston)</sup> | Dodd        | Jenkins                        | Pruitt                         |
| Albea                      | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Ashworth                   | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Avery                      | Franklin    | Jones <sup>(Covington)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Gilchrist   | Jones <sup>(Monroe)</sup>      | Roberts                        |
| Barnett                    | Gilmer      | Lee                            | Rogers                         |
| Bassett                    | Glass       | Locke                          | Rozelle                        |
| Bevill                     | Goldthwaite | Long <sup>(Perry)</sup>        | Salter                         |
| Bishop                     | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Boyd                       | Gordon      | McLendon <sup>(Bullock)</sup>  | Shumate                        |
| Brannan                    | Grant       | Martin                         | Smith <sup>(Russell)</sup>     |
| Branyon                    | Grouby      | Meade                          | Solomon                        |
| Brewer                     | Guthrie     | Merrill                        | Speaks                         |
| Britton                    | Hain        | Morrow                         | Steagall                       |
| Broadfoot                  | Hanby       | Murphy                         | Sullivan                       |
| Brooks                     | Hankins     | Nettles                        | Taylor                         |
| Cabiness                   | Hardy       | Nichols                        | Thomas                         |
| Cates                      | Harris      | Oakley                         | Torbert                        |
| Chambers                   | Harvey      | Oden                           | Trimmier                       |
| Copeland                   | Hawkins     | Owens                          | Turner                         |
| Cornett                    | Hearn       | Phillips                       | Turnham                        |
| Daniel                     | Hocklander  | Pierce                         |                                |

—91

And said bill:

H. 850. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

As amended by the Report of the Committee on Conference, was again read at length and passed.



Yeas 86; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Ferguson    | Johnson (J. T. Tom) | Pruitt              |
| Adams (Houston) | Franklin    | Johnston (Leonard)  | Ramey               |
| Albea           | Gilchrist   | Jones (Covington)   | Rast                |
| Ashworth        | Gilmer      | Jones (Monroe)      | Ray                 |
| Avery           | Glass       | Locke               | Reynolds (Chambers) |
| Bailey          | Goldthwaite | Long (Perry)        | Roberts             |
| Barnett         | Goodwyn     | McClendon (Chamb)   | Rogers              |
| Bevill          | Gordon      | McLendon (Bullock)  | Rozelle             |
| Bishop          | Grant       | Martin              | Salter              |
| Brannan         | Grouby      | Meade               | Sessions            |
| Branyon         | Guthrie     | Merrill             | Shumate             |
| Brewer          | Hain        | Morrow              | Solomon             |
| Broadfoot       | Hanby       | Murphy              | Speaks              |
| Brooks          | Hankins     | Nettles             | Steagall            |
| Cabiness        | Hardy       | Nichols             | Sullivan            |
| Cates           | Harris      | Oakley              | Taylor              |
| Chambers        | Harvey      | Oden                | Thomas              |
| Copeland        | Hawkins     | Owens               | Torbert             |
| Cornett         | Hearn       | Phillips            | Trimmier            |
| Dickson         | Hocklander  | Pierce              | Turner              |
| Dodd            | Ingram      | Powell              | Turnham             |
| Faulk           | Jenkins     |                     |                     |

—86

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 108. Naming H. B. 1042 "The Smith (St. Clair)-Wyatt Bill."

J. E. SPEIGHT,  
Secretary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 1077. To provide for the establishment and operation of a public clinic in the municipality of Uniontown, Perry County.

Also:

H. 1011. To amend Section 2 as amended of an act in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and provide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for

such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund including the salary of the deputy by this Act payable out of such fund to the general fund of the county, and to fix the amount of such deputy sheriff's salary payable from such fund and the time and manner of the payment thereof, and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of office of the sheriff appointing such deputy, approved May 28, 1931, reported, Local Acts Alabama 1931, pages 83-84.

Also:

H. 1065. To alter, rearrange, and extend the boundaries and corporate limits of the Town of Brent, Bibb County, Alabama, so as to annex certain territory to the Town.

Also:

H. 1075. To amend Sections 1, 2, 4, and 6 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama so that the scope of the license taxes levied in Limestone County by said Act No. 68 and the exemptions and other provisions applicable to said license taxes shall parallel, although at the rates herein specified, the scope of the state sales and use taxes levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and by Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said state sales and use taxes; so as to make subject to said license taxes, at the rates herein specified, the sale, use, storage and consumption of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding and manufacturing tangible personal property; and so as to increase the rate of said license taxes with respect to sale, use, storage or consumption of automotive vehicles, truck trailers and semi-trailers.

Also:

H. 1112. Relating to Baldwin County: Authorizing the County Commissioners of Baldwin County, Alabama, to pay the salaries of additional deputy sheriffs, designate the fund out of which said salaries shall be paid. To prescribe their method of appointment and fix their duties.

Also:

H. 839. To amend Sections 4 and 7 of Title 51, Code of Alabama 1940, which relate to applications for exemptions of factories, industries, and plants from ad valorem tax.

Also:

H. 797. To revise Article I of Chapter I of Title 23 of the Code of Alabama of 1940 as amended, in relation to Highways, Roads, Bridges and Ferrys by amending Section 23 and Section 35.

Also:

H. 752. To make additional appropriations to the State Department

of Education for each of the fiscal years ending September 30, 1960, and September 30, 1961.

Also:

H. 372. To amend further the act approved July 7, 1945 (Act No. 412, S. 261, Gen. Acts 1945, p. 647) providing for the adoption, selection, purchase, and distribution of textbooks to be used in the tax-supported public schools of Alabama.

Also:

H. 931. Relating to schools; to provide for a Committee on Courses of Study; to prescribe the qualification and compensation of its members; to define its duties; and to repeal Sections 404, 405, 406, 407 of Title 52, Code of Alabama 1940 as amended.

Also:

H. 662. For the relief of Robins Engineering, Inc: To make an appropriation of State Highway Department funds to compensate such company for certain construction work done on Alabama Highway Project S-532-B Lauderdale County, Alabama.

Also:

H. 445. To re-enact and amend Section 112 of Title 13, Code of Alabama 1940, relating to a division of the State into judicial circuits.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 66. To authorize any county board of registrars which is not furnished clerical assistance to reserve certain meeting days for the performance of such necessary clerical work as may be required of the board in connection with the discharge of its duties.

Also:

H. 67. To amend further Section 26 of Title 17, Code of Alabama (1940), which relates to meetings of county boards of registrars.

Also:

H. 981. To amend Section 87 of Title 22, Code of Alabama 1940, in relation to the enactment of regulations governing the removal or transportation of the bodies of deceased persons by cities and towns.

Also:

H. 1032. To amend Act No. 476, H. 627, approved September 9, 1955, which creates the office of deputy circuit solicitor in the twenty-third judicial circuit and provides for the appointment, duties and compensation of such officer.

Also:

H. 1079. To establish a Law and Equity Court for Shelby County,

Alabama: to define its jurisdiction and powers; to provide for its officers and appointment, election, terms, of office, powers, duties and compensation; to provide a Court Reporter for said Court, whenever needed, and to fix and prescribe his duties and compensation; to provide that said Court shall be open at all times for the trial of causes and the transaction of business; to provide the rules and procedure of said Court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court and the Juvenile Court of Shelby County, Alabama; and to give the said Court juvenile and domestic jurisdiction; and to abolish the County Court of Shelby County, Alabama.

Also:

H. 1070. To provide for the compensation of special bailiffs in the circuit courts of all counties having a population of not less than 80,000 nor more than 94,000, according to the most recent federal decennial census.

Also:

H. 1091. To provide that Justices of the Peace, in all Counties having a population of not less than 38,750 and not more than 39,250 according to the last or any subsequent Federal decennial census, shall not have any jurisdiction over any criminal offense, unless, there is no other Court or Courts existing in any such County which can lawfully exercise jurisdiction over such offense; to abolish the criminal jurisdiction of Justices of the Peace in such Counties and to confer the same upon other Court or Courts existing in such Counties which can lawfully exercise such jurisdiction.

Also:

H. 256. Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat livers; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of \$32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 100. Expressing appreciation to Mr. Charles Cooper and his staff in the Legislative Reference Service.

Also:

H. J. R. 102. Expressing appreciation to Mr. Herbert Nation and others at the Brown Printing Company for their service to the Legislature.

Also:

H. J. R. 103. Relieving Secretary of the Senate, Clerk of the House, and their doorkeepers of further responsibility for Codes, etc., and for the legislative payrolls.

Also:

H. J. R. 104. Expressing appreciation to Miss Mittie Miller and Charles Miller for their many services to the Legislature.

Also:

H. J. R. 106. Naming H. B. 345.

Also:

H. J. R. 107. Directing the Legislative Council to make a comprehensive survey of methods and policies of compensating state officers and employees.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Bill:

S. 433. To extend, alter, and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Bill:

S. 335. To revise and amend Chapter 4 of Title 46 of the Code of Alabama (1940), relating to the licensing of general contractors.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

H. 998. To alter, extend and rearrange the boundary lines and corporate limits of the City of Piedmont in Calhoun County, so as to annex certain territory to the city.

by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 24, Nays 0.

And said Bill, as thus amended by the executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being: Yeas 24, Nays 0.

And said Bill, H. B. 998, together with the executive amendment, is herewith returned to the House.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 335. To revise and amend Chapter 4 of Title 46 of the Code of Alabama (1940), relating to the licensing of general contractors.

Also:

S. 425. To alter or rearrange the boundary lines of the city of Pell City, St. Clair County, Alabama, so as to include within the Corporate limits of said City all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama.

Also:

S. 427. To propose an Amendment to the Constitution of Alabama to provide that the making and collection of mortgage loans in Alabama by non-residents solely through the Agency of loan brokers duly licensed as Mortgage Loan Brokers under the laws of Alabama, and maintaining a place of business in the State of Alabama, shall not constitute doing business in Alabama by such non-resident lender, but subjecting such non-resident lender to process in Alabama for the purpose of determining any question concerning such loans.

Also:

S. 433. To extend, alter, and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Also:

S. 459. To apply in all counties of the State having a population of not less than 500,000 according to the last or any subsequent Federal decennial census; to authorize the county commission of any county to which this act applies to call an election for the approval or disapproval of central daylight savings time; providing for the ordering and holding of such election.

Also:

S. 460. To extend, alter and rearrange the boundary lines and corporate limits of the city of Irondale in Jefferson County, Alabama, so as to include within the corporate limits of said city of Irondale all territory now within such corporate limits and also certain other territory contiguous thereto.

Also:

S. 461. To prohibit any person who has attained the age of 70 years from holding any position in the classified service in any county to which Act No. 248, General Laws of Alabama, approved July 6, 1945 (1945 Acts, pp. 376-400), entitled "An Act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the county affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof," applies and to provide that this Act shall become effective January 1, 1962.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 40. Naming Senate Bill 53.

S. J. R. 41. Allowing the Clerk of the House and the Secretary of the Senate assistants for checking Legislative Records.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immedi-

ately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles to which are set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 36. Relating to frauds concerning checks, drafts, or orders for the payment of money; prohibiting the giving of worthless checks or drafts; prescribing penalties; repealing conflicting laws (Act No. 116, H. 63, approved June 20, 1951).

Also:

H. 38. Relating to civil remedies and procedures; providing for actions on worthless checks, drafts, or orders for the payment of money.

Also:

H. 952. To provide for an additional judge of the Thirteenth Judicial Circuit of Alabama.

Also:

H. 1012. To provide for the recording of conveyances in Barbour County, and to repeal Sections 2, 3, 4 and 5 of Act No. 270, approved February 12, 1879, Acts of Alabama 1878-79, pages 295 and 296.

Also:

H. 1134. To alter, rearrange and extend the boundaries of Dadeville, Tallapoosa County; repealing Section 2 of Act No. 286, H. B. 197, passed at the Session of 1878-1879, and approved January 16, 1879 (Acts of Alabama 1878, p. 328).

Also:

H. 372. To amend further the act approved July 7, 1945 (Act No. 412, S. 261, Gen. Acts 1945, p. 647) providing for the adoption, selection, purchase, and distribution of textbooks to be used in the tax-supported public schools of Alabama.

Also:

H. 445. To re-enact and amend Section 112 of Title 13, Code of Alabama 1940, relating to a division of the State into judicial circuits.

Also:

H. 662. For the relief of Robbins Engineering, Inc: To make an appropriation of State Highway Department funds to compensate such company for certain construction work done on Alabama Highway Project S-532-B Lauderdale County, Alabama.

Also:

H. 752. To make additional appropriations to the State Department of Education for each of the fiscal years ending September 30, 1960, and September 30, 1961.



Also:

H. 797. To revise Article 1 of Chapter 1 of Title 23 of the Code of Alabama of 1940 as amended, in relation to Highways, Roads, Bridges and Ferrys by amending Section 23 and Section 35.

Also:

H. 839. To amend Sections 4 and 7 of Title 51, Code of Alabama 1940, which relate to applications for exemptions of factories, industries, and plants from ad valorem tax.

Also:

H. 931. Relating to schools; to provide for a Committee on Courses of Study; to prescribe the qualification and compensation of its members; to define its duties; and to repeal Sections 404, 405, 406, 407 of Title 52, Code of Alabama 1940 as amended.

Also:

H. 1011. To amend Section 2 as amended of an act in reference to and to further provide for the Fine and Forfeiture Fund of the County of Baldwin, Alabama, by the transfer thereto of any surplus now in or hereafter accumulating in the County Solicitors Fund created by an act of this Legislature and provide the manner of transferring such surplus thereto, and to provide for the distribution of the surplus of such Fine and Forfeiture Fund, after the payment of all other claims and demands now or hereafter chargeable by law against such funds, first to the payment therefrom of the salary of a deputy sheriff for such county, in addition to and other than the deputy sheriff whose salary is paid out of the general fund of such county, and then by transferring any surplus remaining in such fund at the expiration of each sheriff's term of office, after the payment of all claims and demands now or hereafter by law chargeable against such fund including the salary of the deputy by this Act payable out of such fund to the general fund of the county, and to fix the amount of such deputy sheriff's salary payable from such fund and the time and manner of the payment thereof, and to provide that any deficiency in the payment of such salary in any calendar year or years may be paid from any surplus in such fund accruing in any succeeding year or years only during the term of office of the sheriff appointing such deputy, approved May 28, 1931, reported, Local Acts Alabama 1931, pages 83-84.

Also:

H. 1065. To alter, rearrange, and extend the boundaries and corporate limits of the Town of Brent, Bibb County, Alabama, so as to annex certain territory to the Town.

Also:

H. 1075. To amend Sections 1, 2, 4 and 6 of Act No. 68 adopted at the 1957 Regular Session of the Legislature of Alabama so that the scope of the license taxes levied in Limestone County by said Act No. 68 and the exemptions and other provisions applicable to said license taxes shall parallel, although at the rates herein specified, the scope of the state sales and use taxes levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and by Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said state sales and use taxes; so as to make subject to said license taxes, at the rates herein specified, the

sale, use, storage and consumption of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding and manufacturing tangible personal property; and so as to increase the rate of said license taxes with respect to sale, use, storage or consumption of automotive vehicles, truck trailers and semi-trailers.

Also:

H. 1077. To provide for the establishment and operation of a public clinic in the municipality of Uniontown, Perry County.

Also:

H. 1112. Relating to Baldwin County: Authorizing the County Commissioners of Baldwin County, Alabama, to pay the salaries of additional deputy sheriffs, designate the fund out of which said salaries shall be paid. To prescribe their method of appointment and fix their duties.

Also:

H. 1130. To amend Act No. 25 adopted at the 1959 First Special Session of the Legislature of Alabama entitled "An Act relating to Lawrence County, Alabama; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes", so that the scope of the license tax levied in said Act No. 25 and the exemptions and other provisions applicable to said license tax shall parallel, although at the rates herein specified, the scope of the State Sales Tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama, and the exemptions and other provisions applicable to the said State Sales Tax; so that the scope of the excise tax levied in said Act No. 25 and the exemptions and other provisions applicable to said excise tax shall parallel, although at the rates herein specified, the scope of the State Use Tax levied by Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as last amended prior to September 1, 1959, and the exemptions and other provisions applicable to the said State Use Tax; so as to adopt by reference certain provisions of the said Act No. 100 and

the said Article 11, as so amended; so as to make subject to the said license tax the sale of machines, and parts, attachments and replacements therefor, used in mining, quarrying, compounding, processing and manufacturing tangible personal property; so as to make subject to the said excise tax the use, storage or consumption of such machines, parts, attachments, and replacements; and so as to increase the rate of said license tax and of said excise tax with respect to the sale, use, storage or consumption of automotive vehicles, trailers, and semi-trailers.

Also:

H. 66. To authorize any county board of registrars which is not furnished clerical assistance to reserve certain meeting days for the performance of such necessary clerical work as may be required of the board in connection with the discharge of its duties.

Also:

H. 67. To amend further Section 26 of Title 17, Code of Alabama (1940), which relates to meetings of county boards of registrars.

Also:

H. 256. Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act, duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and indentifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveryes; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of \$32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act.

Also:

H. 981. To amend Section 87 of Title 22, Code of Alabama 1940, in relation to the enactment of regulations governing the removal or transportation of the bodies of deceased persons by cities and towns.

Also:

H. 1032. To amend Act No. 476, H. 627, approved September 9, 1955, which creates the office of deputy circuit solicitor in the twenty-third judicial circuit and provides for the appointment, duties and compensation of such officer.

Also:

H. 1070. To provide for the compensation of special bailiffs in the circuit courts of all counties having a population of not less than 80,000

nor more than 94,000, according to the most recent federal decennial census.

Also:

H. 1079. To establish a Law and Equity Court for Shelby County, Alabama; to define its jurisdiction and powers; to provide for its officers and appointment, election, terms of office, powers, duties and compensation; to provide a Court Reporter for said Court, whenever needed, and to fix and prescribe his duties and compensation; to provide that said Court shall be open at all times for the trial of causes and the transaction of business; to provide the rules and procedure of said Court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court and the Juvenile Court of Shelby County, Alabama; and to give the said Court juvenile and domestic jurisdiction; and to abolish the County Court of Shelby County, Alabama.

Also:

H. 1091. To provide that Justices of the Peace, in all Counties having a population of not less than 38,750 and not more than 39,250 according to the last or any subsequent Federal decennial census, shall not have any jurisdiction over any criminal offense, unless, there is no other Court or Courts existing in any such County which can lawfully exercise jurisdiction over such offense; to abolish the criminal jurisdiction of Justices of the Peace in such Counties and to confer the same upon other Court or Courts existing in such Counties which can lawfully exercise such jurisdiction.

Also:

H. 998. To alter, extend and rearrange the boundary lines and corporate limits of the City of Piedmont in Calhoun County, so as to annex certain territory to the city.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 100. Relative to expressing thanks and appreciation to Mr. Charles Cooper, Director of the Legislative Reference Service, and members of his staff for their excellent service to members of the Legislature.

Also:

H. J. R. 102. Relative to commending Mr. Herbert R. Nation and

the Brown Printing Company.

Also:

H. J. R. 103. Relative to relieving the Clerk of the House of Representatives and the Secretary of the Senate of responsibility for the Codes, Supplements, Acts, Journals, etc. furnished to the members of the Legislature.

Also:

H. J. R. 104. Relative to commending Miss Mittie Miller and Charles Miller.

Also:

H. J. R. 106. Relative to naming House Bill 345.

Also:

H. J. R. 107. Relative to directing the duties of the Legislative Council.

Also:

H. J. R. 108. Relative to naming House Bill 1042.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution the titles to which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1082. To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Brannan the House concurred in and adopted the Senate substitute for the bill, H. 1082, said Senate substitute being as follows:

#### A BILL TO BE ENTITLED AN ACT

To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The boundaries of the Town of Gulf Shores in Baldwin County are hereby altered, re-arranged and extended so as to include within the corporate limits of said municipality the following described lands lying and being in said Baldwin County, to-wit:

Beginning at the Southwest corner of Section 16, Township 9 South, Range 4 East, Baldwin County, Alabama, run thence North along and with the Section line to the point of intersection of the West line of said Section 16 with the South right-of-way line of Alabama Highway No. 59; thence continue North along and with the East right-of-way line of said Alabama Highway No. 59 to the North line of said Section 16; run thence East to the Southeast corner of the West Half ( $W\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section 9, Township 9 South, Range 4, East; run thence North to the Northeast corner of said West Half ( $W\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section 9, Township 9 South, Range 4 East; run thence West to the West right-of-way line of Alabama Highway No. 59; run thence South along the West line of said Alabama Highway No. 59 to the center line of Dixie Graves Parkway; run thence Westward along and with the center line of Dixie Graves Parkway to a point North of the dividing line between Lots 16 and 17 in Division No. One of Gulf Woods; run thence South between Lots 16 and 17 in Division No. One of Gulf Woods to a point on the North line of Section 19, Township 9 South, Range 4 East, said point being 1570 feet West of the Northeast corner of said Section 19, Township 9 South, Range 4 East; run thence West along the Section line to the Northwest corner of Section 19, Township 9 South, Range 4 East; run thence South along the West line of said Section 19 to the center line of West Gulf Shores Boulevard; run thence Eastward along and with the center line of West Gulf Shores Boulevard to the West right-of-way line of West Second Street (according to the plat of Unit One of Gulf Shores, Alabama); run thence Southeastward along and with the West right-of-way line of said West Second Street to the margin of the Gulf of Mexico; run thence Northeastward along the margin of the said Gulf of Mexico to the East line of Lot 1, Block 2, Unit Five of Gulf Shores; run thence North along the East line of Lot 1, Block 2, Unit Five of Gulf Shores to the center line of East Gulf Shores Boulevard; run thence Eastward along the center line of the said East Gulf Shores Boulevard to the Alabama State Park line; run thence North along the Alabama State Park line to the North line of Section 21, Township 9 South, Range 4 East; run thence West along the Section line 0.625 mile to the point of beginning.

SECTION 2. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the Town of Gulf Shores, voting in a referendum election to be held on a day designated by the Probate Judge of Baldwin County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Baldwin County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Article 2 of Chapter 5 of Title 37, Code of Alabama 1940, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be

appropriate; provided, however, no resolution of the municipal governing body need be made or filed with the Probate Judge, nor need a plat or map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. . . . ., H. . . . of the 1959 Regular Session of the Legislature, which alters, re-arranges and extends the corporate limits of the Town of Gulf Shores in Baldwin County. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "YES". If he desires to vote against the adoption of such Act the word "NO" shall be written or printed on his ballot. The Town of Gulf Shores shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "YES" the provisions of this Act shall become operative immediately. If the majority are "NO" this Act shall have no further effect.

Yeas 64; Nays 0.

**Yeas:**

|                            |          |                               |                                |
|----------------------------|----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cates    | Harris                        | Pierce                         |
| Adams <sup>(Houston)</sup> | Chambers | Harvey                        | Powell                         |
| Albea                      | Copeland | Hawkins                       | Pruitt                         |
| Ashworth                   | Daniel   | Hocklander                    | Ramey                          |
| Bailey                     | Dickson  | Ingram                        | Rast                           |
| Bassett                    | Dodd     | Johnston <sup>(Leonard)</sup> | Ray                            |
| Bevill                     | Faulk    | Jones <sup>(Covington)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bishop                     | Gilmer   | Locke                         | Rozelle                        |
| Boyd                       | Glass    | McClendon <sup>(Chamb)</sup>  | Shumate                        |
| Brannan                    | Grant    | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Branyon                    | Grouby   | Meade                         | Solomon                        |
| Brewer                     | Guthrie  | Merrill                       | Steagall                       |
| Brooks                     | Hain     | Morrow                        | Sullivan                       |
| Cabiness                   | Hanby    | Murphy                        | Taylor                         |
| Camp                       | Hankins  | Owens                         | Trimmier                       |
| Casey                      | Hardy    | Phillips                      | Turner                         |

—64

And said bill, H. 1082, as amended by the Senate substitute, was again read at length and passed.

Yeas 72; Nays 0.

**Yeas:**

|                            |             |                                |                               |
|----------------------------|-------------|--------------------------------|-------------------------------|
| Mr. Speaker                | Camp        | Guthrie                        | McClendon <sup>(Chamb)</sup>  |
| Adams <sup>(Houston)</sup> | Casey       | Hain                           | McLendon <sup>(Bullock)</sup> |
| Albea                      | Cates       | Hanby                          | Martin                        |
| Ashworth                   | Chambers    | Hankins                        | Meade                         |
| Bailey                     | Copeland    | Hardy                          | Merrill                       |
| Bassett                    | Daniel      | Harris                         | Morrow                        |
| Bevill                     | Dickson     | Harvey                         | Murphy                        |
| Bishop                     | Dodd        | Hawkins                        | Owens                         |
| Boyd                       | Faulk       | Hocklander                     | Phillips                      |
| Brannan                    | Gilmer      | Ingram                         | Pierce                        |
| Branyon                    | Glass       | Johnson <sup>(J. T. Tom)</sup> | Powell                        |
| Brewer                     | Goldthwaite | Johnston <sup>(Leonard)</sup>  | Pruitt                        |
| Britton                    | Goodwyn     | Jones <sup>(Monroe)</sup>      | Ramey                         |
| Brooks                     | Grant       | Lee                            | Rast                          |
| Cabiness                   | Grouby      | Locke                          | Ray                           |

Reynolds<sup>(Chambers)</sup> Shumate  
 Rozelle Smith<sup>(St. Clair)</sup>  
 Sessions Solomon

Speaks  
 Steagall  
 Sullivan

Taylor  
 Trimmier  
 Turner

—72

### BILLS ON THIRD READING RESUMED

S. 86. To amend further Section 34 of Title 61, Code of Alabama 1940, in relation to the time limit for probate of wills.

Was taken up.

Mr. Hocklander offered the following substitute for the bill, S. 86:

#### A BILL TO BE ENTITLED AN ACT

To amend further Section 34 of Title 61, Code of Alabama 1940, in relation to the time limit for probate of wills.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 61, Section 34, as amended, is amended further to read as follows:

#### TIME LIMIT FOR PROBATE OF WILLS

"Section 34. Wills shall not be effective unless filed for probate within five years from the date of the death of the testator. (If the testator was not an inhabitant of this state at the time of his or her death, the will may be admitted to probate in this state pursuant to section forty-six of this title, provided the will was admitted to probate, within five years from the date of death, in the state, territory, or country where the testator resided at the time of death, and provided further, the probate in this state of the will of an inhabitant of another state, territory or country shall not be effective against persons purchasing from the heirs of such testator if such purchase was made more than five years after the death of the testator and prior to February 24, 1959.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, but it does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date

And the substitute was adopted.

Yeas 73; Nays 0.

#### Yeas:

|                            |           |          |             |
|----------------------------|-----------|----------|-------------|
| Mr. Speaker                | Bevill    | Cabiness | Faulk       |
| Adams <sup>(Houston)</sup> | Bishop    | Camp     | Ferguson    |
| Albea                      | Boyd      | Casey    | Gilchrist   |
| Ashworth                   | Brannan   | Chambers | Gilmer      |
| Avery                      | Branyon   | Copeland | Glass       |
| Bailey                     | Brewer    | Cornett  | Goldthwaite |
| Barnett                    | Britton   | Daniel   | Grant       |
| Bassett                    | Broadfoot | Dodd     | Grouby      |



|                     |                     |                     |                   |
|---------------------|---------------------|---------------------|-------------------|
| Hain                | Johnston (Leonard)  | Nettles             | Sessions          |
| Hanby               | Jones (Monroe)      | Owens               | Smith (St. Clair) |
| Hankins             | Lee                 | Phillips            | Solomon           |
| Hardy               | Locke               | Pierce              | Speaks            |
| Harris              | Long (Perry)        | Powell              | Steagall          |
| Harvey              | McClendon (Chamb)   | Pruitt              | Taylor            |
| Hocklander          | McClendon (Bullock) | Ramey               | Thomas            |
| Ingram              | Martin              | Ray                 | Torbert           |
| Jenkins             | Meade               | Reynolds (Chambers) | Trimmier          |
| Johnson (Hardaway)  | Murphy              | Rozelle             | Turner            |
| Johnson (J. T. Tom) |                     |                     |                   |

—73

And said bill, S. 86, as thus amended, was read a third time at length and passed.

Yeas 82; Nays 0.

#### Yeas:

|             |             |                     |                     |
|-------------|-------------|---------------------|---------------------|
| Mr. Speaker | Cook        | Hawkins             | Phillips            |
| Albea       | Copeland    | Hearn               | Pierce              |
| Ashworth    | Cornett     | Hocklander          | Powell              |
| Avery       | Daniel      | Ingram              | Pruitt              |
| Bailey      | Dickson     | Jenkins             | Ramey               |
| Barnett     | Dodd        | Johnson (Hardaway)  | Rast                |
| Bassett     | Faulk       | Johnson (J. T. Tom) | Ray                 |
| Bevill      | Ferguson    | Johnston (Leonard)  | Reynolds (Chambers) |
| Bishop      | Gilchrist   | Jones (Covington)   | Rozelle             |
| Boyd        | Gilmer      | Lee                 | Sessions            |
| Brannan     | Glass       | Locke               | Smith (St. Clair)   |
| Branyon     | Goldthwaite | Long (Perry)        | Solomon             |
| Brewer      | Goodwyn     | McClendon (Chamb)   | Speaks              |
| Britton     | Grant       | McClendon (Bullock) | Steagall            |
| Broadfoot   | Grouby      | Martin              | Sullivan            |
| Brooks      | Hain        | Meade               | Taylor              |
| Cabiness    | Hanby       | Merrill             | Thomas              |
| Camp        | Hankins     | Murphy              | Torbert             |
| Casey       | Hardy       | Nettles             | Trimmier            |
| Cates       | Harris      | Owens               | Turner              |
| Chambers    | Harvey      |                     |                     |

—82

#### S. 225 INDEFINITELY POSTPONED

On motion of Mr. Meade, the bill, S. 225, was indefinitely postponed.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Torbert to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 376, was adopted.

And the bill:

S. 376. Relating to the fees and compensation of coroners; amending Sections 94 and 95 of Title 11, Code of Alabama 1940.

Was read a third time at length and passed.

Yeas 77; Nays 0.

**Yeas:**

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Copeland    | Hocklander                     | Powell                         |
| Adams <sup>(Houston)</sup> | Daniel      | Ingram                         | Ramey                          |
| Albea                      | Dickson     | Johnson <sup>(Hardaway)</sup>  | Rast                           |
| Ashworth                   | Dodd        | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Avery                      | Faulk       | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Ferguson    | Jones <sup>(Covington)</sup>   | Roberts                        |
| Bassett                    | Gilchrist   | Jones <sup>(Monroe)</sup>      | Rozelle                        |
| Bevill                     | Gilmer      | Lee                            | Sessions                       |
| Bishop                     | Goldthwaite | Long <sup>(Perry)</sup>        | Smith <sup>(Russell)</sup>     |
| Boyd                       | Goodwyn     | McClendon <sup>(Chamb)</sup>   | Smith <sup>(St. Clair)</sup>   |
| Brannan                    | Grant       | McLendon <sup>(Bullock)</sup>  | Solomon                        |
| Brewer                     | Gross       | Meade                          | Speaks                         |
| Britton                    | Grouby      | Merrill                        | Steagall                       |
| Broadfoot                  | Hain        | Morrow                         | Sullivan                       |
| Brooks                     | Hankins     | Murphy                         | Taylor                         |
| Cabiness                   | Hardy       | Nettles                        | Thomas                         |
| Camp                       | Harris      | Owens                          | Torbert                        |
| Casey                      | Harvey      | Phillips                       | Trimmier                       |
| Cates                      | Hearn       | Pierce                         | Turner                         |
| Chambers                   |             |                                |                                |

—77

**REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS**

**Mr. Speaker:**

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 1082. To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County, Alabama.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

**SIGNING OF BILL**

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

**BILLS ON THIRD READING RESUMED**

S. 28. To declare illegal the failure on part of all persons soliciting, making, procuring or receiving the same to make disclosure as to any contribution, commitment, acceptance or use of funds, assets or services in aid of the institution or maintenance of any suit or proceeding against the State of Alabama or any official, agency or subdivision thereof with respect to any order or official action of such Authority or to establish immunity or obtain injunction or declaratory action with respect thereto; also to provide criminal penalties for failure to make such disclosure or for wilfully making false statements therein and providing for the enforcement of this Act.

Was read a third time at length and passed.

Yeas 79; Nays 0.

**Yeas:**

|                            |            |                                |                                |
|----------------------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cornett    | Ingram                         | Powell                         |
| Adams <sup>(Houston)</sup> | Daniel     | Jenkins                        | Ramey                          |
| Albea                      | Dickson    | Johnson <sup>(Hardaway)</sup>  | Rast                           |
| Ashworth                   | Dodd       | Johnson <sup>(J. T. Tom)</sup> | Ray                            |
| Avery                      | Faulk      | Johnston <sup>(Leonard)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Ferguson   | Jones <sup>(Covington)</sup>   | Roberts                        |
| Bassett                    | Gilchrist  | Jones <sup>(Monroe)</sup>      | Rozelle                        |
| Bevill                     | Gilmer     | Lee                            | Sessions                       |
| Bishop                     | Glass      | Locke                          | Shumate                        |
| Boyd                       | Grant      | McClendon <sup>(Chamb)</sup>   | Smith <sup>(Russell)</sup>     |
| Brannan                    | Gross      | McLendon <sup>(Bullock)</sup>  | Smith <sup>(St. Clair)</sup>   |
| Branyon                    | Grouby     | Martin                         | Solomon                        |
| Brewer                     | Hain       | Meade                          | Speaks                         |
| Brooks                     | Hankins    | Merrill                        | Steagall                       |
| Cabiness                   | Hardy      | Morrow                         | Sullivan                       |
| Callahan                   | Harris     | Nettles                        | Taylor                         |
| Camp                       | Harvey     | Oakley                         | Thomas                         |
| Casey                      | Hawkins    | Owens                          | Trimmier                       |
| Cates                      | Hearn      | Phillips                       | Turner                         |
| Chambers                   | Hocklander | Pierce                         |                                |

—79

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 522. To amend Section 3 of an act approved July 9, 1943, creating the Elementary Teachers Scholarship Fund (Act No. 535, S. 371, General Acts 1943, p. 509) so as to provide that funds available to each teachers college for the purpose of making scholarship grants directly may be used instead to match federal funds made available for a like purpose.

J. E. SPEIGHT,  
Secretary.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee on Conference appointed to reconcile the differences between the two Houses on the Senate amendment to the Bill:

H. 850. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

And said Bill, as thus amended by the Conference report, was again read at length and passed.

And said Bill, H. B. 850, together with the Conference report, is herewith returned to the House.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 437 To create an additional judgeship for, and a domestic relations division of, the Sixth Judicial Circuit of Alabama; defining its jurisdiction and authority; and providing that the judge of the domestic relations division of the Circuit Court shall be ex-officio judge of the Juvenile Court.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Callahan the House concurred in and adopted the Senate substitute for the bill, H. 437, said Senate substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize and create an additional Judge of the Sixth Judicial Circuit of Alabama, to be designated Circuit Judge place number three therein and to provide for his election, jurisdiction, powers, duties, authority and qualifications, to render him liable to all the pains and penalties of other Circuit Judges of the State of Alabama and to provide that such circuit Judge number three shall be ex-officio Judge of all courts in such circuit as to Juvenile and Domestic Relations cases, hearings and proceedings and shall have the supervision and direction of all personnel in the Sixth Judicial Circuit of Alabama as to Juvenile and Domestic Relations and to provide for and fix the salary of such Judge.

Be It Enacted by the Legislature of Alabama:

Section 1. After a judge has been elected as hereinafter provided in this Act, there shall be three circuit judges for the Sixth Judicial Circuit for the State of Alabama.

Section 2. Said additional judge of and for the Sixth Judicial Circuit of Alabama shall be elected at the next general election of any state officers, to hold office for a term to expire at the next general election for circuit judges. His successor shall be elected at the next general election for circuit judges, and every six years thereafter, for the same term of office as other circuit judges in the sixth judicial circuit.

Section 3. That the said additional judge hereby authorized shall be known and designated circuit judge, place number three, of the Sixth Judicial Circuit of Alabama and said additional judge shall have and exercise all the jurisdiction, powers, rights, and authority and shall possess all the qualifications and may perform all the duties that the other circuit judges of the State of Alabama may exercise, shall possess or may perform, and he shall be liable to all the pains and penalties of said other circuit judges of the State.

Section 4. That in addition to the duties imposed on him by law, said circuit judge, place number 3, shall also be ex-officio judge of all courts in the Sixth Judicial circuit of Alabama having or exercising jurisdiction as to juvenile and domestic relations matters and as to juvenile and domestic relations cases, hearings and proceedings, and such judge shall have and exercise exclusive jurisdiction in such juvenile and domestic relations matters, cases, hearings and proceedings therein and shall have and exercise all the functions and powers conferred upon juvenile and domestic relations courts under the terms of Chapter 7, Title 13; Chapter 4, Title 34; Chapter 6, Title 45; Chapter 11, Title 52; Code of Alabama 1940 or any statute amendatory thereof or supplemental thereto.

Section 5. That said circuit judge, place number three, shall have and exercise supervision and direction of all personnel in such judicial circuit engaged or employed in juvenile or domestic relations matters.

Section 6. Said circuit judge, place number three, shall be entitled to receive the same salary, to be paid in the same manner and from the same sources, as the other two judges of the sixth judicial circuit, including any supplemental salary and/or expenses paid by any county in said circuit.

Section 7. Appeals to the circuit court from the judgments or orders of any court in said county exercising juvenile or domestic relations jurisdiction shall be assigned by the presiding judge of the Sixth Judicial circuit to judges of said court other than circuit judge place number three

Section 8. That if any section, clause or provision of this Act shall be declared to be unconstitutional the same shall not be held to affect any other section, clause or provision but the same shall remain in full force and effect.

Section 9. That all laws and parts of laws, either general, local or special, in conflict with the provisions of this Act are hereby repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Yeas 78; Nays 0.

**Yeas:**

|                 |           |                     |                    |
|-----------------|-----------|---------------------|--------------------|
| Mr. Speaker     | Callahan  | Grouby              | Locke              |
| Adams (Houston) | Camp      | Guthrie             | McClendon (Chamb)  |
| Albea           | Casey     | Hain                | McLendon (Bullock) |
| Ashworth        | Cates     | Hankins             | Martin             |
| Avery           | Chambers  | Harris              | Meade              |
| Barnett         | Cook      | Harvey              | Merrill            |
| Bassett         | Daniel    | Hawkins             | Murphy             |
| Bevill          | Dickson   | Hearn               | Nettles            |
| Bishop          | Dodd      | Hocklander          | Oakley             |
| Boyd            | Faulk     | Ingram              | Owens              |
| Brannan         | Ferguson  | Jenkins             | Phillips           |
| Branyon         | Gilchrist | Johnson (Hardaway)  | Pierce             |
| Britton         | Gilmer    | Johnson (J. T. Tom) | Powell             |
| Broadfoot       | Glass     | Johnston (Leonard)  | Pruitt             |
| Brooks          | Grant     | Jones (Covington)   | Ramey              |
| Cabiness        | Gross     | Lee                 | Ray                |

|                     |                   |          |          |
|---------------------|-------------------|----------|----------|
| Reynolds (Chambers) | Smith (Russell)   | Steagall | Thomas   |
| Rozelle             | Smith (St. Clair) | Sullivan | Trimmier |
| Sessions            | Solomon           | Taylor   | Turner   |
| Shumate             | Speaks            |          |          |

—78

And said bill, H. 437, as amended by the Senate substitute, was again read at length and passed.

Yeas 76; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Chambers    | Hearn               | Phillips            |
| Adams (Houston) | Cook        | Hocklander          | Pierce              |
| Ashworth        | Dickson     | Ingram              | Powell              |
| Avery           | Dodd        | Jenkins             | Pruitt              |
| Barnett         | Faulk       | Johnson (Hardaway)  | Ramey               |
| Bassett         | Ferguson    | Johnson (J. T. Tom) | Ray                 |
| Bevill          | Gilchrist   | Johnston (Leonard)  | Reynolds (Chambers) |
| Bishop          | Gilmer      | Jones (Covington)   | Rozelle             |
| Boyd            | Glass       | Lee                 | Sessions            |
| Brannan         | Goldthwaite | Locke               | Shumate             |
| Branyon         | Grant       | McClendon (Chamb)   | Smith (St. Clair)   |
| Britton         | Gross       | McLendon (Bullock)  | Solomon             |
| Broadfoot       | Grouby      | Martin              | Speaks              |
| Brooks          | Guthrie     | Meade               | Steagall            |
| Cabiness        | Hain        | Merrill             | Sullivan            |
| Callahan        | Hankins     | Murphy              | Taylor              |
| Camp            | Harris      | Nettles             | Thomas              |
| Casey           | Harvey      | Oakley              | Trimmier            |
| Cates           | Hawkins     | Owens               | Turner              |

—76

**BILLS ON THIRD READING RESUMED**

S. 160. Relating to cooperative agricultural associations: To amend Section 105 of Title 2 of the Code of Alabama of 1940 which relates to the use of the word "cooperative" in the name of agricultural cooperative associations.

Was read a third time at length and passed.

Yeas 73; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Cates       | Hain                | McClendon (Chamb)   |
| Adams (Houston) | Chambers    | Hankins             | McLendon (Bullock)  |
| Ashworth        | Cook        | Hardy               | Martin              |
| Avery           | Cornett     | Harris              | Meade               |
| Barnett         | Dickson     | Harvey              | Merrill             |
| Bassett         | Dodd        | Hawkins             | Murphy              |
| Bevill          | Faulk       | Hearn               | Nettles             |
| Bishop          | Ferguson    | Hocklander          | Oakley              |
| Boyd            | Gilchrist   | Ingram              | Phillips            |
| Brannan         | Gilmer      | Jenkins             | Pierce              |
| Britton         | Glass       | Johnson (Hardaway)  | Powell              |
| Broadfoot       | Goldthwaite | Johnson (J. T. Tom) | Ramey               |
| Brooks          | Grant       | Johnston (Leonard)  | Ray                 |
| Cabiness        | Gross       | Jones (Covington)   | Reynolds (Chambers) |
| Camp            | Grouby      | Lee                 | Rozelle             |
| Casey           | Guthrie     | Locke               | Sessions            |

Shumate  
Smith (St. Clair)  
Solomon

Speaks  
Steagall

Sullivan  
Thomas

Trimmier  
Turner

—73

And the bill:

S. 161. Relating to cooperative agricultural associations: To amend Sections 116, 117 and 118 of Title 2 of the Code of Alabama of 1940 which relate to the organization and management of agricultural cooperative associations such amendments to prescribe the procedure whereby said organizations may amend its declarations of incorporation, by-laws and fill vacancies occurring on boards of directors.

Was read a third time at length and passed.

Yeas 75; Nays 0.

**Yeas:**

|             |             |                     |                   |
|-------------|-------------|---------------------|-------------------|
| Mr. Speaker | Dodd        | Hearn               | Oakley            |
| Albea       | Faulk       | Hocklander          | Phillips          |
| Ashworth    | Ferguson    | Ingram              | Powell            |
| Barnett     | Gilchrist   | Jenkins             | Ramey             |
| Bevill      | Gilmer      | Johnson (Hardaway)  | Rast              |
| Bishop      | Glass       | Johnson (J. T. Tom) | Ray               |
| Brannan     | Goldthwaite | Johnston (Leonard)  | Rozelle           |
| Branyon     | Goodwyn     | Jones (Covington)   | Salter            |
| Brewer      | Grant       | Jones (Monroe)      | Sessions          |
| Broadfoot   | Gross       | Lee                 | Shumate           |
| Cabiness    | Grouby      | Locke               | Smith (St. Clair) |
| Camp        | Guthrie     | Long (Perry)        | Solomon           |
| Casey       | Hain        | McClendon (Chamb)   | Speaks            |
| Cates       | Hanby       | Martin              | Steagall          |
| Chambers    | Hankins     | Meade               | Sullivan          |
| Cook        | Hardy       | Merrill             | Thomas            |
| Cornett     | Harris      | Morrow              | Trimmier          |
| Daniel      | Harvey      | Murphy              | Turner            |
| Dickson     | Hawkins     | Nettles             |                   |

—75

And the bill:

S. 162. Relating to cooperative agricultural associations: To amend Section 76 of Title 2 of the Code of Alabama of 1940 to authorize Boards of Directors of Agricultural cooperative associations to mortgage real estate owned by such cooperative associations.

Was read a third time at length and passed.

Yeas 75; Nays 0.

**Yeas:**

|             |          |             |            |
|-------------|----------|-------------|------------|
| Mr. Speaker | Cabiness | Faulk       | Hanby      |
| Albea       | Camp     | Ferguson    | Hankins    |
| Ashworth    | Casey    | Gilmer      | Hardy      |
| Barnett     | Cates    | Glass       | Harris     |
| Bevill      | Chambers | Goldthwaite | Harvey     |
| Bishop      | Cook     | Goodwyn     | Hawkins    |
| Brannan     | Cornett  | Grant       | Hearn      |
| Branyon     | Daniel   | Grouby      | Hocklander |
| Broadfoot   | Dickson  | Guthrie     | Ingram     |
| Brooks      | Dodd     | Hain        | Jenkins    |

|                                |          |                              |          |
|--------------------------------|----------|------------------------------|----------|
| Johnson <sup>(Hardaway)</sup>  | Martin   | Powell                       | Solomon  |
| Johnson <sup>(J. T. Tom)</sup> | Meade    | Pruitt                       | Speaks   |
| Johnston <sup>(Leonard)</sup>  | Merrill  | Ramey                        | Steagall |
| Jones <sup>(Covington)</sup>   | Morrow   | Rast                         | Sullivan |
| Jones <sup>(Monroe)</sup>      | Murphy   | Ray                          | Taylor   |
| Lee                            | Nettles  | Rozelle                      | Thomas   |
| Locke                          | Oakley   | Salter                       | Trimmier |
| Long <sup>(Perry)</sup>        | Owens    | Sessions                     | Turner   |
| McClendon <sup>(Chamb)</sup>   | Phillips | Smith <sup>(St. Clair)</sup> |          |

—75

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Reynolds (Chambers) to suspend the rules in order to introduce a resolution was adopted.

## RESOLUTION

The following resolution was introduced:

By Messrs. Reynolds (Chambers) and McClendon (Chambers):

H. R. 111. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

WHEREAS, The Valley High School football team has completed one of the outstanding records in the history of said school, and

WHEREAS, Said Valley High School football team has completed an undefeated and untied season with a point average in excess of 33 per game and has contained its opponents to less than 3½ points per game, and

WHEREAS, Said Valley High School football team has won the Confederate Conference in competition over eleven other outstanding teams of Alabama;

BE IT HEREBY RESOLVED THAT The House of Representatives do extend its congratulations to an outstanding team for such an outstanding record and show of sportsmanship.

BE IT FURTHER RESOLVED THAT a copy of this resolution be sent to the members of the Valley High football squad and its coaching staff.

On motion of Mr. Reynolds (Chambers) the rules were suspended and H. R. 111 was adopted.

## BILLS ON THIRD READING RESUMED

S. 49. To provide further for furnishing information of convictions to boards of registrars by requiring justices of the peace, notaries public ex officio justices of the peace, judges of recorders' courts and clerks of all county courts or other courts of record to report the names of persons convicted of crimes disqualifying them from voting; providing a penalty for violations of the Act.

Was read a third time at length and passed.

Yeas 77; Nays 0.

## Yeas:

|                            |          |         |        |
|----------------------------|----------|---------|--------|
| Mr. Speaker                | Albea    | Avery   | Bevill |
| Adams <sup>(Houston)</sup> | Ashworth | Barnett | Bishop |



|           |             |                     |                     |
|-----------|-------------|---------------------|---------------------|
| Brannan   | Goldthwaite | Johnson (Hardaway)  | Powell              |
| Branyon   | Goodwyn     | Johnson (J. T. Tom) | Pruitt              |
| Britton   | Grant       | Jones (Covington)   | Ramey               |
| Broadfoot | Gross       | Jones (Monroe)      | Rast                |
| Brooks    | Grouby      | Lee                 | Ray                 |
| Cabiness  | Guthrie     | Locke               | Reynolds (Chambers) |
| Camp      | Hain        | McClendon (Chamb)   | Roberts             |
| Casey     | Hanby       | Martin              | Rozelle             |
| Chambers  | Hankins     | Meade               | Sessions            |
| Cook      | Hardy       | Merrill             | Smith (St. Clair)   |
| Cornett   | Harris      | Morrow              | Speaks              |
| Daniel    | Harvey      | Murphy              | Steagall            |
| Dickson   | Hawkins     | Nettles             | Sullivan            |
| Dodd      | Hearn       | Oakley              | Taylor              |
| Faulk     | Hocklander  | Owens               | Thomas              |
| Ferguson  | Ingram      | Phillips            | Trimmier            |
| Gilmer    | Jenkins     | Pierce              | Turner              |
| Glass     |             |                     |                     |

—77

And the bill:

S. 296. To make appropriations for each of the fiscal years ending September 30, 1960 and September 30, 1961, to the state department of health for its dental program.

Was read a third time at length and passed.

Yeas 79; Nays 0

#### Yeas:

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Daniel      | Hocklander          | Pierce            |
| Adams (Houston) | Dickson     | Ingram              | Powell            |
| Albea           | Dodd        | Jenkins             | Pruitt            |
| Ashworth        | Faulk       | Johnson (Hardaway)  | Ramey             |
| Bailey          | Ferguson    | Johnson (J. T. Tom) | Rast              |
| Barnett         | Gilmer      | Jones (Covington)   | Ray               |
| Bevill          | Glass       | Jones (Monroe)      | Rozelle           |
| Bishop          | Goldthwaite | Lee                 | Sessions          |
| Boyd            | Goodwyn     | Locke               | Shumate           |
| Brannan         | Grant       | Long (Perry)        | Smith (Russell)   |
| Branyon         | Grouby      | McClendon (Chamb)   | Smith (St. Clair) |
| Brewer          | Guthrie     | Martin              | Solomon           |
| Britton         | Hain        | Meade               | Speaks            |
| Broadfoot       | Hanby       | Merrill             | Steagall          |
| Brooks          | Hankins     | Morrow              | Sullivan          |
| Cabiness        | Hardy       | Murphy              | Taylor            |
| Camp            | Harris      | Nettles             | Thomas            |
| Casey           | Harvey      | Oakley              | Trimmier          |
| Chambers        | Hawkins     | Owens               | Turner            |
| Cornett         | Hearn       | Phillips            |                   |

—79

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 522. To amend Section 3 of an act approved July 9, 1943, creating the Elementary Teachers Scholarship Fund (Act No. 535, S.

371, General Acts 1943, p. 509) so as to provide that funds available to each teachers college for the purpose of making scholarship grants directly may be used instead to match federal funds made available for a like purpose.

Also:

H. 850. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### BILLS ON THIRD READING RESUMED

S. 101 (with amendment): To amend Section 567, Title 52, Code of Alabama, 1940, which relates to the acquisition of title to school lands by adverse possession.

Was taken up.

On motion of Mr. Sessions, consideration of the bill, S. 101, and pending amendment, was temporarily postponed.

Yeas 54; Nays 20.

#### Yeas:

|                 |            |                    |                     |
|-----------------|------------|--------------------|---------------------|
| Messrs.:        | Dodd       | Ingram             | Phillips            |
| Adams (Houston) | Faulk      | Jenkins            | Powell              |
| Ashworth        | Ferguson   | Lee                | Pruitt              |
| Avery           | Gilmer     | Locke              | Ray                 |
| Barnett         | Glass      | Long (Lauderdale)  | Reynolds (Chambers) |
| Bassett         | Goodwyn    | Long (Perry)       | Rozelle             |
| Bishop          | Gordon     | McClendon (Chamb)  | Salter              |
| Brannan         | Grant      | McLendon (Bullock) | Sessions            |
| Britton         | Gross      | Martin             | Shumate             |
| Broadfoot       | Grouby     | Meade              | Sullivan            |
| Cabiness        | Hain       | Morrow             | Taylor              |
| Casey           | Harvey     | Nettles            | Torbert             |
| Daniel          | Hawkins    | Oakley             | Trimmier            |
| Dickson         | Hocklander | Perry              |                     |

—54

#### Nays:

|             |                    |                     |          |
|-------------|--------------------|---------------------|----------|
| Mr. Speaker | Cornett            | Johnson (J. T. Tom) | Ramey    |
| Bailey      | Gilchrist          | Johnston (Leonard)  | Roberts  |
| Bevill      | Hankins            | Jones (Monroe)      | Speaks   |
| Branyon     | Harris             | Owens               | Steagall |
| Brewer      | Johnson (Hardaway) | Pierce              | Turner   |

—20

And the bill:

S. 178. To amend Section 3 of Act No. 724, approved September 17, 1953, entitled "An act to provide law clerks to be appointed by the presiding judge and the associate judges of the Court of Appeals, to prescribe their duties and fix their compensation" (General Acts Alabama, Regular Session 1953, p. 979, and to provide the time when the amendment shall become effective.

Was read a third time at length and passed.

Yeas 51; Nays 7.

**Yeas:**

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dodd      | Hocklander                    | Phillips                       |
| Adams <sup>(Houston)</sup> | Faulk     | Ingram                        | Pierce                         |
| Albea                      | Ferguson  | Jones <sup>(Monroe)</sup>     | Powell                         |
| Avery                      | Gilchrist | Lee                           | Pruitt                         |
| Bevill                     | Gilmer    | Locke                         | Ray                            |
| Boyd                       | Glass     | Long <sup>(Lauderdale)</sup>  | Reynolds <sup>(Chambers)</sup> |
| Brannan                    | Goodwyn   | Long <sup>(Perry)</sup>       | Rozelle                        |
| Brewer                     | Grant     | McClendon <sup>(Chamb)</sup>  | Salter                         |
| Broadfoot                  | Gross     | McLendon <sup>(Bullock)</sup> | Sessions                       |
| Casey                      | Hain      | Merrill                       | Smith <sup>(Russell)</sup>     |
| Chambers                   | Hardy     | Morrow                        | Steagall                       |
| Cornett                    | Harvey    | Oakley                        | Turner                         |
| Dickson                    | Hearn     | Perry                         |                                |

—51

**Nays:**

|          |         |         |                              |
|----------|---------|---------|------------------------------|
| Messrs.: | Bassett | Hankins | Nettles                      |
| Bailey   | Branyon | Harris  | Smith <sup>(St. Clair)</sup> |

—7

And the bill:

S. 175. To amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An Act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts Alabama, Regular Session, 1953, p. 549), and to provide the time when the amendment shall become effective.

Was read a third time at length and passed.

Yeas 56; Nays 6.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Casey     | Gross                         | Long <sup>(Lauderdale)</sup> |
| Adams <sup>(Houston)</sup> | Chambers  | Hain                          | McClendon <sup>(Chamb)</sup> |
| Albea                      | Cornett   | Hardy                         | Meade                        |
| Ashworth                   | Dickson   | Harvey                        | Merrill                      |
| Avery                      | Dodd      | Hearn                         | Morrow                       |
| Bevill                     | Faulk     | Hocklander                    | Oakley                       |
| Boyd                       | Ferguson  | Ingram                        | Owens                        |
| Brannan                    | Gilchrist | Johnson <sup>(Hardaway)</sup> | Perry                        |
| Brewer                     | Gilmer    | Johnston <sup>(Leonard)</sup> | Phillips                     |
| Broadfoot                  | Glass     | Jones <sup>(Monroe)</sup>     | Pierce                       |
| Brooks                     | Goodwyn   | Lee                           | Powell                       |
| Cabiness                   | Gordon    | Locke                         | Pruitt                       |

|                                |          |                            |          |
|--------------------------------|----------|----------------------------|----------|
| Ray                            | Rozelle  | Smith <sup>(Russell)</sup> | Steagall |
| Reynolds <sup>(Chambers)</sup> | Sessions | Speaks                     | Turner   |

—56

**Nays:**

|          |         |         |                              |
|----------|---------|---------|------------------------------|
| Messrs.: | Branyon | Harris  | Smith <sup>(St. Clair)</sup> |
| Bailey   | Hankins | Nettles |                              |

—6

And the bill:

S. 36 (with substitute): Providing further for the protection of game; prohibiting the taking, capturing, or killing of deer from a vessel or boat afloat in a navigable stream; providing for the confiscation and forfeiture of any watercraft, together with any firearms found therein, which is so used.

Was taken up.

On motion of Mr. Grant, consideration of the bill, S. 36, and pending substitute, was postponed temporarily.

And the bill:

S. 315. To provide in addition to all other revenues heretofore appropriated to the Division of State Parks, Monuments and Historical Sites the sum of \$50,000.00 for each of the fiscal years 1959-60 and 1960-61 from the revenues derived from the sale of sand and gravel and timber and timber products.

Was read a third time at length and passed.

Yeas 71; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Chambers    | Harvey                        | Ramey                          |
| Adams <sup>(Houston)</sup> | Cornett     | Hawkins                       | Rast                           |
| Albea                      | Daniel      | Hearn                         | Ray                            |
| Ashworth                   | Dickson     | Hocklander                    | Reynolds <sup>(Chambers)</sup> |
| Avery                      | Dodd        | Johnson <sup>(Hardaway)</sup> | Rozelle                        |
| Bailey                     | Faulk       | Lee                           | Salter                         |
| Bassett                    | Ferguson    | Long <sup>(Perry)</sup>       | Sessions                       |
| Bevill                     | Gilchrist   | McClendon <sup>(Chamb)</sup>  | Shumate                        |
| Bishop                     | Gilmer      | Meade                         | Smith <sup>(Russell)</sup>     |
| Boyd                       | Glass       | Merrill                       | Smith <sup>(St. Clair)</sup>   |
| Brannan                    | Goldthwaite | Morrow                        | Steagall                       |
| Branyon                    | Grant       | Nettles                       | Sullivan                       |
| Brewer                     | Gross       | Owens                         | Taylor                         |
| Broadfoot                  | Grouby      | Perry                         | Torbert                        |
| Brooks                     | Hain        | Phillips                      | Trimmier                       |
| Cabiness                   | Hankins     | Pierce                        | Turner                         |
| Camp                       | Hardy       | Powell                        | Turnham                        |
| Casey                      | Harris      | Pruitt                        |                                |

—71

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 437. To authorize and create an additional Judge of the Sixth Judicial Circuit of Alabama, to be designated Circuit Judge place number three therein and to provide for his election, jurisdiction, powers, duties, authority and qualifications, to render him liable to all the pains and penalties of other Circuit Judges of the State of Alabama and to provide that such circuit Judge number three shall be ex-officio Judge of all courts in such circuit as to Juvenile and Domestic Relations cases, hearings and proceedings and shall have the supervision and direction of all personnel in the Sixth Judicial Circuit of Alabama as to Juvenile and Domestic Relations and to provide for and fix the salary of such Judge.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 719. Relating to the City of Mobile; to provide for a separate Mobile Urban Renewal Agency to plan or carry out any redevelopment or urban renewal project in such municipality if the governing body of the municipality by resolution declares that there is need for such Agency; to provide the number, method of appointment and terms of office of the commissioners of said Mobile Urban Renewal Agency; to provide the powers of said Mobile Urban Renewal Agency; to provide that such Urban Renewal Agency shall not have authority to construct or operate any dwelling accommodations except that it may temporarily operate dwellings and real property acquired in a project area pending disposition; to provide that any existing municipal housing authority of said City shall not, after appointment of the Commissioners of said Mobile Urban Renewal Agency, have power to plan or carry out any redevelopment project or urban renewal project except as stated in this Act; to provide for the transfer of all assets and liabilities in connection with an existing project which is taken over by said Mobile Urban Renewal Agency; to supplement Title 25 of the Code of Alabama of 1940, relating to Housing as amended and supplemented by any Acts of the Legislature of Alabama heretofore enacted, including the following: Act No. 614 of the General Acts of 1939, approved July 10, 1940; Act No. 466 of the General Acts of 1943, approved July 7, 1943; Act No. 541 of the General Acts of 1943, approved July 7, 1943; Act No. 490 of the General Acts of 1949, approved August 30, 1949; Act No. 491 of the General Acts of 1949, approved August 30, 1949; Act No. 193 of the General Acts of 1951, approved July 9, 1951; Act No. 776 of the General Acts of 1951, approved September 11, 1951; Act No. 590 of the General Acts of 1953, approved September 11, 1953; Act No. 553 of the General Acts of 1955, approved September 9, 1955; Act No. 554 of

the General Acts of 1955, approved September 9, 1955; to repeal any act or law inconsistent herewith; and to provide that if any portion of this act is held unconstitutional, such holding shall not affect the other parts thereof:

J. E. SPEIGHT,  
Secretary.

### SENATE MESSAGE

On motion of Mr. Trimmier the House concurred in and adopted the Senate amendment to the bill, H. 719, said Senate amendment being as follows:

Amend House Bill 719 by adding after the word "body" in the first sentence of Section 2 thereof the following: "or of the Mobile Housing Board".

Yeas 74; Nays 0.

#### Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Casey       | Hearn                          | Pierce                         |
| Adams <sup>(Houston)</sup> | Chambers    | Hocklander                     | Powell                         |
| Albea                      | Daniel      | Ingram                         | Pruitt                         |
| Ashworth                   | Dickson     | Johnson <sup>(Hardaway)</sup>  | Ramey                          |
| Avery                      | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Rast                           |
| Bailey                     | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Barnett                    | Gilchrist   | Jones <sup>(Covington)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Gilmer      | Jones <sup>(Monroe)</sup>      | Rozelle                        |
| Bevill                     | Glass       | Locke                          | Salter                         |
| Bishop                     | Goldthwaite | Long <sup>(Perry)</sup>        | Sessions                       |
| Boyd                       | Grant       | McClendon <sup>(Chamb)</sup>   | Shumate                        |
| Brannan                    | Gross       | Martin                         | Smith <sup>(Russell)</sup>     |
| Branyon                    | Grouby      | Merrill                        | Speaks                         |
| Brewer                     | Hain        | Morrow                         | Sullivan                       |
| Britton                    | Hankins     | Nettles                        | Taylor                         |
| Broadfoot                  | Hardy       | Oakley                         | Trimmier                       |
| Brooks                     | Harris      | Owens                          | Turner                         |
| Cabiness                   | Harvey      | Perry                          | Turnham                        |
| Camp                       | Hawkins     |                                |                                |

—74

And said bill, H. 719, as amended by the Senate amendment, was again read at length and passed.

Yeas 78; Nays 0.

#### Yeas:

|                            |           |             |                                |
|----------------------------|-----------|-------------|--------------------------------|
| Mr. Speaker                | Brewer    | Gilchrist   | Hearn                          |
| Adams <sup>(Houston)</sup> | Britton   | Gilmer      | Hocklander                     |
| Albea                      | Broadfoot | Glass       | Ingram                         |
| Ashworth                   | Brooks    | Goldthwaite | Johnson <sup>(Hardaway)</sup>  |
| Avery                      | Cabiness  | Grant       | Johnson <sup>(J. T. Tom)</sup> |
| Bailey                     | Camp      | Gross       | Johnston <sup>(Leonard)</sup>  |
| Barnett                    | Casey     | Grouby      | Jones <sup>(Monroe)</sup>      |
| Bassett                    | Cates     | Hain        | Locke                          |
| Bevill                     | Chambers  | Hankins     | Long <sup>(Perry)</sup>        |
| Bishop                     | Daniel    | Hardy       | McClendon <sup>(Chamb)</sup>   |
| Boyd                       | Dickson   | Harris      | Martin                         |
| Brannan                    | Faulk     | Harvey      | Merrill                        |
| Branyon                    | Ferguson  | Hawkins     | Morrow                         |

|          |                                |                            |          |
|----------|--------------------------------|----------------------------|----------|
| Murphy   | Powell                         | Salter                     | Sullivan |
| Nettles  | Pruitt                         | Sessions                   | Taylor   |
| Oakley   | Ramey                          | Shumate                    | Thomas   |
| Owens    | Rast                           | Smith <sup>(Russell)</sup> | Trimmier |
| Perry    | Ray                            | Solomon                    | Turner   |
| Phillips | Reynolds <sup>(Chambers)</sup> | Speaks                     | Turnham  |
| Pierce   | Rozelle                        |                            |          |

—78

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 109. Naming H. B. 102 "The Gilchrist-Roberts (Madison) Bill."

J. E. SPEIGHT,  
Secretary.

## MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Guthrie to suspend the rules in order to introduce a resolution was adopted.

## RESOLUTION

The following resolution was introduced:

By Messrs. Guthrie and Thomas:

H. R. 112. WHEREAS Mr. Albert Kraus was permitted to take pictures of members of this House with the understanding that a composite picture of the members of the House of Representatives suitably framed would be furnished to any member thereof paying the agreed price, and

WHEREAS Mr. Kraus has delivered these pictures unframed to numerous members, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the members of this House hereby affirm their understanding that these pictures were to be framed at the price stated and paid; and we deplore and condemn Mr. Kraus' actions in the premises. We urge him to reconsider his position and provide a suitable frame to each member who bought a picture, without any additional charge being made therefor.

H. R. 112 was read and referred to the Standing Committee on Rules.

## BILLS ON THIRD READING RESUMED

S. 197. To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$50,000.00 for the purpose of renovating and remodelling space in the basement of the State Capitol for a restaurant and for the correction of the electrical distribution system for the Capitol.

As amended, was again taken up.

Mr. Pruitt offered the following amendment to the bill, S. 197, as amended:

## AMENDMENT TO S. B. 197, AS AMENDED

Amend the caption of the bill to read as follows:

To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$50,000.00 for the purpose of renovating and remodelling space in the basement of the State Capitol for a restaurant and for the correction of the electrical distribution system for the Capitol.

Also, strike out all of the words and figures in the bill following the enacting clause and insert in lieu thereof the following:

Section 1. There is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of \$25,000.00 to be used only for the purpose of renovating, repairing and altering space in the basement of the State Capitol Building to provide a cafeteria or other restaurant facility.

Section 2. There is hereby appropriated, out of any funds in the State Treasury ~~not otherwise appropriated~~, the sum of \$25,000.00 to be used only for the purpose of repairing, altering and providing adequate space, equipment, materials, transformers, wiring and other things necessary and incident to the correction and modernization of the supply and distribution of electricity in the State Capitol Building.

Section 3. The above appropriations shall be allotted by the budget officer on the approval of the Director of Finance and the State Building Commission shall approve all plans and specifications for such renovation and alterations. The State comptroller shall issue his warrants not in excess of the \$50,000.00 herein appropriated in payment for the work done, from time to time, upon approval of the Director of the State Building Commission. All repair, alteration and renovation shall be contracted pursuant to the provisions of Title 50, Code of Alabama 1940, as amended.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the amendment was adopted.

Yeas 70; Nays 1.

## Yeas:

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dodd      | Hocklander                    | Pruitt                         |
| Adams <sup>(Houston)</sup> | Faulk     | Ingram                        | Ramey                          |
| Albea                      | Ferguson  | Johnson <sup>(Hardaway)</sup> | Rast                           |
| Ashworth                   | Gilchrist | Johnston <sup>(Leonard)</sup> | Ray                            |
| Bailey                     | Gilmer    | Jones <sup>(Monroe)</sup>     | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Glass     | Lee                           | Rozelle                        |
| Bevill                     | Goodwyn   | Locke                         | Sessions                       |
| Bishop                     | Grant     | Long <sup>(Perry)</sup>       | Shumate                        |
| Boyd                       | Gross     | McClendon <sup>(Chamb)</sup>  | Smith <sup>(Russell)</sup>     |
| Branyon                    | Grouby    | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Guthrie   | Merrill                       | Solomon                        |
| Broadfoot                  | Hain      | Morrow                        | Sullivan                       |
| Brooks                     | Hankins   | Nettles                       | Taylor                         |
| Camp                       | Hardy     | Oakley                        | Thomas                         |
| Casey                      | Harris    | Perry                         | Trimmier                       |
| Cornett                    | Harvey    | Phillips                      | Turner                         |
| Daniel                     | Hawkins   | Pierce                        | Turnham                        |
| Dickson                    | Hearn     |                               |                                |



**Nay:** Mr. Cabiness.

—1

And said bill, S. 197, as amended, was read a third time at length and passed.

Yeas 69; Nays 4.

**Yeas:**

|                            |            |                                |                                |
|----------------------------|------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Faulk      | Ingram                         | Pierce                         |
| Adams <sup>(Houston)</sup> | Ferguson   | Jenkins                        | Powell                         |
| Albea                      | Gilchrist  | Johnson <sup>(J. T. Tom)</sup> | Pruitt                         |
| Ashworth                   | Gilmer     | Jones <sup>(Monroe)</sup>      | Ramey                          |
| Avery                      | Glass      | Lee                            | Rast                           |
| Bailey                     | Goodwyn    | Locke                          | Ray                            |
| Bassett                    | Grant      | Long <sup>(Perry)</sup>        | Reynolds <sup>(Chambers)</sup> |
| Bevill                     | Grouby     | McClendon <sup>(Chamb)</sup>   | Salter                         |
| Bishop                     | Guthrie    | McLendon <sup>(Bullock)</sup>  | Sessions                       |
| Boyd                       | Hain       | Martin                         | Shumate                        |
| Branyon                    | Hankins    | Merrill                        | Smith <sup>(Russell)</sup>     |
| Brewer                     | Hardy      | Morrow                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Harris     | Nettles                        | Solomon                        |
| Brooks                     | Harvey     | Oakley                         | Sullivan                       |
| Cornett                    | Hawkins    | Owens                          | Thomas                         |
| Daniel                     | Hearn      | Perry                          | Trimmier                       |
| Dickson                    | Hocklander | Phillips                       | Turnham                        |
| Dodd                       |            |                                |                                |

—69

**Nays:** Messrs. Cabiness, Johnson (Hardaway), Jones (Covington) and Speaks.

—4

And the bill:

S. 414. Relating to schools; to provide for a state tenure commission to determine appeal cases under the teacher tenure law, to provide for the appointment of members and their compensation, and to define the jurisdiction of the commission.

Was taken up.

Mr. Oakley offered the following substitute for the bill, S. 414:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the tenure of employment of teachers; creating and establishing a State Tenure Commission and prescribing its powers and duties; providing that this Act shall be supplemental to Chapter 13, Title 52, Code of Alabama 1940, as amended by an act approved September 16, 1953.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a State Tenure Commission of seven members, to be appointed and constituted as set out below. The executive secretary of the Alabama Education Association shall be ex officio secretary of the commission.

Section 2. Within thirty days after the effective date of this Act, the personnel of the tenure commission shall be determined as follows: One member shall be appointed by the governor from among the membership of city and county boards of education for a term of

seven years; one member shall be appointed by the state superintendent of education from among the city and county superintendents of education for a term of six years; one member who is not a member of the teaching profession shall be appointed by the Governor of Alabama for a term of five years; two members, both of whom shall be currently employed as certified classroom teachers and shall have attained continuing service status, shall be appointed by the president of the Alabama Education Association for a term of four years and three years respectively; one member who is not a member of the teaching profession shall be appointed by the governor for a term of two years; and one member who is currently employed as a certified principal or a certified supervisor shall be appointed by the state superintendent for a term of one year. Not less than thirty days immediately preceding the expiration of the respective terms, each appointing officer designated above shall appoint a successor member as provided herein of the commission for a term of seven years. Each member of the commission shall serve until his successor is appointed. Any vacancy occurring on the commission shall be filled in the same manner as the original appointment, for the unexpired term.

Section 3. Not more than one member of the tenure commission shall be appointed from any one congressional district. Membership on the State Tenure Commission shall not adversely affect the status of the each's tenure with the city or county board of education.

Section 4. The tenure commission shall meet at such times and places as shall be determined by the chairman of the commission or a majority of its members, and any five members of the commission shall constitute a quorum for the transaction of any business.

Section 5. The members of the State Tenure Commission shall receive twenty dollars (\$20.00) a day for each day the commission is in session, and shall be reimbursed for necessary traveling expenses incurred in the performance of the duties of the commission at the same mileage allowance provided for other state employees. Expenses of the State Tenure Commission shall be paid out of funds appropriated to the State Department of Education.

Section 6. Within thirty days after the effective date of this Act, the tenure commission shall hold a meeting in the City of Montgomery for the purpose of organization and shall elect from among the membership a chairman who shall serve for one year from the time of his election. The tenure commission shall draw up rules and regulations and shall have the power to amend same and provide for the conduct of its affairs in such manner as shall be consistent with the provisions of this Act.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 9. This Act shall be considered as supplemental to Chapter 13, Title 52, Code of Alabama 1940, as amended by an act approved September 16, 1953, and no law is repealed hereby except such laws as may be in irreconcilable conflict with this Act.

On motion of Mr. Goodwyn the substitute offered by Mr. Oakley was laid upon the table.

Yeas 31; Nays 26.

**Yeas:**

|             |          |                    |          |     |
|-------------|----------|--------------------|----------|-----|
| Mr. Speaker | Branyon  | Gross              | Morrow   |     |
| Albea       | Brewer   | Grouby             | Pierce   |     |
| Bailey      | Britton  | Hankins            | Ray      |     |
| Bassett     | Casey    | Hawkins            | Rozelle  |     |
| Bevill      | Cates    | Hearn              | Sessions |     |
| Bishop      | Ferguson | Ingram             | Speaks   |     |
| Boyd        | Glass    | Johnston (Leonard) | Turner   |     |
| Brannan     | Goodwyn  | McClendon (Chamb)  |          | —31 |

**Nays:**

|                 |             |                   |          |     |
|-----------------|-------------|-------------------|----------|-----|
| Messrs.:        | Daniel      | Jones (Covington) | Oakley   |     |
| Adams (Houston) | Dickson     | Jones (Monroe)    | Phillips |     |
| Barnett         | Dodd        | Lee               | Ramey    |     |
| Brooks          | Gilmer      | Long (Lauderdale) | Salter   |     |
| Cabiness        | Goldthwaite | Long (Perry)      | Thomas   |     |
| Callahan        | Grant       | Martin            | Turnham  |     |
| Cornett         | Hain        | Nettles           |          | —26 |

And said bill, S. 414, was read a third time at length and passed.

Yeas 50; Nays 4

**Yeas:**

|                 |             |                    |                     |     |
|-----------------|-------------|--------------------|---------------------|-----|
| Mr. Speaker     | Brooks      | Gross              | Phillips            |     |
| Adams (Houston) | Casey       | Hain               | Pierce              |     |
| Albea           | Cates       | Hankins            | Ray                 |     |
| Ashworth        | Cornett     | Hearn              | Reynolds (Chambers) |     |
| Bailey          | Daniel      | Ingram             | Rozelle             |     |
| Bassett         | Dickson     | Johnson (Hardaway) | Sessions            |     |
| Bevill          | Dodd        | Johnston (Leonard) | Shumate             |     |
| Bishop          | Ferguson    | Jones (Monroe)     | Speaks              |     |
| Boyd            | Gilmer      | Lee                | Taylor              |     |
| Brannan         | Glass       | McClendon (Chamb)  | Thomas              |     |
| Branyon         | Goldthwaite | Merrill            | Turner              |     |
| Brewer          | Goodwyn     | Perry              | Turnham             |     |
| Britton         | Grant       |                    |                     | —50 |

**Nays:** Messrs. Jones (Covington), Long (Perry), Owens and Salter —4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 1000. To propose and provide for the submission of an amendment to the Constitution of Alabama amending Amendment XVIII to said constitution, which pertains to Mobile County and the issuance of bonds and the levy of an ad valorem tax by said county for certain specified purposes.

Also:

H. 1001. To propose and provide for the submission of an amend-

ment to the Constitution of Alabama authorizing Mobile County to issue its general obligation bonds not exceeding \$3,000,000 in principal amount for capital improvements in said county, including not exceeding \$1,000,000 principal amount for public school houses and not exceeding \$2,000,000 principal amount for public hospital buildings, said bonds to be secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said constitution, and authorizing the continued levy and collection of said tax for payment of bonds issued hereunder.

Also:

H. 1013. To amend further Section 5 of Act No. 32, H. 162, approved June 27, 1947 (Local Acts of Alabama, 1947, p. 25), entitled "An Act To establish a Law and Equity Court for Colbert County, Alabama; to define its jurisdiction and powers; to provide for its officers, their appointment, election, terms of office, powers, duties and compensations; to provide that said court shall be open at all times for the trial of causes and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court, and the Juvenile Court; and to give the said court juvenile and domestic jurisdiction; and to abolish the County Court of Colbert County, Alabama," by providing further for the compensation of the judge of the Colbert Law and Equity Court.

Also:

H. 1080. To provide for special meetings of the boards of education of all counties having a population of not less than 21,000 nor more than 22,000, according to the most recent federal decennial census.

Also:

H. 1083. To provide a salary for the Coroner of Blount County, and to describe the manner of payment thereof: and making this Act effective upon approval of the voters of the county voting at a referendum.

Also:

H. 1084. Providing for the appointment of a clerk or secretarial assistant for the County Solicitor of Blount County, and for the payment of the compensation of such clerk or assistant from the County Treasury; and making this Act effective upon the approval of the voters of the County voting at a referendum.

Also:

H. 1085. To alter, rearrange, and extend the boundary line of the City of Cullman, in Cullman County, Alabama.

Also:

H. 1086. To empower the county board of education of Marengo County to authorize the use of school buses for transporting persons to and from certain educational, civic and recreational functions, meetings, gatherings or encampments.

Also:

H. 1027. To amend further Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the sheriff of Limestone County and providing for the appointment of deputies and assistants, in relation to the number of deputies and jailers to be appointed by the sheriff.

Also:

H. 1029. To amend further Section 3 of Act No. 199, H. 603, approved July 24, 1947 (Local Acts 1947, p. 113), an act to create and establish in Limestone County a court known as "The Limestone County Court", in relation to the compensation of the judge of the court.

Also:

H. 1066. To amend Section 2 of Act No. 57, H. 54, approved February 7, 1956, (Acts of Alabama, Special Sessions 1956, p. 86), the act levying a one cent per gallon tax on gasoline, kerosene, and diesel fuel sold, distributed, stored, or used in Blount County, by exempting liquefied petroleum gas, butane, and propane, sold for heating, cooking, and lighting purposes.

Also:

H. 1093. To apply to counties having a population of 500,000 or more according to the last or any subsequent federal census; to provide for a study of judicial practice and procedure and court operation in such counties; to establish and provide for the composition of a "Commission for Judicial Study"; to state the powers, authority and duties of such commission; and to provide for the financing of the work of the commission.

Also:

H. 1094. To vacate the following described land dedicated or conveyed for a park and to vacate all public interests therein and rights thereto: A strip of land of indefinite width lying Southwesterly of and adjacent to Crestview Subdivision, which subdivision is located in the SE¼ of SW¼, Section 4, Township 19 South, Range 3 West and the NE¼ of NW¼, Section 9, Township 19, South, Range 3 West, and recorded in Deed Book 1241, Page 294, in the Probate Court, Birmingham, Alabama and Bessemer, Alabama. Excepted from the above is a strip of right of way lying west of, parallel to and abutting the west line of said subdivision.

Also:

H. 1095. To provide for the relief of John Hollis Camp out of the County Treasury of Jefferson County, Alabama.

Also:

H. 1096. To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 500,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such

lists; and to provide that any person making a wilfully false statement in connection with his re-identification shall be guilty of perjury.

Also:

H. 1097. To provide that any city which may now or hereafter have a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment; and to prescribe the power, jurisdiction and authority of such Board.

Also:

H. 1098. To apply to all counties in the State of Alabama having a population of 500,000 persons or more according to the last or any subsequent federal census, to provide that the governing body of each such county shall have authority to purchase, acquire and maintain one unmarked or undesignated passenger automobile for official use, said car to be serviced by the county and to provide for the payment and expenses of its upkeep.

Also:

H. 1099. To amend Section 2 of an act entitled "an act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal Census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the County affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof." (Approved July 6, 1945, General Acts of Legislature of Alabama, 1945, page 376.)

Also:

H. 1111. To amend further Act No. 472, H. 956, approved September 15, 1939, an act regulating and defining the powers, duties, and authority of the county superintendent of education of Conecuh County (Local Acts 1939, p. 319,) in relation to the compensation and expense allowance of the county superintendent of education; repealing Act No. 152, H. 402, approved June 30, 1953 (Acts of Alabama, 1953 Reg. Sess., vol. I, p. 192) and all conflicting laws.

Also:

H. 1117 Relating to Mobile County: To amend further Section

3 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), entitled "An Act to place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer," to provide further for the compensation of the chief clerk in the office of the sheriff.

Also:

H. 1110. To provide for the appointment and tenure and number and fixing the compensation of Bailiffs for the Sixth Judicial Circuit of Alabama.

Also:

H. 1108. To fix the supplemental salaries of Circuit Solicitors in Judicial Circuits in Alabama composed of one county where the population of such county exceeds 94,000 people and is less than 134,000 people according to the last preceding or any succeeding decennial United States census to be paid out of the county treasury of such counties.

Also:

H. 1107. To provide that the County Board of Revenue and Control or its successors in office or other governing body of Marshall County shall, upon the passage and approval of this bill shall have the right, in its judgment, after investigation of the necessity therefor, in the Register's office in said County, to authorize the Register to employ some person who shall have the ability to take shorthand notes and transcribe the same, to work therein, take testimony, transcribe their notes and do any other thing that a Deputy Register could do under the law and to fix the salary of such person at not less than \$250.00 nor more than \$300.00 per month, to be paid to the Register for such services or to such person as the Register may appoint thereto. Said salary to be paid out of the General Fund of Marshall County.

Also:

H. 1136. To establish an inferior court to be called the Intermediate Civil Court of Bessemer; to provide for the Judge, Clerks and other officers, their selection and duties; to provide for the jurisdiction, practice and procedure of said Court; to provide for the transfer of causes from said Court to the circuit court; and to provide for appeals from said Court and regulate the manner of taking same.

Also:

H. 1137. To establish an Inferior Court in Precinct 33 and all other precincts in Jefferson County, Alabama, lying within or partly within the City of Bessemer, in lieu of all Justices of the Peace in said precinct or precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory, said

Court to be called The Bessemer Common Claims and Criminal Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and to fix the method of service of all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court, and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said Court.

J. E. SPEIGHT,  
Secretary.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Goodwyn to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 201, was adopted.

Yeas 63; Nays 6.

#### Yeas:

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Chambers    | Hain                          | Pierce                         |
| Adams <sup>(Houston)</sup> | Copeland    | Hanby                         | Ramey                          |
| Albea                      | Daniel      | Hankins                       | Rast                           |
| Ashworth                   | Dickson     | Harris                        | Ray                            |
| Avery                      | Dodd        | Harvey                        | Reynolds <sup>(Chambers)</sup> |
| Bailey                     | Faulk       | Hearn                         | Rozelle                        |
| Bassett                    | Ferguson    | Hocklander                    | Sessions                       |
| Bevill                     | Gilchrist   | Jenkins                       | Smith <sup>(Russell)</sup>     |
| Bishop                     | Gilmer      | Johnston <sup>(Leonard)</sup> | Smith <sup>(St. Clair)</sup>   |
| Brannan                    | Glass       | Jones <sup>(Covington)</sup>  | Solomon                        |
| Branyon                    | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Speaks                         |
| Brewer                     | Goodwyn     | Martin                        | Steagall                       |
| Britton                    | Grant       | Meade                         | Taylor                         |
| Broadfoot                  | Gross       | Murphy                        | Trimmier                       |
| Callahan                   | Grouby      | Owens                         | Turner                         |
| Cates                      | Guthrie     | Phillips                      |                                |

—63

#### Nays:

|          |                                |                         |        |
|----------|--------------------------------|-------------------------|--------|
| Messrs.: | Johnson <sup>(Hardaway)</sup>  | Long <sup>(Perry)</sup> | Oakley |
| Cabiness | Johnson <sup>(J. T. Tom)</sup> | Nettles                 |        |

—6

And the bill:

S. 201. To amend Act Number 178, passed by the 1949 Legislature, so as to cause it to read as follows: AN ACT to promote education in this state by authorizing and empowering county governing bodies and the governing bodies of the municipalities in the State of Alabama to undertake research into the history of the State of Alabama, its several counties and municipalities, its coastline and boundaries, and of the territory included therein, its geological deposits, agricultural and marine data, its rivers, streams and harbors, its history from the earliest times and especially during the colonial period, A.D. 1519 to A.D. 1815, and such general historical data and information, and to effect the completion of the translations of such data and information, where such old official records are in foreign languages, and to effect the publication of these records for the free distribution to public libraries,



school libraries and to college and university libraries within this state for the further diffusion of knowledge in reference to the history and resources of the State of Alabama and its several counties and municipalities and the encouragement in general of historical work and research into colonial records of the State of Alabama and for the free dissemination of such information, to authorize, and empower county governing bodies and the governing bodies of the municipalities to make appropriations of county funds and of municipal funds for such purpose; to empower, county governing bodies and the governing bodies of the municipalities to enter into contracts with historical corporations, foundations or associations which are duly incorporated within this State in order to carry out the purpose of this Act.

Was read a third time at length and passed.

Yeas 69; Nays 0.

**Yeas:**

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Chambers    | Hanby                         | Phillips                       |
| Adams <sup>(Houston)</sup> | Copeland    | Hankins                       | Pierce                         |
| Albea                      | Daniel      | Harris                        | Ramey                          |
| Ashworth                   | Dickson     | Harvey                        | Rast                           |
| Avery                      | Dodd        | Hearn                         | Ray                            |
| Bailey                     | Faulk       | Hocklander                    | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Ferguson    | Jenkins                       | Rozelle                        |
| Bevill                     | Gilchrist   | Johnston <sup>(Leonard)</sup> | Sessions                       |
| Bishop                     | Gilmer      | Jones <sup>(Covington)</sup>  | Smith <sup>(Russell)</sup>     |
| Brannan                    | Glass       | Long <sup>(Perry)</sup>       | Smith <sup>(St. Clair)</sup>   |
| Branyon                    | Goldthwaite | McClendon <sup>(Chamb)</sup>  | Solomon                        |
| Brewer                     | Goodwyn     | Martin                        | Speaks                         |
| Britton                    | Grant       | Meade                         | Steagall                       |
| Broadfoot                  | Gross       | Murphy                        | Sullivan                       |
| Cabiness                   | Grouby      | Nettles                       | Taylor                         |
| Callahan                   | Guthrie     | Nichols                       | Trimmier                       |
| Camp                       | Hain        | Owens                         | Turner                         |
| Cates                      |             |                               |                                |

—69

**MESSAGE FROM THE GOVERNOR**

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor.

Respectfully submitted,

JOSEPH G. ROBERTSON,  
Executive Secretary

JP:rr

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

As we reach the close of the biennial session of 1959, I want to express again my thanks and deep appreciation for the notable record

of progress which you have so ably compiled for the benefit of all the people of Alabama. You have made history for our state by faithfully and painstakingly rendering distinctive service in such essential fields as education, roads, health, welfare and small-loan regulation, to mention only some of your major accomplishments. It is a record of which I am proud, a record of which I know you gentlemen are also proud, and it is a record which will long be remembered in gratitude by the men, women and children of Alabama.

I salute you on a tremendous job well done. It has been a great pleasure to work with you throughout the year. I bid you goodbye for a while, good luck, and God bless you all.

Respectfully,

JOHN PATTERSON,  
Governor.

JP:rr

#### GOVERNOR'S MESSAGE

Received, read and inserted in the Journal.

#### BILLS ON THIRD READING RESUMED

S. 145. Relating to accounts of deceased persons in a Savings and Loan Association. To whom and how paid.

Was read a third time at length and passed.

Yeas 80; Nays 0.

#### Yeas:

|                            |             |                               |                                |
|----------------------------|-------------|-------------------------------|--------------------------------|
| Mr. Speaker                | Dickson     | Hocklander                    | Phillips                       |
| Adams <sup>(Houston)</sup> | Dodd        | Ingram                        | Pierce                         |
| Albea                      | Faulk       | Jenkins                       | Powell                         |
| Ashworth                   | Ferguson    | Johnston <sup>(Leonard)</sup> | Ramey                          |
| Avery                      | Franklin    | Jones <sup>(Covington)</sup>  | Rast                           |
| Bailey                     | Gilmer      | Jones <sup>(Monroe)</sup>     | Ray                            |
| Bassett                    | Glass       | Lee                           | Reynolds <sup>(Chambers)</sup> |
| Bishop                     | Goldthwaite | Locke                         | Rozelle                        |
| Brannan                    | Goodwyn     | Long <sup>(Lauderdale)</sup>  | Sessions                       |
| Branyon                    | Grant       | Long <sup>(Perry)</sup>       | Shumate                        |
| Brewer                     | Gross       | McClendon <sup>(Chamb)</sup>  | Smith <sup>(Russell)</sup>     |
| Broadfoot                  | Grouby      | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Brooks                     | Guthrie     | Meade                         | Solomon                        |
| Cabiness                   | Hanby       | Morrow                        | Speaks                         |
| Callahan                   | Hankins     | Murphy                        | Steagall                       |
| Camp                       | Hardy       | Nettles                       | Sullivan                       |
| Cates                      | Harris      | Nichols                       | Taylor                         |
| Chambers                   | Harvey      | Oakley                        | Thomas                         |
| Copeland                   | Hawkins     | Owens                         | Trimmier                       |
| Daniel                     | Hearn       | Perry                         | Turner                         |

—80

And the bill:

S. 149. Relating to definitions of savings and loan associations; amending Section 211, Title 5, Code of Alabama, 1940, and in clarification of Section 250, Title 5, Code of Alabama, 1940.

Was read a third time at length and passed.

Yeas 73; Nays 0.

#### Yeas:

|                 |             |                    |                     |
|-----------------|-------------|--------------------|---------------------|
| Mr. Speaker     | Daniel      | Ingram             | Perry               |
| Adams (Houston) | Dickson     | Jenkins            | Phillips            |
| Albea           | Dodd        | Johnston (Leonard) | Pierce              |
| Ashworth        | Faulk       | Jones (Covington)  | Powell              |
| Avery           | Ferguson    | Jones (Monroe)     | Ramey               |
| Bailey          | Franklin    | Lee                | Ray                 |
| Bevill          | Glass       | Locke              | Reynolds (Chambers) |
| Bishop          | Goldthwaite | Long (Lauderdale)  | Rozelle             |
| Brannan         | Goodwyn     | Long (Perry)       | Sessions            |
| Branyon         | Grant       | McClendon (Chamb)  | Smith (Russell)     |
| Brewer          | Gross       | Martin             | Solomon             |
| Broadfoot       | Guthrie     | Meade              | Speaks              |
| Brooks          | Hanby       | Morrow             | Steagall            |
| Cabiness        | Hankins     | Murphy             | Sullivan            |
| Callahan        | Harris      | Nettles            | Taylor              |
| Camp            | Harvey      | Nichols            | Thomas              |
| Cates           | Hearn       | Oakley             | Trimmier            |
| Chambers        | Hocklander  | Owens              | Turner              |
| Copeland        |             |                    |                     |

—73

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Thomas to suspend the rules in order to introduce a resolution was adopted.

#### RESOLUTION

The following resolution was introduced:

By Messrs. Thomas, Adams (Tallapoosa), Merrill, Cornett, Steagall, Cabiness, Gross, Hain, Hardy, McLendon (Bullock), Gilmer, Albea, Nettles, Goodwyn, Smith (St. Clair), Grouby, Bailey, Faulk, Harvey, Jones (Monroe), Goldthwaite, Oakley, Long (Perry), Boyd, Sullivan, Johnson (J. T. Tom), Solomon, Shumate, Ferguson, Jenkins, Harris, Meade, Smith (Russell), Johnson (Hardaway), Callahan, Franklin, Johnston (Leonard), Camp, Turnham, Daniel, Glass, Ray, Dickson, Taylor, Brooks, Brewer, Brannan, Owens, Salter, Powell, Adams (Houston), Chambers, Pierce, Ingram, Rozelle, Grant, Lee, Jones (Covington), Reynolds (Chambers), McClendon (Chambers), Nichols, Ashworth, Speaks, Casey, Hearn, Avery, Martin, Ramey, Broadfoot, Pruitt, Branyon, Hankins, Bishop, Bevill, Gilchrist, Sessions, Perry, Edwards, Locke, Morrow, Hawkins, Rast and Turner.

H. J. R. 113. RESOLVED BY THE LEGISLATURE OF ALABAMA that the two Houses have learned with regret of the departure from the legislative scene of Fred Taylor, who is soon to become city editor of that great daily journal, the Birmingham News. For many years Fred Taylor has applied in his profession an alert and resourceful mind, always insisting upon solid and accurate political reporting. His is a sterling character, its genuineness reflected in his gentlemanly behavior, his high-minded sense of duty to his profession and to the public, his understanding, and his wholesome good fellowship. We wish him every success in his new position.

On motion of Mr. Thomas the rules were suspended and H. J. R. 113 was adopted.

## BILLS ON THIRD READING RESUMED

S. 119. To amend Section 12 of Title 35, Code of Alabama 1940, which relates to military leave for government employees.

Was read a third time at length and passed.

Yeas 79; Nays 0.

## Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Dickson     | Hocklander                     | Powell                         |
| Adams <sup>(Houston)</sup> | Dodd        | Ingram                         | Pruitt                         |
| Albea                      | Faulk       | Jenkins                        | Ramey                          |
| Ashworth                   | Ferguson    | Johnson <sup>(Hardaway)</sup>  | Ray                            |
| Bailey                     | Gilchrist   | Johnson <sup>(J. T. Tom)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bassett                    | Gilmer      | Johnston <sup>(Leonard)</sup>  | Rozelle                        |
| Bevill                     | Glass       | Jones <sup>(Covington)</sup>   | Sessions                       |
| Bishop                     | Goldthwaite | Lee                            | Shumate                        |
| Boyd                       | Grant       | Locke                          | Smith <sup>(Russell)</sup>     |
| Branyon                    | Gross       | Long <sup>(T. Auderdale)</sup> | Smith <sup>(St. Clair)</sup>   |
| Brewer                     | Grouby      | Long <sup>(Perry)</sup>        | Solomon                        |
| Broadfoot                  | Guthrie     | McClendon <sup>(Chamb)</sup>   | Speaks                         |
| Cabiness                   | Hain        | Martin                         | Steagall                       |
| Callahan                   | Hanby       | Morrow                         | Sullivan                       |
| Camp                       | Hankins     | Murphy                         | Taylor                         |
| Casey                      | Hardy       | Nettles                        | Thomas                         |
| Cates                      | Harris      | Owens                          | Torbert                        |
| Chambers                   | Harvey      | Perry                          | Trimmier                       |
| Copeland                   | Hawkins     | Phillips                       | Turner                         |
| Daniel                     | Hearn       | Pierce                         |                                |

—79

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1036. To supplement the state salary payable to circuit judges by payments from the county treasury in all judicial circuits composed of only one county which has a population of not less than 65,000 nor more than 75,000, according to the most recent federal decennial census.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Roberts the House concurred in and adopted the Senate amendment to the bill, H. 1036, said Senate amendment being as follows:

## AMENDMENT TO H. B. 1036

In Section 3, strike out the words and figures, October 1, 1960 and insert the words and figures, "on the first Monday after the second Tuesday in January, 1963".

Yeas 77; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Dickson     | Hearn               | Pierce              |
| Adams (Houston) | Dodd        | Hocklander          | Powell              |
| Albea           | Faulk       | Ingram              | Pruitt              |
| Ashworth        | Ferguson    | Jenkins             | Ramey               |
| Bailey          | Gilchrist   | Johnson (Hardaway)  | Ray                 |
| Bassett         | Gilmer      | Johnson (J. T. Tom) | Reynolds (Chambers) |
| Bevill          | Glass       | Johnston (Leonard)  | Rozelle             |
| Bishop          | Goldthwaite | Jones (Covington)   | Sessions            |
| Boyd            | Grant       | Locke               | Shumate             |
| Branyon         | Gross       | Long (Perry)        | Smith (Russell)     |
| Britton         | Grouby      | McClendon (Chamb)   | Smith (St. Clair)   |
| Broadfoot       | Guthrie     | McLendon (Bullock)  | Solomon             |
| Cabiness        | Hain        | Meade               | Speaks              |
| Camp            | Hanby       | Merrill             | Steagall            |
| Casey           | Hankins     | Morrow              | Sullivan            |
| Cates           | Hardy       | Murphy              | Taylor              |
| Chambers        | Harris      | Nettles             | Torbert             |
| Copeland        | Harvey      | Owens               | Trimmier            |
| Cornett         | Hawkins     | Perry               | Turner              |
| Daniel          |             |                     |                     |

—77

And said bill, H. 1036, as amended by the Senate amendment, was again read at length and passed.

Yeas 80; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Copeland    | Hearn               | Pierce              |
| Adams (Houston) | Cornett     | Hocklander          | Powell              |
| Albea           | Daniel      | Ingram              | Pruitt              |
| Ashworth        | Dickson     | Jenkins             | Ramey               |
| Avery           | Dodd        | Johnson (Hardaway)  | Rast                |
| Bailey          | Faulk       | Johnson (J. T. Tom) | Ray                 |
| Bassett         | Ferguson    | Johnston (Leonard)  | Reynolds (Chambers) |
| Bevill          | Gilchrist   | Jones (Covington)   | Roberts             |
| Bishop          | Gilmer      | Lee                 | Rozelle             |
| Boyd            | Glass       | Locke               | Sessions            |
| Branyon         | Goldthwaite | Long (Perry)        | Shumate             |
| Brewer          | Grant       | McClendon (Chamb)   | Smith (Russell)     |
| Britton         | Gross       | McLendon (Bullock)  | Smith (St. Clair)   |
| Broadfoot       | Grouby      | Meade               | Solomon             |
| Brooks          | Guthrie     | Merrill             | Speaks              |
| Cabiness        | Hanby       | Morrow              | Sullivan            |
| Camp            | Hankins     | Murphy              | Taylor              |
| Casey           | Harris      | Nettles             | Torbert             |
| Cates           | Harvey      | Owens               | Trimmier            |
| Chambers        | Hawkins     | Perry               | Turner              |

—80

**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1031. Providing further for the election and organization of the council in all cities having a population of not less than 14,000 nor

more than 19,000, according to the last or any subsequent federal decennial census, and operating under the mayor-council form of government; providing for the election of councilmen by place and number; and prescribing additional qualifications for candidates seeking election to such council.

J. E. SPEIGHT,  
Secretary.

### SENATE MESSAGE

On motion of Mr. Roberts the House concurred in and adopted the Senate amendment to the bill, H. 1031, said Senate amendment being as follows:

### AMENDMENT TO H. B. 1031

In Section 1, strike out the word "once".

Yeas 78; Nays 1.

#### Yeas:

|                            |             |                                |                                |
|----------------------------|-------------|--------------------------------|--------------------------------|
| Mr. Speaker                | Cornett     | Hocklander                     | Phillips                       |
| Adams <sup>(Houston)</sup> | Daniel      | Ingram                         | Pierce                         |
| Albea                      | Dickson     | Jenkins                        | Powell                         |
| Avery                      | Dodd        | Johnson <sup>(Hardaway)</sup>  | Pruitt                         |
| Bailey                     | Faulk       | Johnson <sup>(J. T. Tom)</sup> | Ramey                          |
| Bassett                    | Ferguson    | Johnston <sup>(Leonard)</sup>  | Ray                            |
| Bevill                     | Gilmer      | Jones <sup>(Covington)</sup>   | Reynolds <sup>(Chambers)</sup> |
| Bishop                     | Glass       | Locke                          | Roberts                        |
| Boyd                       | Goldthwaite | Long <sup>(Perry)</sup>        | Rozelle                        |
| Branyon                    | Grant       | McClendon <sup>(Chamb)</sup>   | Sessions                       |
| Brewer                     | Gross       | McLendon <sup>(Bullock)</sup>  | Shumate                        |
| Britton                    | Grouby      | Martin                         | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Guthrie     | Meade                          | Solomon                        |
| Brooks                     | Hain        | Merrill                        | Speaks                         |
| Cabiness                   | Hanby       | Morrow                         | Steagall                       |
| Camp                       | Hankins     | Murphy                         | Sullivan                       |
| Casey                      | Hardy       | Nettles                        | Taylor                         |
| Cates                      | Harris      | Owens                          | Trimmier                       |
| Chambers                   | Harvey      | Perry                          | Turner                         |
| Copeland                   | Hearn       |                                |                                |

—78

Nay: Mr. Hawkins

—1

And said bill, H. 1031, as amended by the Senate amendment, was again read at length and passed.

Yeas 80; Nays 0.

#### Yeas:

|                            |           |             |         |
|----------------------------|-----------|-------------|---------|
| Mr. Speaker                | Branyon   | Daniel      | Grouby  |
| Adams <sup>(Houston)</sup> | Brewer    | Dickson     | Guthrie |
| Albea                      | Britton   | Dodd        | Hain    |
| Ashworth                   | Broadfoot | Faulk       | Hanby   |
| Avery                      | Cabiness  | Ferguson    | Hankins |
| Bailey                     | Camp      | Gilchrist   | Hardy   |
| Bassett                    | Casey     | Glass       | Harris  |
| Bevill                     | Cates     | Goldthwaite | Harvey  |
| Bishop                     | Chambers  | Grant       | Hawkins |
| Boyd                       | Copeland  | Gross       | Hearn   |

|                     |                    |                     |                   |
|---------------------|--------------------|---------------------|-------------------|
| Hocklander          | McClendon (Chamb)  | Phillips            | Shumate           |
| Ingram              | McLendon (Bullock) | Pierce              | Smith (Russell)   |
| Jenkins             | Martin             | Powell              | Smith (St. Clair) |
| Johnson (Hardaway)  | Meade              | Pruitt              | Solomon           |
| Johnson (J. T. Tom) | Merrill            | Ramey               | Steagall          |
| Johnston (Leonard)  | Morrow             | Ray                 | Sullivan          |
| Jones (Covington)   | Murphy             | Reynolds (Chambers) | Taylor            |
| Locke               | Nettles            | Roberts             | Thomas            |
| Long (Lauderdale)   | Owens              | Rozelle             | Trimmier          |
| Long (Perry)        | Perry              | Sessions            | Turner            |

—80

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House.

H. 1021. To authorize the probate judges of all counties having a population of not less than 500,000 inhabitants, according to the last or any subsequent federal decennial census, to destroy or otherwise dispose of certain papers and documents filed for record in his office under certain conditions.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Morrow the House concurred in and adopted the Senate substitute for the bill, H. 1021, said Senate substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the probate judges of all counties having a population of not less than 500,000 inhabitants, according to the last or any subsequent federal decennial census, to destroy or otherwise dispose of certain papers and documents filed for record in his office under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of any county having a population of not less than 500,000 inhabitants, according to the last or any subsequent federal decennial census, is authorized and empowered to destroy or otherwise dispose of any deed, mortgage or other like instrument filed for record and recorded in his office when the owner thereof fails to provide a forwarding address to which such paper or document may be mailed after recording and fails to claim or demand the return of such paper or document within two years from the date such paper or document was filed for record. Also, the judge of probate of any such county shall not be required to subscribe for and take and file in his respective offices any weekly newspapers published in such county the date of publication of which is more than one year old, and such judge of probate is authorized, at his discretion, to destroy or otherwise dispose of all such newspapers the date of publication of which is more than one year old.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed. The provisions of Section 724, of Title 7, Code of Alabama of 1940, and all amendments thereto, in conflict with this Act are expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 80; Nays 0.

**Yeas:**

|                 |             |                     |                     |
|-----------------|-------------|---------------------|---------------------|
| Mr. Speaker     | Dickson     | Hocklander          | Pierce              |
| Adams (Houston) | Dodd        | Ingram              | Powell              |
| Albea           | Faulk       | Jenkins             | Pruitt              |
| Avery           | Ferguson    | Johnson (J. T. Tom) | Ramey               |
| Bailey          | Franklin    | Johnston (Leonard)  | Rast                |
| Bassett         | Gilchrist   | Jones (Covington)   | Ray                 |
| Bevill          | Glass       | Lee                 | Reynolds (Chambers) |
| Bishop          | Goldthwaite | Locke               | Roberts             |
| Boyd            | Grant       | Long (Perry)        | Rogers              |
| Branyon         | Gross       | McClendon (Chamb)   | Rozelle             |
| Brewer          | Grouby      | McLendon (Bullock)  | Sessions            |
| Britton         | Guthrie     | Martin              | Shumate             |
| Broadfoot       | Hain        | Meade               | Smith (St. Clair)   |
| Cabiness        | Hanby       | Merrill             | Solomon             |
| Casey           | Hankins     | Morrow              | Speaks              |
| Cates           | Hardy       | Murphy              | Steagall            |
| Chambers        | Harris      | Nettles             | Taylor              |
| Copeland        | Harvey      | Owens               | Thomas              |
| Cornett         | Hawkins     | Perry               | Trimmier            |
| Daniel          | Hearn       | Phillips            | Turner              |

—80

And said bill, H. 1021, as amended by the Senate substitute, was again read at length and passed.

Yeas 80; Nays 0.

**Yeas:**

|                 |             |                     |                   |
|-----------------|-------------|---------------------|-------------------|
| Mr. Speaker     | Cates       | Hain                | Long (Lauderdale) |
| Adams (Houston) | Chambers    | Hanby               | Long (Perry)      |
| Albea           | Copeland    | Hankins             | McClendon (Chamb) |
| Ashworth        | Daniel      | Hardy               | Martin            |
| Avery           | Dodd        | Harris              | Meade             |
| Bailey          | Faulk       | Hawkins             | Merrill           |
| Bassett         | Ferguson    | Hearn               | Morrow            |
| Bevill          | Franklin    | Hocklander          | Murphy            |
| Bishop          | Gilchrist   | Ingram              | Nettles           |
| Boyd            | Glass       | Jenkins             | Owens             |
| Branyon         | Goldthwaite | Johnson (Hardaway)  | Perry             |
| Brewer          | Goodwyn     | Johnson (J. T. Tom) | Phillips          |
| Britton         | Grant       | Johnston (Leonard)  | Pierce            |
| Broadfoot       | Gross       | Jones (Covington)   | Pruitt            |
| Cabiness        | Grouby      | Lee                 | Ramey             |
| Casey           | Guthrie     | Locke               | Rast              |



|                     |                   |          |          |
|---------------------|-------------------|----------|----------|
| Ray                 | Rozelle           | Solomon  | Taylor   |
| Reynolds (Chambers) | Sessions          | Speaks   | Thomas   |
| Roberts             | Shumate           | Steagall | Trimmier |
| Rogers              | Smith (St. Clair) | Sullivan | Turner   |

—80

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House.

H. 1025. Relating to Jefferson County, Alabama; to provide for levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and other conducting places of amusement in said county, such tax to be measured by the gross receipts or gross proceeds of such businesses; to provide for levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the license tax; specifying property the use, storage or other consumption of which is exempt from the excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of said taxes, and the enforcement of the provisions of this Act; making applicable to the taxes herein levied and adopting certain provisions of Act No. 100, H. B. 94, approved August 18, 1959, effective October 1, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama, as amended; providing for the filing of reports with and the payment of tax to the Director of the Department of Revenue of Jefferson County, Alabama, and providing for the enforcement of this Act by said Director of Revenue of Jefferson County, Alabama; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said sales price or admission fee; providing for the use of the revenues from said taxes; providing for referenda or elections of the qualified electors for making the taxes applicable to said county; and providing for the termination of the taxes imposed subject to referenda or elections of the qualified electors of said county.

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Morrow the House concurred in and adopted the Senate amendment to the bill, H. 1025, said Senate amendment being as follows:

Amend Section 18 of H. B. 1025 by deleting from the second paragraph of Section 18 the words "City of Birmingham" and putting in their place the following: "municipalities in the country pro rata on a population basis."

Yeas 81; Nays 0.

Yeas:

|                 |          |        |         |
|-----------------|----------|--------|---------|
| Mr. Speaker     | Albea    | Avery  | Bassett |
| Adams (Houston) | Ashworth | Bailey | Bevill  |

|           |                     |                   |                     |
|-----------|---------------------|-------------------|---------------------|
| Bishop    | Goldthwaite         | Jones (Covington) | Rast                |
| Boyd      | Grant               | Lee               | Ray                 |
| Branyon   | Gross               | Locke             | Reynolds (Chambers) |
| Brewer    | Grouby              | Long (Perry)      | Roberts             |
| Britton   | Guthrie             | McClendon (Chamb) | Rogers              |
| Broadfoot | Hain                | Martin            | Rozelle             |
| Cabiness  | Hanby               | Meade             | Sessions            |
| Casey     | Hankins             | Merrill           | Shumate             |
| Cates     | Hardy               | Morrow            | Smith (Russell)     |
| Chambers  | Harris              | Murphy            | Smith (St. Clair)   |
| Copeland  | Hawkins             | Nettles           | Solomon             |
| Cornett   | Hearn               | Owens             | Speaks              |
| Daniel    | Hocklander          | Perry             | Steagall            |
| Dickson   | Ingram              | Phillips          | Sullivan            |
| Dodd      | Jenkins             | Pierce            | Taylor              |
| Faulk     | Johnson (Hardaway)  | Powell            | Thomas              |
| Ferguson  | Johnson (J. T. Tom) | Pruitt            | Trimmier            |
| Franklin  | Johnston (Leonard)  | Ramey             | Turner              |
| Class     |                     |                   |                     |

—81

And said bill, H. 1025, as amended by the Senate amendment, was again read at length and passed.

Yeas 81; Nays 0.

#### Yeas:

|                 |            |                     |                     |
|-----------------|------------|---------------------|---------------------|
| Mr. Speaker     | Dodd       | Johnson (Hardaway)  | Pruitt              |
| Adams (Houston) | Faulk      | Johnson (J. T. Tom) | Ramey               |
| Albea           | Ferguson   | Johnston (Leonard)  | Rast                |
| Asbworth        | Franklin   | Jones (Covington)   | Ray                 |
| Avery           | Gilchrist  | Lee                 | Reynolds (Chambers) |
| Bailey          | Glass      | Locke               | Roberts             |
| Bassett         | Grant      | Long (Lauderdale)   | Rogers              |
| Bevill          | Gross      | Long (Perry)        | Rozelle             |
| Bishop          | Grouby     | McClendon (Chamb)   | Sessions            |
| Boyd            | Guthrie    | McLendon (Bullock)  | Shumate             |
| Branyon         | Hain       | Martin              | Smith (Russell)     |
| Brewer          | Hanby      | Meade               | Smith (St. Clair)   |
| Britton         | Hankins    | Merrill             | Solomon             |
| Broadfoot       | Hardy      | Morrow              | Speaks              |
| Cabiness        | Harris     | Murphy              | Steagall            |
| Casey           | Hawkins    | Owens               | Sullivan            |
| Cates           | Hearn      | Perry               | Taylor              |
| Chambers        | Hocklander | Phillips            | Thomas              |
| Copeland        | Ingram     | Pierce              | Trimmier            |
| Daniel          | Jenkins    | Powell              | Turner              |
| Dickson         |            |                     |                     |

—81

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 1003. To levy additional county privilege license and excise taxes for public school purposes in Franklin County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state depart-

ment of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 216, H. 397, approved August 8, 1955 (Acts 1955, vol. I, pp. 523-525).

Also:

H. 1118. Relating to Mobile County: To provide further for the distribution of fines and forfeitures in certain cases.

Also:

H. 1119. To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said city.

Also:

H. 1072. To alter and extend the boundaries of the City of Birmingham so as to include within the city limits of the City of Birmingham part of the territory located within Section 34, Township 16, Range 2 West; Section 35, Township 16 Range 2 West; Section 26, Township 16, Range 2 West; Section 23, Township 16, Range 2 West; Section 24, Township 16, Range 2 West; Section 13, Township 16, Range 2 West; Section 7, Township 16, Range 1 West; Section 6, Township 16, Range 1 West; Section 1, Township 16, Range 2 West; Section 12, Township 16, Range 2 West; Section 11, Township 16, Range 2 West; Section 14, Township 16, Range 2 West; Section 15, Township 16, Range 2 West; Section 22, Township 16, Range 2 West and Section 27, Township 16, Range 2, in Jefferson County, Alabama.

Also:

H. 1092. To provide, with respect to any pension system heretofore or hereafter established for the employees of any city of the state having a population of 300,000 or more according to the last or any subsequent federal census, that if there are numerous members of any such pension system, or if there are numerous beneficiaries under any such pension system, whose several rights to benefits or several claims for benefits are affected by the same question of law, then such of them, one or more, as will fairly insure the adequate representation of all, may upon behalf of all file a class suit against the trustees of the pension system to enforce the benefits in the equity division, or on the equity side of the circuit court, of that judicial circuit wherein the city is situated; to provide that no such class suit shall be instituted unless one of the parties in the original bill of complaint, either personally or through his attorney, files with the secretary of the trustees of the pension system a demand for payment of the benefit claimed, and that no such class suit shall be filed until ninety days have elapsed between the time of the filing of the said claim with said secretary and the filing of the bill of complaint in the circuit court, or until after the trustees of the pension system or the said secretary of the said trustees, or the city attorney, has advised the claimant or the claimant's attorney that the benefit demanded is denied; to provide for the allowance of a solicitor's fee to the solicitor or solicitors prosecuting the class suit subject to the terms, conditions and limitations prescribed in said act; to provide that any such solicitor's fee allowed shall not be charged as costs in the suit and shall not be charged against the city, the trustees of the pension system or against the pension fund, and

to provide the funds out of which any such solicitor's fee allowed shall be payable; to provide the factors which shall be taken into consideration in determining the amount of any such solicitor's fee; and to provide that Section 63, Title 46, Code of Alabama of 1940, shall not apply so as to authorize the allowance of any attorney's fee or solicitor's fee in any action or suit involving any such pension system of any such city.

Also:

H. 1076. To amend Section Two of the Act approved March 23, 1955 (Act No. 8, H. 7, Acts of Alabama 1955, Page 114) relating to the office of Chief Clerk to the Register of the Circuit Court in Equity of Madison County, Alabama.

Also:

H. 1089. To amend Section 6 of Act No. 393, H. 681, approved July 14, 1931, an act that abolished the county board of education of Geneva County and created in lieu thereof a county board of school commissioners (Local Acts 1931, pages 175, 176), in relation to the compensation of school commissioners.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 1126. To alter and extend the boundaries of the City of Leeds, Alabama.

Also:

H. 1132. To provide for the compensation of the county or deputy solicitor in all counties having a population of not less than 20,500 nor more than 20,830, according to the most recent federal decennial census.

Also:

H. 1102. To apply in counties which now have or which may hereafter have a population in excess of 500,000 according to the last or any subsequent federal decennial census; providing for the use and disposition of sums in the amount of less than one dollar (\$1.00) which come into the hands of the License Commissioner, Director of the Department of Revenue or such other official as may be by law charged with responsibility for the collection and remittance of licenses and license fees, as a result of overpayment for licenses or other fees.

Also:

H. 1100. To amend Section 440 of Title 37 of the Code of Alabama, 1940, as last amended.

Also:

H. 990. To amend Section 288 of Title 62 of the Code of Alabama of 1940.

Also:

H. 991. To repeal Act No. 430 of the 1957 Regular Session of the Legislature of Alabama, approved September 6, 1957 (Acts of Alabama Regular Session 1957, page 593) entitled "An Act, To Authorize, Regulate and Provide For the payment of supplemental benefits to certain beneficiaries of municipal employees' pension, relief or retirement systems in cities in this state having a population of three hundred thousand or more, according to the last or any subsequent federal decennial census."

Also:

H. 1002. To re-establish the County Court of Franklin County in lieu of the Law and Equity Court of Franklin County; abolishing the Law and Equity Court; providing for the transfer of the cases pending therein to the court hereby established or to the circuit court; defining the jurisdiction of the court hereby established; providing it with officers; defining their powers, duties, salaries, compensation, term of office and the manner of their selection, appointment and election; regulating its procedure and process and the return of warrants thereto; and providing for appeals from the court hereby established.

Also:

H. 1004. Relating to Franklin County; fixing the compensation of members of the board of revenue, court of county commissioners, or other like governing body of Franklin County, and providing for the manner of payment thereof.

Also:

H. 1034. To provide for reimbursement of expenses incurred by members of the Board of County Commissioners of Madison County in the performance of their duties.

Also:

H. 1006. Relating to Tallapoosa County: To impose extra, new and additional duties upon members of the Court of County Commissioners and to provide additional compensation for the performance of such duties.

Also:

H. 1124. To provide for the compensation of the coroner of Cherokee County.

Also:

H. 1121. To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said City.

Also:

H. 1122. To provide for and fix the compensation and duties of the Chief Assistant in the office of the Clerk of the Circuit Court of Mobile County, Alabama, in charge of the Criminal Division of said Circuit Court.

Also:

H. 1125. To authorize the court of county commissioners, board of revenue or other like governing body of Conecuh County to designate

deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Conecuh County public highway and traffic fund.

Also:

H. 1131. To amend Act No. 243, House Bill 685, approved August 13, 1957, (Acts of Alabama 1957, Page 308), Relating to Colbert County: To authorize the board of revenue, court of county commissioners, or like governing body of Colbert County to call an election in the county for the purpose of determining whether or not the county body may levy an additional county privilege or excise tax on tobacco products; prescribing the power, duties, and authority of the county governing body in the collection and enforcement of the tax, if imposed; prescribing the method or manner of evidencing the payment of the tax, if imposed, through the use of stamps, and allowing a discount for handling tobacco tax stamps; providing that the proceeds of the tax, if imposed, shall be used exclusively for the purpose of acquiring, constructing, equipping, enlarging, improving, maintaining, and operating a public hospital in the county; and prescribing penalties for violations of the Act.

Also:

H. 1016. To amend Act No. 31, H. 256, approved June 17, 1957 (Acts of Alabama 1957, p. 77), entitled "An Act relating to the construction, maintenance and repair of the county roads and bridges of DeKalb County; providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department, and relieving the county and officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials to the State Highway Department of certain funds, including DeKalb County's proportionate share of the state gasoline tax, the county one-cent tax on gasoline, state motor vehicle license taxes allocated to the county, and also for the transfer of supplies, equipment, machinery and materials used in the construction, maintenance and repair of county roads and bridges; and repealing conflicting laws."

Also:

H. 1005. To amend further Section 1 of Act No. 201, approved July 13, 1951, entitled "An Act relating to Franklin County; authorizing the sheriff to appoint a deputy sheriff in addition to the deputies heretofore provided by law, fixing his compensation, and providing that the same shall be paid by the county", in relation to the amount of such deputy's compensation.

Also:

H. 1030. To levy in Madison County a county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption in such county of cigarettes; to require that the tax hereby levied shall be collected by the seller or distributor, added to the sale price of the cigarettes, and passed on to the purchaser or consumer, and that the price and the tax shall be stated separately on any bill of sale or advertising of such cigarettes; to provide that the tax shall be in addition to all other taxes now levied by law except license or privilege taxes levied on the sale of cigarettes by the municipalities in such county, which are hereby repealed; to require the affixing of stamps to the packages of cigarettes to evidence the payment of the tax, and to provide for obtaining the stamps in the same manner and according to the same rules and regulations that govern the purchasing and affixing of

stamps for the payment of the state tobacco tax levied by Title 51, Chapter 20, Article 9, of the Code of Alabama, 1940; to provide for the collection and enforcement of the tax by the state department of revenue in the same manner that the state tobacco tax levied by the above mentioned Article 9 is enforced; to adopt by reference certain provisions of said Article 9, as amended, relative to payment of the tax, records and reports with respect to the tax, and the provisions thereof prescribing penalties for violations; to provide for the distribution and use of the revenue derived from the tax; to authorize the state department of revenue to make rules and regulations to effectuate the purposes of this Act; and to prescribe additional penalties.

Also:

H. 1019. To apply in and only in counties in Alabama now having or which may hereafter have a population of 500,000 or more, according to the last or any future federal census; to further provide the manner of entering payment or satisfaction on the margin of the record of the mortgage or deed of trust or other lien; to authorize and empower the Judge of Probate to delegate the authority and power to any clerk of such probate court to enter on the margin of the record the payment or satisfaction of the mortgage, deed of trust, or other lien, where the judge of probate is named in any power of attorney instrument duly recorded, authorizing such entry of satisfaction, and to sign or stamp the name of such judge as attorney in fact to such marginal satisfaction record; and to authorize the collection of a fee of fifty cents for each such entry on the margin of each such document record.

Also:

H. 1020. To provide that in any county of the state having a population of 500,000 or more according to the last or any subsequent federal census, any person who, in payment of any privilege or license tax due the state or the county, issues a worthless check, or a check which is not paid by the bank upon which it is drawn shall be subject to a penalty, and to provide that any license procured by or through such check shall be void and that no other business license shall be issued to the person drawing such check until the said penalty has been paid.

Also:

H. 1022. To authorize and empower the Judge of Probate and the Chief Clerk of the Probate Court to install and maintain improved systems of indexing in all probate courts in counties having a population of not less than 500,000 inhabitants according to the last or any subsequent federal census; to authorize the indexing of all estates and other cases in alphabetical order and to use card or strip indexes; and to authorize direct and reverse index of all real property instruments, and direct and reverse index of all personal property instruments and miscellaneous instruments, in alphabetical order; and to authorize the use of card or strip indexes in the office of the judge of probate in such counties; and to authorize the county commission or like governing body to approve of the purchase of all equipment, files and supplies necessary to install and maintain such index systems.

Also:

H. 1028. To amend Section 1 of Act No. 10, S. 3, approved July 19, 1950 (Acts 1950-1951, Vol. I, p. 27), an act relating to the compensation and duties of the superintendent of education of Limestone County.

Also:

H. 1088. To abolish the Etowah County Law Library Fund which was created by Act No. 482, H. 1036, approved August 30, 1949; to provide for the transfer of any moneys in such abolished fund to the Etowah County Law Library Fund established pursuant to Act No. 197, H. 596, which became law on August 1, 1955, and to authorize the expenditure of such moneys after being so transferred.

Also:

H. 993. To amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923, (General Acts of Alabama of 1923, page 663, et seq.), as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, page 241 et seq.), as heretofore amended.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 873. To amend Section 15 of Act No. 75 adopted at the First Special Session of the Legislature of Alabama of 1959 pertaining to records of the proceedings of and resolutions and ordinances adopted by Boards of Commissioners in certain cities having the commission form of government.

Also:

H. 96. To amend further Section 70 of Title 12, Code of Alabama (1940), which relates to the State's participation in salaries of county engineers.

Also:

H. 424. To further amend the Farm-to-Market Road Act of 1943 (Act No. 329, approved July 1, 1943) by amending Sections 1, 2, and 13 of said Act as amended by Act No. 41, approved June 1, 1945 (1945 Acts, page 47); by amending Sections 3 and 7 of said Act as amended by Act No. 831, approved September 19, 1953 (1953 Acts, page 1119); and by amending Section 11 of said Act as amended by Act No. 14 approved August 11, 1950 (Fourth Special Session 1950 Acts, page 55).

Also:

H. 190. To propose an amendment to the Constitution forbidding enactment of a law placing responsibility for construction and maintenance of county roads in the State Highway Department or other state agency unless authorized by a vote of the qualified electors of the county.

Also:

H. 775. To amend Section 125 of Title 12, Code of Alabama 1940, which relates to the interest rate and maturity of temporary loans made by county governing bodies in anticipation of taxes.



Also:

H. 1116. To make an additional appropriation for payment of expenses of the Legislature.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Godfrey:

S. J. R. 46. BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That the bill, H. B. 700, which has passed both Houses, be designated the "Godfrey, Meade and Harris Bill."

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

The S. J. R. 46 set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Thomas to suspend the rules in order to take up for immediate consideration the third reading of the bill, S. 349, was adopted.

And the bill:

S. 349. To amend Sections 278-283 of Title 55, Code of Alabama 1940, in relation to the public library service.

Was read a third time at length and passed.

Yeas 81; Nays 0.

#### Yeas:

|                 |           |                     |                     |
|-----------------|-----------|---------------------|---------------------|
| Mr. Speaker     | Cates     | Hain                | McLendon (Bullock)  |
| Adams (Houston) | Chambers  | Hankins             | Martin              |
| Ashworth        | Cornett   | Hardy               | Nettles             |
| Bailey          | Daniel    | Harvey              | Nichols             |
| Bassett         | Dickson   | Hearn               | Oakley              |
| Bevill          | Dodd      | Hocklander          | Owens               |
| Bishop          | Faulk     | Ingram              | Perry               |
| Boyd            | Ferguson  | Jenkins             | Phillips            |
| Brannan         | Franklin  | Johnson (J. T. Tom) | Pierce              |
| Branyon         | Gilchrist | Johnston (Leonard)  | Powell              |
| Brewer          | Gilmer    | Jones (Covington)   | Pruitt              |
| Britton         | Glass     | Jones (Monroe)      | Ramey               |
| Broadfoot       | Goodwyn   | Lee                 | Rast                |
| Cabiness        | Grant     | Locke               | Ray                 |
| Callahan        | Gross     | Long (Lauderdale)   | Reynolds (Chambers) |
| Camp            | Grouby    | Long (Perry)        | Rogers              |
| Casey           | Guthrie   | McClendon (Chamb)   | Rozelle             |

Salter  
Sessions  
Shumate  
Smith<sup>(Russell)</sup>

Smith<sup>(St. Clair)</sup>  
Solomon  
Speaks

Steagall  
Sullivan  
Taylor

Thomas  
Trimmier  
Turner

—81

## RECESS

On motion of Mr. Shumate the House recessed until 9:00 o'clock this evening.

## EVENING SESSION

The hour of 9:00 o'clock P.M. having arrived, the House reconvened.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 827. To amend Section 695, Title 51, Code of Alabama 1940, in relation to an apportionment of the license taxes payable by certain common carriers of passengers.

Also:

H. 373. To amend Section 171 of Title 7, Code of Alabama 1940, relating to actions for validation of obligations of political subdivisions of the state.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 113. Expressing best wishes to Mr. Fred Taylor of the Birmingham News on his promotion.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Bill:

S. 197. To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$50,000.00 for the purpose of renovating and remodelling space in the basement of the State Capitol for a restaurant and for the correction of the electrical distribution system for the Capitol.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 465. To amend Section 10 of an act approved August 17, 1951 (Act No. 476, S. 418, Acts 1951, Vol. I, p. 840) creating within the department of conservation a division to be known as the division of seafoods, in relation to the authority of the director of conservation to make expenditures out of the seafoods fund.

Also:

H. 467. To amend further Section 153 of Title 8, Code of Alabama 1940, making it unlawful to sell oysters under a certain size, etc.

Also:

H. 464. To provide for the patrolling and protection of private oyster reefs and to provide certain requirements of the owners or lessees of such private oyster reefs.

Also:

H. 395. To amend Section 5 of Title 27, Code of Alabama 1940, relating to the adoption of children; providing that a final order of adoption made by a court of competent jurisdiction shall be incontestable for any irregularity, infirmity, or defect in the adoption proceedings after the lapse of five years from the date thereof.

J. E. SPEIGHT,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 733. To amend further Section 361 of Title 17, Code of Alabama 1940, in relation to single shot voting for the nomination or election of electors for president and vice president of the United States.

Also:

H. 724. To amend Sections 92 and 117 of Title 17 of the Code of Alabama of 1940 so as to authorize any county or city or other political subdivision of the state to authorize and direct the use of voting machines for registering or recording and computing the vote at all elections held in such county or city or other political subdivision or portion of any thereof without the requirement of submitting the question of the authorization or installation of voting machines to a vote of the qualified electors of such county, city, or other political subdivision, and so as to make the pertinent and necessary laws pertaining to the use of voting machines in counties also apply to the use of voting machines in any municipality or other political subdivision in which voting machines may be adopted.

Also:

H. 725. To authorize each county in this state, in which voting machines may now or hereafter be authorized or required to be used in the conduct of elections, to sell and issue from time to time interest bearing warrants or certificates of indebtedness of such county for the purpose of acquiring or providing voting machines for the conduct of elections in such county; authorizing each such county to pledge and use, for payment of the principal of and interest on such warrants and certificates, so much as may be necessary for such purpose of the  $\frac{1}{2}$  of 1% ad valorem tax which such county is now authorized to levy without reference to its purpose, and specifying the effect and priority of any such pledge; and authorizing the refunding of such warrants and certificates.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 343. To provide for the management, control and ownership of McDuffie Island in Mobile Bay; to provide for the transfer of deeds and records to the Department of State Docks pertaining to McDuffie Island; to provide for the lease, sale or other disposition of properties on McDuffie Island; to provide for the disposition of all revenues obtained from the sale or other disposition of lands on McDuffie Island; to repeal all laws in conflict with the provisions of this act.

Also:

H. 342. To amend Section 1 of Act No. 455, 1945 General Acts of Alabama, page 689, approved July 6, 1945, entitled an Act "To authorize the Department of State Docks and Terminals of the State of Alabama to carry fire and casualty and public liability insurance of all kinds and to pay the premiums thereon and to fix the liability in connection therewith and to authorize suits directly against the insurance carriers on any such policies and to repeal all laws, or parts of laws, in conflict herewith."

Also:

H. 616. To create the position of Chief Engineer in the State Highway Department; to provide for his appointment, qualifications, duties, responsibilities and salary; and to provide for the effective date of this Act.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 802. To authorize the state board of education and the boards of trustees of all state institutions to make investments of endowment

funds and other funds held for investment in the same manner as the Teachers Retirement System of Alabama is authorized to make.

Also:

H. 291. To provide for the construction, maintenance and repair of streets, roads, drives, and parking areas on the campus of any state institution of higher learning, the Alabama State Hospitals and the Partlow State School.

Also:

H. 893. To make an appropriation for a tentative or preliminary survey of the Mulberry Fork of the Black Warrior River for the purpose of promoting the development of a waterway system connecting the Tennessee River and the Warrior River in the State of Alabama.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House.

H. 831. To provide for grants in aid for educational purposes and for the administration and enforcement of the Act.

J. E. SPEIGHT,  
Secretary.

#### SENATE MESSAGE

On motion of Mr. Nettles the House concurred in and adopted the Senate amendment to the bill, H. 831, said Senate amendment being as follows:

House Bill 831 is hereby amended as follows:

(1) In section 3, first sentence

In section 4, first sentence

In section 5, third sentence, and also the last sentence, where the words "city or county board of education", or "county or city board of education" appear together, strike out such words and insert in lieu thereof: "city, county or independent school district board of education".

(2) In section 5, first sentence, after the words "city or county" and before the words "superintendent of education", insert the words: "or independent school district".

Yeas 63; Nays 1.

#### Yeas:

|                            |         |          |          |
|----------------------------|---------|----------|----------|
| Mr. Speaker                | Barnett | Brewer   | Copeland |
| Adams <sup>(Houston)</sup> | Bevill  | Cabiness | Cornett  |
| Ashworth                   | Bishop  | Callahan | Daniel   |
| Avery                      | Brannan | Camp     | Dodd     |
| Bailey                     | Branyon | Chambers | Ferguson |

|           |                               |                               |                              |
|-----------|-------------------------------|-------------------------------|------------------------------|
| Franklin  | Hearn                         | McLendon <sup>(Bullock)</sup> | Rozelle                      |
| Gilchrist | Ingram                        | Martin                        | Salter                       |
| Gilmer    | Jenkins                       | Morrow                        | Sessions                     |
| Glass     | Johnson <sup>(Hardaway)</sup> | Nettles                       | Shumate                      |
| Grant     | Johnston <sup>(Leonard)</sup> | Nichols                       | Smith <sup>(St. Clair)</sup> |
| Grouby    | Jones <sup>(Covington)</sup>  | Oakley                        | Speaks                       |
| Guthrie   | Jones <sup>(Monroe)</sup>     | Phillips                      | Sullivan                     |
| Hain      | Lee                           | Pierce                        | Trimmier                     |
| Hankins   | Locke                         | Powell                        | Turner                       |
| Hardy     | Long <sup>(Perry)</sup>       | Ramey                         | Turnham                      |
| Harvey    | McClendon <sup>(Chamb)</sup>  | Rogers                        | —63                          |

**Nay:** Mr. Reynolds (Chambers).

—1

And said bill, H. 831, as amended by the Senate amendment, was again read at length and passed.

Yeas 61; Nays 0.

**Yeas:**

|                            |           |                               |                              |
|----------------------------|-----------|-------------------------------|------------------------------|
| Mr. Speaker                | Daniel    | Hearn                         | Powell                       |
| Adams <sup>(Houston)</sup> | Dodd      | Ingram                        | Ramey                        |
| Ashworth                   | Faulk     | Jenkins                       | Rast                         |
| Avery                      | Ferguson  | Johnson <sup>(Hardaway)</sup> | Rogers                       |
| Bailey                     | Franklin  | Jones <sup>(Covington)</sup>  | Rozelle                      |
| Barnett                    | Gilchrist | Jones <sup>(Monroe)</sup>     | Salter                       |
| Bevill                     | Gilmer    | Long <sup>(Perry)</sup>       | Sessions                     |
| Bishop                     | Glass     | McLendon <sup>(Bullock)</sup> | Shumate                      |
| Brannan                    | Grant     | Martin                        | Smith <sup>(St. Clair)</sup> |
| Branyon                    | Grouby    | Morrow                        | Speaks                       |
| Brewer                     | Hain      | Murphy                        | Steagall                     |
| Cabiness                   | Hankins   | Nettles                       | Sullivan                     |
| Camp                       | Hardy     | Nichols                       | Trimmier                     |
| Cates                      | Harvey    | Oakley                        | Turner                       |
| Copeland                   | Hawkins   | Phillips                      | Turnham                      |
| Cornett                    |           |                               | —61                          |

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House.

H. 563. To permit the county and city boards of education, by their rules and regulations, to provide assistance to residents of their respective districts for instruction on an elementary or secondary level not available to them in public schools within the district.

J. E. SPEIGHT,  
Secretary.

SENATE MESSAGE

On motion of Mr. Oakley the House concurred in and adopted the Senate amendment to the bill, H. 563, said Senate amendment being as follows:

H. B. 563 is hereby amended by striking out the words "and city" and inserting in lieu thereof the words ", city and independent school district."

Yeas 59; Nays 0.

**Yeas:**

|                            |          |                               |          |
|----------------------------|----------|-------------------------------|----------|
| Mr. Speaker                | Copeland | Ingram                        | Perry    |
| Adams <sup>(Houston)</sup> | Cornett  | Jenkins                       | Phillips |
| Albea                      | Daniel   | Johnson <sup>(Hardaway)</sup> | Ramey    |
| Avery                      | Dodd     | Johnston <sup>(Leonard)</sup> | Rast     |
| Bailey                     | Ferguson | Jones <sup>(Covington)</sup>  | Rogers   |
| Barnett                    | Franklin | Jones <sup>(Monroe)</sup>     | Rozelle  |
| Bevill                     | Gilmer   | Locke                         | Salter   |
| Bishop                     | Glass    | Long <sup>(Lauderdale)</sup>  | Sessions |
| Brannan                    | Grant    | Long <sup>(Perry)</sup>       | Speaks   |
| Branyon                    | Gross    | McClendon <sup>(Chamb)</sup>  | Steagall |
| Brewer                     | Grouby   | Martin                        | Sullivan |
| Cabiness                   | Hain     | Morrow                        | Trimmier |
| Callahan                   | Hardy    | Nettles                       | Turner   |
| Camp                       | Hawkins  | Nichols                       | Turnham  |
| Cates                      | Hearn    | Oakley                        |          |

—59

And said bill, H. 563, as amended by the Senate amendment, was again read at length and passed.

Yeas 63; Nays 0.

**Yeas:**

|                            |          |                               |                                |
|----------------------------|----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cornett  | Hawkins                       | Perry                          |
| Adams <sup>(Houston)</sup> | Daniel   | Ingram                        | Phillips                       |
| Albea                      | Dodd     | Johnson <sup>(Hardaway)</sup> | Ramey                          |
| Ashworth                   | Ferguson | Johnston <sup>(Leonard)</sup> | Reynolds <sup>(Chambers)</sup> |
| Avery                      | Franklin | Jones <sup>(Covington)</sup>  | Rogers                         |
| Bailey                     | Gilmer   | Jones <sup>(Monroe)</sup>     | Rozelle                        |
| Barnett                    | Glass    | Lee                           | Salter                         |
| Bevill                     | Gordon   | Locke                         | Sessions                       |
| Bishop                     | Grant    | Long <sup>(Lauderdale)</sup>  | Smith <sup>(St. Clair)</sup>   |
| Brannan                    | Gross    | Long <sup>(Perry)</sup>       | Speaks                         |
| Branyon                    | Grouby   | McClendon <sup>(Chamb)</sup>  | Steagall                       |
| Brewer                     | Guthrie  | Martin                        | Sullivan                       |
| Cabiness                   | Hain     | Morrow                        | Trimmier                       |
| Camp                       | Hankins  | Nettles                       | Turner                         |
| Cates                      | Hardy    | Nichols                       | Turnham                        |
| Chambers                   | Harvey   | Oakley                        |                                |

—63

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House.

H. 466. Relating to seafoods; providing for owners of private oyster reefs, beds, or bottoms, or the lessees thereof, to use mechanical devices, including mechanical rake dredges, at any time, to cultivate and harvest or to remove their live oysters, under certain prescribed conditions.

J. E. SPEIGHT,  
Secretary.

SENATE MESSAGE

On motion of Mr. Murphy the House concurred in and adopted the Senate substitute for the bill, H. 466, said Senate substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to seafoods; providing for owners of private oyster reefs, beds or bottoms, or lessees thereof to use mechanical devices, including mechanical rake dredges, at any time, to cultivate and harvest or to remove their live oysters, under certain prescribed conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Owners of private oyster reefs, beds, or bottoms, and the lessees of such reefs, beds or bottoms, may use any mechanical means at their disposal and at any time between the hours of sunrise and sunset, including the use of mechanical rake dredges, to cultivate and harvest, or remove live oysters of any size upon or from such grounds. But such a person shall first obtain a dredge license as provided in Section 140 of Title 8, Code of Alabama 1940, as heretofore or hereafter amended, which the director of conservation shall issue if the applicant pays the required fee and posts bond payable to the state department of conservation, in the penal sum of one thousand dollars, conditioned upon his faithful and strict observance of all statutes and regulations relating to the use of such mechanical devices in taking live oysters; provided, such license may be revoked by the director of conservation if any condition of the bond is breached, and the director may thereafter refuse to issue a new license to such person.

Section 2. Such person operating a private oyster reef, bed or bottom, and in so doing utilizing seed oysters obtained from public reefs, beds or bottoms so designated by the department of conservation, shall be subject to the same laws and regulations controlling the taking of oysters from public reefs, beds or bottoms. Said person engaged in such operations shall file with the department of conservation through its seafood division notice to said department of the location and disposition of said seed oysters on the person's private reef, bed or bottom, and shall conform to all other regulations as specifically prescribed by law or regulation.

Section 3. Should private individuals, companies, or corporations desire to purchase seed oysters from the public reefs, beds or bottoms they may do so by paying to the department of conservation the prescribed tax as set by law. Upon purchase of seed oysters by said individual, company or corporation, and upon submission of accurate records as to the location or site of planting of said oysters, the operator of said oyster bed, reef or bottom may operate said reef, bed or bottom in conformance with section one of this act. The Department of Conservation shall, however, not sell to said individual, company or corporation, additional seed oysters taken from public reefs, beds or bottoms for a period of not less than three (3) calendar years, for replanting said individuals private reefs, beds or bottoms where subject seed oysters have been planted under the conditions set forth in this section.

Section 4. The taking of live oysters by means of rake dredges as provided for in this Act shall be under the supervision of the director of conservation and all rights granted to any person, firm or corporation by the provisions of this act may be exercised only after written notice shall have been given in each instance to the Division of Sea-



foods by the person, firm or corporation desiring to use rake dredges as provided herein.

Section 5. Should the private individual, firm or corporation operating under the conditions set forth in section 3, or any of the permittees of said individual, firm or corporation, be found guilty of harvesting undersized oysters as provided for by regulations governing the harvesting of oysters from public beds, bottoms or reefs, on any beds, bottoms or reefs belonging to another individual, firm or corporation or on a public reef, bottom or bed, the conditions and privileges set forth in section 3 of this act shall be voided and withdrawn to said individual, firm or corporation and shall not be renewed for a period of one (1) calendar year from the date of conviction of said individual, firm or corporation or any of its permittees.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 62; Nays 0.

**Yeas:**

|                 |          |                    |                     |
|-----------------|----------|--------------------|---------------------|
| Mr. Speaker     | Copeland | Hawkins            | Nichols             |
| Adams (Houston) | Cornett  | Hearn              | Oakley              |
| Albea           | Daniel   | Hocklander         | Perry               |
| Ashworth        | Dodd     | Ingram             | Phillips            |
| Avery           | Ferguson | Johnson (Hardaway) | Ramey               |
| Bailey          | Franklin | Johnston (Leonard) | Reynolds (Chambers) |
| Barnett         | Gilmer   | Jones (Covington)  | Rogers              |
| Bevill          | Glass    | Jones (Monroe)     | Rozelle             |
| Bishop          | Goodwyn  | Locke              | Sessions            |
| Brannan         | Gordon   | Long (Lauderdale)  | Speaks              |
| Branyon         | Grant    | McClendon (Chamb)  | Steagall            |
| Brewer          | Gross    | McLendon (Bullock) | Sullivan            |
| Cabiness        | Guthrie  | Martin             | Trimmier            |
| Camp            | Hain     | Morrow             | Turner              |
| Cates           | Hankins  | Murphy             | Turnham             |
| Chambers        | Hardy    |                    |                     |

—62

And said bill, H. 466, as amended by the Senate substitute, was again read at length and passed.

Yeas 69; Nays 0.

**Yeas:**

|                 |          |                    |                     |
|-----------------|----------|--------------------|---------------------|
| Mr. Speaker     | Chambers | Guthrie            | Long (Lauderdale)   |
| Adams (Houston) | Copeland | Hain               | Long (Perry)        |
| Albea           | Cornett  | Hankins            | McClendon (Chamb)   |
| Ashworth        | Daniel   | Hardy              | McLendon (Bullock)  |
| Avery           | Dodd     | Harvey             | Martin              |
| Bailey          | Faulk    | Hawkins            | Meade               |
| Barnett         | Ferguson | Hearn              | Morrow              |
| Bevill          | Franklin | Hocklander         | Murphy              |
| Bishop          | Gilmer   | Ingram             | Nichols             |
| Brannan         | Glass    | Jenkins            | Perry               |
| Branyon         | Goodwyn  | Johnson (Hardaway) | Phillips            |
| Brewer          | Gordon   | Johnston (Leonard) | Ramey               |
| Cabiness        | Grant    | Jones (Covington)  | Reynolds (Chambers) |
| Camp            | Gross    | Jones (Monroe)     | Rogers              |
| Cates           | Grouby   | Locke              | Rozelle             |

Salter  
Sessions  
Shumate

Speaks  
Steagall

Sullivan  
Trimmier

Turner  
Turnham

—69

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 337. To appropriate the sum of Seven Thousand Dollars (\$7,000.00) out of Seafoods Division Fund in addition to all other appropriations heretofore made for the purpose of paying items of expense and equipment purchases incurred prior to October 1, 1958.

J. E. SPEIGHT,  
Secretary.

### A BILL TO BE ENTITLED AN ACT

To appropriate the sum of Seven Thousand ninety-nine dollars and eighteen cents (\$7,099.18) out of Seafood Division Fund in addition to all other appropriations heretofore made for the purpose of paying items of expense and equipment purchases listed herein incurred prior to October 1, 1958.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made out of the Division of Seafoods Fund, there is hereby appropriated the sum of Seven Thousand ninety-nine dollars eighteen cents (\$7,099.18) to be expended by the Division of Seafoods of the Department of Conservation for paying items of expense and equipment purchases incurred prior to October 1, 1958 as follows: Foley Hardware, \$980.44; Southport Seafood, \$586.06; Coleman Marine, \$330.11, Southern Fish and Oyster, \$271.50; Graham Seafood, \$270.00; Ramos Shrimp Company, \$379.75; Loop Appliance Company, \$65.00; William Henderson, \$1,050.00; Gulf Telephone Company, \$161.70; Callaway Seafood Company, \$619.60; Van Antwerps, \$125.41; Kennedy's Grocery, \$407.26; Cooley's Seafood, \$171.60; Taylor's Grocery, \$182.44; O. J. Bosarge, \$117.48; Crow-Pruitt Company, \$188.00; G. M. McLeod, \$60.00; Brooks Marine Hardware, \$77.27; McKee Marine Supply, \$307.40; Teague Hardware Company, \$82.26; Alabama Hardware Company, \$162.55; Mobile Fixture & Equipment Company, \$340.80; Dr. W. C. Holmes, \$81.74; Klumpp Chevrolet Co., Inc., \$80.91. The Director of Conservation is hereby authorized and directed to pay the above listed accounts.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

### SENATE MESSAGE

On motion of Mr. Murphy the House non-concurred in the Senate substitute for the bill, H. 337, set out in the above and foregoing Message from the Senate, and requests a Committee on Conference.

And the Speaker named as a Committee on Conference on the part of the House Messrs. Murphy, Cornett and Brannan.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 717. To amend Act No. 653, H. 489, entitled "An Act To regulate the teaching and practice of cosmetology; requiring the registration and licensing of cosmetologist and cosmetologists' apprentices, and schools of cosmetology, creating for the administration of this Act a State Board of Cosmetology, and defining violation of this Act and prescribing penalties therefor," approved September 20, 1957 (Acts of Alabama 1957, page 981).

J. E. SPEIGHT,  
Secretary.

## SENATE MESSAGE

On motion of Mr. Roberts the House concurred in and adopted the Senate amendment to the bill, H. 717, said Senate amendment being as follows:

## AMENDMENT TO H. B. 717

On Page 2, in Paragraph (k) after the first sentence ending with the word "Act" insert the following sentence:

Either of such establishments shall be entirely distinct and separated from any living quarters, but may be housed under the same roof.

Yeas 56; Nays 1.

## Yeas:

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cates     | Hankins                       | Perry                          |
| Adams <sup>(Houston)</sup> | Copeland  | Hawkins                       | Phillips                       |
| Albea                      | Cornett   | Hearn                         | Ramey                          |
| Avery                      | Daniel    | Johnson <sup>(Hardaway)</sup> | Reynolds <sup>(Chambers)</sup> |
| Barnett                    | Dodd      | Johnston <sup>(Leonard)</sup> | Roberts                        |
| Bassett                    | Ferguson  | Jones <sup>(Covington)</sup>  | Rogers                         |
| Bevill                     | Franklin  | Jones <sup>(Monroe)</sup>     | Rozelle                        |
| Bishop                     | Gilchrist | Locke                         | Sessions                       |
| Branyon                    | Glass     | McClendon <sup>(Chamb)</sup>  | Shumate                        |
| Brewer                     | Goodwyn   | McLendon <sup>(Bullock)</sup> | Smith <sup>(St. Clair)</sup>   |
| Broadfoot                  | Grant     | Martin                        | Speaks                         |
| Cabiness                   | Gross     | Merrill                       | Steagall                       |
| Callahan                   | Grouby    | Morrow                        | Sullivan                       |
| Camp                       | Guthrie   | Nettles                       | Trimmier                       |

—56

Nay: Mr. Nichols

—1

And said bill, H. 717, as amended by the Senate amendment, was again read at length and passed.

Yeas 61; Nays 1.

**Yeas:**

|                            |           |                               |                                |
|----------------------------|-----------|-------------------------------|--------------------------------|
| Mr. Speaker                | Cornett   | Hawkins                       | Perry                          |
| Adams <sup>(Houston)</sup> | Daniel    | Hearn                         | Phillips                       |
| Avery                      | Dodd      | Hocklander                    | Pierce                         |
| Barnett                    | Ferguson  | Ingram                        | Powell                         |
| Bassett                    | Franklin  | Johnson <sup>(Hardaway)</sup> | Ramey                          |
| Bevill                     | Gilchrist | Johnston <sup>(Leonard)</sup> | Reynolds <sup>(Chambers)</sup> |
| Bishop                     | Gilmer    | Jones <sup>(Covington)</sup>  | Roberts                        |
| Boyd                       | Glass     | Jones <sup>(Monroe)</sup>     | Rogers                         |
| Branyon                    | Goodwyn   | Locke                         | Rozelle                        |
| Brewer                     | Grant     | McClendon <sup>(Chamb)</sup>  | Sessions                       |
| Broadfoot                  | Gross     | McLendon <sup>(Bullock)</sup> | Shumate                        |
| Cabiness                   | Grouby    | Martin                        | Smith <sup>(St. Clair)</sup>   |
| Callahan                   | Guthrie   | Merrill                       | Sullivan                       |
| Camp                       | Hankins   | Morrow                        | Taylor                         |
| Cates                      | Harvey    | Nettles                       | Trimmier                       |
| Copeland                   |           |                               |                                |

—61

**Nay:** Mr. Nichols

—1

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 197. To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$50,000.00 for the purpose of renovating and remodelling space in the basement of the State Capitol for a restaurant and for the correction of the electrical distribution system for the Capitol.

J. E. SPEIGHT,  
Secretary.

## SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title to which is set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 28. To declare illegal the failure on part of all persons soliciting, making, procuring or receiving the same to make disclosure as to any contribution, commitment, acceptance or use of funds, assets or services in aid of the institution or maintenance of any suit or proceeding against the State of Alabama or any official, agency or subdivision thereof with respect to any order or official action of such Authority or to establish immunity or obtain injunction or declaratory action with respect thereto; also to provide criminal penalties for failure to make such disclosure or for wilfully making false statements therein and providing for the enforcement of this Act.

Also:

S. 376. Relating to the fees and compensation of coroners; amending Sections 94 and 95 of Title 11, Code of Alabama 1940.

Also:

S. 86. To amend further Section 34 of Title 61, Code of Alabama 1940, in relation to the time limit for probate of wills.

Also:

S. 160. Relating to cooperative agricultural associations: To amend Section 105 of Title 2 of the Code of Alabama of 1940 which relates to the use of the word "cooperative" in the name of agricultural cooperative associations.

Also:

S. 161. Relating to cooperative agricultural associations: To amend Sections 116, 117 and 118 of Title 2 of the Code of Alabama of 1940 which relate to the organization and management of agricultural cooperative associations such amendments to prescribe the procedure whereby said organizations may amend its declarations of incorporation, by-laws and fill vacancies occurring on boards of directors.

Also:

S. 162. Relating to cooperative agricultural associations: To amend Section 76 of Title 2 of the Code of Alabama of 1940 to authorize Boards of Directors of Agricultural cooperative associations to mortgage real estate owned by such cooperative associations.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 49. To provide further for furnishing information of convictions to boards of registrars by requiring justices of the peace, notaries public ex officio justices of the peace, judges of recorders' courts and clerks of all county courts or other courts of record to report the names of persons convicted of crimes disqualifying them from voting; providing a penalty for violations of the Act.

Also:

S. 119. To amend Section 12 of Title 35, Code of Alabama 1940, which relates to military leave for government employees.

Also:

S. 145. Relating to accounts of deceased persons in a Savings and Loan Association. To whom and how paid.

Also:

S. 149. Relating to definitions of savings and loan associations; amending Section 211, Title 5, Code of Alabama, 1940, and in clarification of Section 250, Title 5, Code of Alabama, 1940.

Also:

S. 175. To amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts Alabama, Regular Session, 1953, p. 549), and to provide the time when the amendment shall become effective.

Also:

S. 178. To amend Section 3 of Act No. 724, approved September 17, 1953, entitled "An act to provide law clerks to be appointed by the presiding judge and the associate judges of the Court of Appeals, to prescribe their duties and fix their compensation" (General Acts Alabama, Regular Session 1953, p. 979, and to provide the time when the amendment shall become effective.

Also:

S. 201. To amend Act Number 178, passed by the 1949 Legislature, so as to cause it to read as follows: AN ACT to promote education in this state by authorizing and empowering county governing bodies and the governing bodies of the municipalities in the State of Alabama to undertake research into the history of the State of Alabama, its several counties and municipalities, its coastline and boundaries, and of the territory included therein, its geological deposits, agricultural and marine data, its rivers, streams and harbors, its history from the earliest times and especially during the colonial period, A. D. 1519 to A. D. 1815, and such general historical data and information, and to effect the completion of the translations of such data and information, where such old official records are in foreign languages, and to effect the publication of these records for the free distribution to public libraries, school libraries and to college and university libraries within this state for the further diffusion of knowledge in reference to the history and resources of the State of Alabama and its several counties and municipalities and the encouragement in general of historical work and research into colonial records of the State of Alabama and for the free dissemination of such information, to authorize, and empower county governing bodies and the governing bodies of the municipalities to make appropriations of county funds and of municipal funds for such purpose; to empower, county governing bodies and the governing bodies of the municipalities to enter into contracts with historical corporations, foundations or associations which are duly incorporated within this State in order to carry out the purpose of this Act.

Also:

S. 296. To make appropriation for each of the fiscal years ending September 30, 1960 and September 30, 1961, to the state department of health for its dental program.

Also:

S. 315. To provide in addition to all other revenues heretofore appropriated to the Division of State Parks, Monuments and Historical Sites the sum of \$50,000.00 for each of the fiscal years 1959-60 and 1960-61 from the revenues derived from the sale of sand and gravel and timber and timber products.

Also:

S. 349. To amend Sections 278-283 of Title 55, Code of Alabama 1940, in relation to the public library service.

Also:

S. 414. Relating to schools; to provide for a state tenure commission to determine appeal cases under the teacher tenure law, to provide for the appointment of members and their compensation, and to define the jurisdiction of the commission.

J. E. SPEIGHT,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles to which are set out in the above and foregoing Message from the Senate.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 719. Relating to the City of Mobile; to provide for a separate Mobile Urban Renewal Agency to plan or carry out any redevelopment or urban renewal project in such municipality if the governing body of the municipality by resolution declares that there is need for such Agency; to provide the number, method of appointment and terms of office of the commissioners of said Mobile Urban Renewal Agency; to provide the powers of said Mobile Urban Renewal Agency; to provide that such Urban Renewal Agency shall not have authority to construct or operate any dwelling accommodations except that it may temporarily operate dwellings and real property acquired in a project area pending disposition; to provide that any existing municipal housing authority of said City shall not, after appointment of the Commissioners of said Mobile Urban Renewal Agency, have power to plan or carry out any redevelopment project or urban renewal project except as stated in this Act; to provide for the transfer of all assets and liabilities in connection with an existing project which is taken over by said Mobile Urban Renewal Agency; to supplement Title 25 of the Code of Alabama of 1940, relating to Housing as amended and supplemented by any Acts of the Legislature of Alabama heretofore enacted, including the following: Act No. 614 of the General Acts of 1939, approved July 10, 1940; Act No. 466 of the General Acts of 1943,

approved July 7, 1943; Act No. 541 of the General Acts of 1943, approved July 7, 1943; Act No. 490 of the General Acts of 1949, approved August 30, 1949; Act No. 491 of the General Acts of 1949, approved August 30, 1949; Act No. 193 of the General Acts of 1951, approved July 9, 1951; Act No. 776 of the General Acts of 1951, approved September 11, 1951; Act No. 590 of the General Acts of 1953, approved September 11, 1953; Act No. 553 of the General Acts of 1955, approved September 9, 1955; Act No. 554 of the General Acts of 1955, approved September 9, 1955; to repeal any act or law inconsistent herewith; and to provide that if any portion of this act is held unconstitutional, such holding shall not affect the other parts thereof:

Also:

H. 1000. To propose and provide for the submission of an amendment to the Constitution of Alabama amending Amendment XVIII to said constitution, which pertains to Mobile County and the issuance of bonds and the levy of an ad valorem tax by said county for certain specified purposes.

Also:

H. 1001. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County to issue its general obligation bonds not exceeding \$3,000,000 in principal amount for capital improvements in said county, including not exceeding \$1,000,000 principal amount for public school houses and not exceeding \$2,000,000 principal amount for public hospital buildings, said bonds to be secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said constitution, and authorizing the continued levy and collection of said tax for payment of bonds issued hereunder.

Also:

H. 1013. To amend further Section 5 of Act No. 32, H. 162, approved June 27, 1947 (Local Acts of Alabama, 1947, p. 25), entitled "An Act To establish a Law and Equity Court for Colbert County, Alabama; to define its jurisdiction and powers; to provide for its officers, their appointment, election, terms of office, powers, duties and compensations; to provide that said court shall be open at all times for the trial of causes and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court, and the Juvenile Court; and to give the said court juvenile and domestic jurisdiction; and to abolish the County Court of Colbert County, Alabama," by providing further for the compensation of the judge of the Colbert Law and Equity Court.

Also:

H. J. R. 109. Relative to naming House Bill 102.

Also:

H. 1027. To amend further Section 3 of Act No. 355, H. 757, approved August 17, 1953 (Acts 1953, p. 423), an act fixing the compensation of the sheriff of Limestone County and providing for the appointment of deputies and assistants, in relation to the number of deputies and jailers to be appointed by the sheriff.



Also:

H. 1029. To amend further Section 3 of Act No. 199, H. 603, approved July 24, 1947 (Local Acts 1947, p. 113), an act to create and establish in Limestone County a court known as "The Limestone County Court", in relation to the compensation of the judge of the court.

Also:

H. 1066. To amend Section 2 of Act No. 57, H. 54, approved February 7, 1956 (Acts of Alabama, Special Sessions 1956, p. 86), the act levying a one cent per gallon tax on gasoline, kerosene, and diesel fuel sold, distributed, stored, or used in Blount County, by exempting liquefied petroleum gas, butane, and propane, sold for heating, cooking, and lighting purposes.

Also:

1080. To provide for special meetings of the boards of education of all counties having a population of not less than 21,000 nor more than 22,000, according to the most recent federal decennial census.

Also:

H. 1083. To provide a salary for the Coroner of Blount County, and to describe the manner of payment thereof: and making this Act effective upon approval of the voters of the county voting at a referendum.

Also:

H. 1084. Providing for the appointment of a Clerk or secretarial assistant for the County Solicitor of Blount County, and for the payment of the compensation of such clerk or assistant from the County Treasury; and making this Act effective upon the approval of the voters of the County voting at a referendum.

Also:

H. 1085. To alter, rearrange, and extend the boundary line of the City of Cullman in Cullman County, Alabama.

Also:

H. 1086. To empower the county board of education of Marengo County to authorize the use of school buses for transporting persons to and from certain educational, civic and recreational functions, meetings, gatherings or encampments.

Also:

H. 1093. TO APPLY TO COUNTIES HAVING A POPULATION OF 500,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS; TO PROVIDE FOR A STUDY OF JUDICIAL PRACTICE AND PROCEDURE AND COURT OPERATION IN SUCH COUNTIES; TO ESTABLISH AND PROVIDE FOR THE COMPOSITION OF A "COMMISSION FOR JUDICIAL STUDY"; TO STATE THE POWERS, AUTHORITY AND DUTIES OF SUCH COMMISSION; AND TO PROVIDE FOR THE FINANCING OF THE WORK OF THE COMMISSION.

Also:

H. 1094. To vacate the following described land dedicated or conveyed for a park and to vacate all public interests therein and rights thereto: A strip of land of indefinite width lying Southwesterly of and adjacent to Crestview Subdivision, which subdivision is located in the SE¼ of SW¼, Section 4, Township 19 South, Range 3 West and the NE¼ of NW¼, Section 9, Township 19 South, Range 3 West, and recorded in Deed Book 1241, Page 294, in the Probate Court, Birmingham, Alabama and Bessemer, Alabama. Excepted from the above is a strip of right of way lying west of, parallel to and abutting the west line of said subdivision.

Also:

H. 1095. To provide for the relief of John Hollis Camp out of the County Treasury of Jefferson County, Alabama.

Also:

H. 1096. To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 500,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury.

Also:

H. 1097. To provide that any city which may now or hereafter have a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census and which may now or hereafter have in force and effect a comprehensive zoning ordinance shall provide for the appointment of a Zoning Board of Adjustment; and to prescribe the power, jurisdiction and authority of such Board.

Also:

H. 1098. TO APPLY TO ALL COUNTIES IN THE STATE OF ALABAMA HAVING A POPULATION OF 500,000 PERSONS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, TO PROVIDE THAT THE GOVERNING BODY OF EACH SUCH COUNTY SHALL HAVE AUTHORITY TO PURCHASE, ACQUIRE AND MAINTAIN ONE UNMARKED OR UNDESIGNATED PASSENGER AUTOMOBILE FOR OFFICIAL USE, SAID CAR TO BE SERVICED BY THE COUNTY AND TO PROVIDE FOR THE PAYMENT AND EXPENSES OF ITS UPKEEP.

Also:

H. 1099. To amend Section 2 of an act entitled "an act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal Census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and

other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the County affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof." (Approved July 6, 1945, General Acts of Legislature of Alabama, 1945, page 376.)

Also:

H. 1107. To provide that the County Board of Revenue and Control or its successors in office or other governing body of Marshall County shall, upon the passage and approval of this bill shall have the right, in its judgment, after investigation of the necessity therefor, in the Register's office in said County, to authorize the Register to employ some person who shall have the ability to take shorthand notes and transcribe the same, to work therein, take testimony, transcribe their notes and do any other thing that a Deputy Register could do under the law and to fix the salary of such person at not less than \$250.00 nor more than \$300.00 per month, to be paid to the Register for such services or to such person as the Register may appoint thereto. Said salary to be paid out of the General Fund of Marshall County.

Also:

H. 1108. To fix the supplemental salaries of Circuit Solicitors in Judicial Circuits in Alabama composed of one county where the population of such county exceeds 94,000 people and is less than 134,000 people according to the last preceding or any succeeding decennial United States census to be paid out of the county treasury of such counties.

Also:

H. 1110. To provide for the appointment and tenure and number and fixing the compensation of Bailiffs for the Sixth Judicial Circuit of Alabama.

Also:

H. 1111. To amend further Act No. 472, H. 956, approved September 15, 1939, an act regulating and defining the powers, duties, and authority of the county superintendent of education of Conecuh County (Local Acts 1939, p. 319), in relation to the compensation and expense allowance of the county superintendent of education; repealing Act No. 152, H. 402, approved June 30, 1953 (Acts of Alabama, 1953 Reg. Sess., vol. I, p. 192) and all conflicting laws.

Also:

H. 1117. Relating to Mobile County: To amend further Section 3 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), entitled "An Act to place the Sheriff of Mobile County, Alabama, on a salary basis, and to provide the salary to be paid to such officer; to provide the date on which said officer shall be placed on a salary basis; to provide for the manner of payment of said

salary of such officer out of the County Treasury of Mobile County, Alabama; to provide deputies, clerks, guards, and other assistants for such officer and to provide the salaries and manner of payment of such salaries for such deputies, clerks, guards and other assistants; to provide for payment into the Treasury of Mobile County, Alabama, of all fees, fines and forfeitures collected by said officer; and to provide for the necessary equipment and supplies for said officer," to provide further for the compensation of the chief clerk in the office of the sheriff.

Also:

H. 1136. To establish an inferior court to be called the Intermediate Civil Court of Bessemer; to provide for the Judge, Clerks and other officers, their selection and duties; to provide for the jurisdiction, practice and procedure of said Court; to provide for the transfer of causes from said Court to the circuit court; and to provide for appeals from said Court and regulate the manner of taking same.

Also:

H. 1137. To establish an Inferior Court in Precinct 33 and all other precincts in Jefferson County, Alabama, lying within or partly within the City of Bessemer, in lieu of all Justices of the Peace in said precinct or precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory, said Court to be called The Bessemer Common Claims and Criminal Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and to fix the method of service of all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court, and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said Court.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles to which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 990. TO AMEND SECTION 288 of TITLE 62 of THE CODE OF ALABAMA of 1940,

Also:

H. 991. To repeal Act No. 430 of the 1957 Regular Session of the Legislature of Alabama, approved September 6, 1957 (Acts of Alabama Regular Session 1957, page 593) entitled "An Act, To Authorize, Regulate and Provide For the payment of supplemental benefits to certain beneficiaries of municipal employees' pension, relief or retirement systems in cities in this state having a population of three hundred thousand or more, according to the last or any subsequent federal decennial census."

Also:

H. 993. TO AMEND ACT NO. 502 OF THE LEGISLATURE OF ALABAMA OF 1923, APPROVED SEPTEMBER 29, 1923, (GENERAL ACTS OF ALABAMA OF 1923, PAGE 663, ET SEQ.), AS RE-ENACTED BY ACT NO. 283 OF THE LEGISLATURE OF ALABAMA OF 1943, APPROVED JUNE 28, 1943, (GENERAL ACTS OF ALABAMA OF 1943, PAGE 241 ET SEQ.) AS HERETOFORE AMENDED.

Also:

H. 1002. To re-establish the County Court of Franklin County in lieu of the Law and Equity Court of Franklin County; abolishing the Law and Equity Court; providing for the transfer of the cases pending therein to the court hereby established or to the circuit court; defining the jurisdiction of the court hereby established; providing it with officers; defining their powers, duties, salaries, compensation, term of office and the manner of their selection, appointment and election; regulating its procedure and process and the return of warrants thereto; and providing for appeals from the court hereby established.

Also:

H. 1003. To levy additional county privilege license and excise taxes for public school purposes in Franklin County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; providing for the collection of such taxes by the state department of revenue, and for the custody, distribution, and use of the proceeds thereof; providing for the administration and enforcement of the Act; prescribing penalties; and providing that this Act supersedes Act No. 216, H. 397, approved August 8, 1955 (Acts 1955, vol. I, pp. 523-525).

Also:

H. 1004. Relating to Franklin County; fixing the compensation of members of the board of revenue, court of county commissioners, or other like governing body of Franklin County, and providing for the manner of payment thereof.

Also:

H. 1005. To amend further Section 1 of Act No. 201, approved July 13, 1951, entitled "An Act relating to Franklin County; authorizing the sheriff to appoint a deputy sheriff in addition to the deputies heretofore provided by law, fixing his compensation, and providing that the same shall be paid by the county", in relation to the amount of such deputy's compensation.

Also:

H. 1006. Relating to Tallapoosa County: To impose extra, new and additional duties upon members of the Court of County Commissioners and to provide additional compensation for the performance of such duties.

Also:

H. 1016. To amend Act No. 31, H. 256, approved June 17, 1957 (Acts of Alabama 1957, p. 77), entitled "An Act relating to the construction, maintenance and repair of the county roads and bridges of DeKalb County; providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department, and relieving the county and officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials to the State Highway Department of certain funds, including DeKalb County's proportionate share of the state gasoline tax, the county one-cent tax on gasoline, state motor vehicle license taxes allocated to the county, and also for the transfer of supplies, equipment, machinery and materials used in the construction, maintenance and repair of county roads and bridges; and repealing conflicting laws."

Also:

H. 1019. To apply in and only in counties in Alabama now having or which may hereafter have a population of 500,000 or more, according to the last or any future federal census; to further provide the manner of entering payment or satisfaction on the margin of the record of the mortgage or deed of trust or other lien; to authorize and empower the Judge of Probate to delegate the authority and power to any clerk of such probate court to enter on the margin of the record the payment or satisfaction of the mortgage, deed of trust, or other lien, where the judge of probate is named in any power of attorney instrument duly recorded, authorizing such entry of satisfaction, and to sign or stamp the name of such judge as attorney in fact to such marginal satisfaction record; and to authorize the collection of a fee of fifty cents for each such entry on the margin of each such document record.

Also:

H. 1020. TO PROVIDE THAT IN ANY COUNTY OF THE STATE HAVING A POPULATION OF 500,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, ANY PERSON WHO, IN PAYMENT OF ANY PRIVILEGE OR LICENSE TAX DUE THE STATE OR THE COUNTY, ISSUES A WORTHLESS CHECK, OR A CHECK WHICH IS NOT PAID BY THE BANK UPON WHICH IT IS DRAWN SHALL BE SUBJECT TO A PENALTY, AND TO PROVIDE THAT ANY LICENSE PROCURED BY OR THROUGH SUCH CHECK SHALL BE VOID AND THAT NO OTHER BUSINESS LICENSE SHALL BE ISSUED TO THE PERSON DRAWING SUCH CHECK UNTIL THE SAID PENALTY HAS BEEN PAID.

Also:

H. 1022. To authorize and empower the Judge of Probate and the Chief Clerk of the Probate Court to install and maintain improved systems of indexing in all probate courts in counties having a population of not less than 500,000 inhabitants according to the last or any subsequent federal census; to authorize the indexing of all estates and other cases in alphabetical order and to use card or strip indexes; and to authorize direct and reverse index of all real property instruments, and direct and reverse index of all personal property instruments and

miscellaneous instruments, in alphabetical order; and to authorize the use of card or strip indexes in the office of the judge of probate in such counties; and to authorize the county commission or like governing body to approve of the purchase of all equipment, files and supplies necessary to install and maintain such index systems.

Also:

H. 1028. To amend Section 1 of Act No. 10, S. 3, approved July 19, 1950 (Acts 1950-1951, Vol. I, p. 27), an act relating to the compensation and duties of the superintendent of education of Limestone County.

Also:

H. 1030. To levy in Madison County a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption in such county of cigarettes; to require that the tax hereby levied shall be collected by the seller or distributor, added to the sale price of the cigarettes, and passed on to the purchaser or consumer, and that the price and the tax shall be stated separately on any bill of sale or advertising of such cigarettes; to provide that the tax shall be in addition to all other taxes now levied by law except license or privilege taxes levied on the sale of cigarettes by the municipalities in such county, which are hereby repealed; to require the affixing of stamps to the packages of cigarettes to evidence the payment of the tax, and to provide for obtaining the stamps in the same manner and according to the same rules and regulations that govern the purchasing and affixing of stamps for the payment of the state tobacco tax levied by Title 51, Chapter 20, Article 9, of the Code of Alabama, 1940; to provide for the collection and enforcement of the tax by the state department of revenue in the same manner that the state tobacco tax levied by the above mentioned Article 9 is enforced; to adopt by reference certain provisions of said Article 9, as amended, relative to payment of the tax, records and reports with respect to the tax, and the provisions thereof prescribing penalties for violations; to provide for the distribution and use of the revenue derived from the tax; to authorize the state department of revenue to make rules and regulations to effectuate the purposes of this Act; and to prescribe additional penalties.

Also:

H. 1034. To provide for reimbursement of expenses incurred by members of the Board of County Commissioners of Madison County in the performance of their duties.

Also:

H. 1072. To alter and extend the boundaries of the City of Birmingham so as to include within the city limits of the City of Birmingham part of the territory located within Section 34, Township 16, Range 2 West; Section 35, Township 16 Range 2 West; Section 26, Township 16, Range 2 West; Section 23, Township 16, Range 2 West; Section 24, Township 16, Range 2 West; Section 13, Township 16, Range 2 West; Section 7, Township 16, Range 1 West; Section 6, Township 16, Range 1 West; Section 1, Township 16, Range 2 West; Section 12, Township 16, Range 2 West; Section 11, Township 16, Range 2 West; Section 14, Township 16, Range 2 West; Section 15, Township 16, Range 2 West; Section 22, Township 16, Range 2 West and Section 27, Township 16, Range 2, in Jefferson County, Alabama.

Also:

H. 1076. To amend Section Two of the Act approved March 23, 1955 (Act No. 8, H. 7, Acts of Alabama 1955, Page 114) relating to the office of Chief Clerk to the Register of the Circuit Court In Equity of Madison County, Alabama.

Also:

H. 1088. To abolish the Etowah County Law Library Fund which was created by Act No. 482, H. 1036, approved August 30, 1949; to provide for the transfer of any moneys in such abolished fund to the Etowah County Law Library Fund established pursuant to Act No. 197, H. 596, which became law on August 1, 1955, and to authorize the expenditure of such moneys after being so transferred.

Also:

H. 1089. To Amend Section 6 of Act No. 393, H. 681, approved July 14, 1931, an act that abolished the county board of education of Geneva County and created in lieu thereof a county board of school commissioners (Local Acts 1931, pages 175, 176), in relation to the compensation of school commissioners.

Also:

H. 1092. TO PROVIDE, WITH RESPECT TO ANY PENSION SYSTEM HERETOFORE OR HEREAFTER ESTABLISHED FOR THE EMPLOYEES OF ANY CITY OF THE STATE HAVING A POPULATION OF 300,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, THAT IF THERE ARE NUMEROUS MEMBERS OF ANY SUCH PENSION SYSTEM, OR IF THERE ARE NUMEROUS BENEFICIARIES UNDER ANY SUCH PENSION SYSTEM, WHOSE SEVERAL RIGHTS TO BENEFITS OR SEVERAL CLAIMS FOR BENEFITS ARE AFFECTED BY THE SAME QUESTION OF LAW, THEN SUCH OF THEM, ONE OR MORE, AS WILL FAIRLY INSURE THE ADEQUATE REPRESENTATION OF ALL, MAY UPON BEHALF OF ALL FILE A CLASS SUIT AGAINST THE TRUSTEES OF THE PENSION SYSTEM TO ENFORCE THE BENEFITS IN THE EQUITY DIVISION, OR ON THE EQUITY SIDE OF THE CIRCUIT COURT, OF THAT JUDICIAL CIRCUIT WHEREIN THE CITY IS SITUATED; TO PROVIDE THAT NO SUCH CLASS SUIT SHALL BE INSTITUTED UNLESS ONE OF THE PARTIES IN THE ORIGINAL BILL OF COMPLAINT, EITHER PERSONALLY OR THROUGH HIS ATTORNEY, FILES WITH THE SECRETARY OF THE TRUSTEES OF THE PENSION SYSTEM A DEMAND FOR PAYMENT OF THE BENEFIT CLAIMED, AND THAT NO SUCH CLASS SUIT SHALL BE FILED UNTIL NINETY DAYS HAVE ELAPSED BETWEEN THE TIME OF THE FILING OF THE SAID CLAIM WITH SAID SECRETARY AND THE FILING OF THE BILL OF COMPLAINT IN THE CIRCUIT COURT, OR UNTIL AFTER THE TRUSTEES OF THE PENSION SYSTEM OR THE SAID SECRETARY OF THE SAID TRUSTEES, OR THE CITY ATTORNEY, HAS ADVISED THE CLAIMANT OR THE CLAIMANT'S ATTORNEY THAT THE BENEFIT DEMANDED IS DENIED; TO PROVIDE FOR THE ALLOWANCE OF A SOLICITOR'S FEE TO THE SOLICITOR OR SOLICITORS PROSECUTING THE CLASS SUIT SUBJECT TO THE TERMS, CONDITIONS AND LIMITATIONS PRESCRIBED IN SAID ACT; TO PROVIDE THAT ANY SUCH SOLICITOR'S FEE ALLOWED SHALL NOT BE CHARGED AS COSTS IN THE SUIT AND SHALL NOT BE CHARGED AGAINST THE CITY, THE TRUSTEES OF THE PENSION SYSTEM OR AGAINST THE PENSION FUND, AND TO PROVIDE THE FUNDS OUT OF WHICH ANY SUCH SOLICITOR'S FEE ALLOWED SHALL



BE PAYABLE; TO PROVIDE THE FACTORS WHICH SHALL BE TAKEN INTO CONSIDERATION IN DETERMINING THE AMOUNT OF ANY SUCH SOLICITOR'S FEE; AND TO PROVIDE THAT SECTION 63, TITLE 46, CODE OF ALABAMA OF 1940, SHALL NOT APPLY SO AS TO AUTHORIZE THE ALLOWANCE OF ANY ATTORNEY'S FEE OF SOLICITOR'S FEE IN ANY ACTION OR SUIT INVOLVING ANY SUCH PENSION SYSTEM OF ANY SUCH CITY.

Also:

H. 1100. To amend Section 440 of Title 37 of the Code of Alabama, 1940, as last amended.

Also:

H. 1102. To apply in counties which now have or which may hereafter have a population in excess of 500,000 according to the last or any subsequent federal decennial census; providing for the use and disposition of sums in the amount of less than one dollar (\$1.00) which come into the hands of the License Commissioner, Director of the Department of Revenue or such other official as may be by law charged with responsibility for the collection and remittance of licenses and license fees, as a result of overpayment for licenses or other fees.

Also:

H. 1118. Relating to Mobile County: To provide further for the distribution of fines and forfeitures in certain cases.

Also:

H. 1119. To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said city.

Also:

H. 1121. To alter, rearrange and add to the limits of the City of Chickasaw, Alabama and to describe the area added to the said limits of the said City.

Also:

H. 1122. To provide for and fix the compensation and duties of the Chief Assistant in the office of the Clerk of the Circuit Court of Mobile County, Alabama, in charge of the Criminal Division of said Circuit Court.

Also:

H. 1124. To provide for the compensation of the coroner of Cherokee County.

Also:

H. 1125. To authorize the court of county commissioners, board of revenue or other like governing body of Conecuh County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Conecuh County public highway and traffic fund.

Also:

H. 1126. To alter and extend the boundaries of the City of Leeds, Alabama.

Also:

H. 1131. To amend Act No. 243, House Bill 685, approved August 13, 1957, (Acts of Alabama 1957, Page 308), Relating to Colbert County: To authorize the board of revenue, court of county commissioners, or like governing body of Colbert County to call an election in the county for the purpose of determining whether or not the county body may levy an additional county privilege or excise tax on tobacco products; prescribing the power, duties, and authority of the county governing body in the collection and enforcement of the tax, if imposed; prescribing the method or manner of evidencing the payment of the tax, if imposed, through the use of stamps, and allowing a discount for handling tobacco tax stamps; providing that the proceeds of the tax, if imposed, shall be used exclusively for the purpose of acquiring, constructing, equipping, enlarging, improving, maintaining, and operating a public hospital in the county; and prescribing penalties for violations of the Act.

Also:

H. 1132. To provide for the compensation of the county or deputy solicitor in all counties having a population of not less than 20,500 nor more than 20,830, according to the most recent federal decennial census.

Also:

H. 96. To amend further Section 70 of Title 12, Code of Alabama (1940), which relates to the State's participation in salaries of county engineers.

Also:

H. 190. To propose an amendment to the Constitution forbidding enactment of a law placing responsibility for construction and maintenance of county roads in the State Highway Department or other state agency unless authorized by a vote of the qualified electors of the county.

Also:

H. 424. To further amend the Farm-to-Market Road Act of 1943 (Act No. 329, approved July 1, 1943) by amending Sections 1, 2, and 13 of said Act as amended by Act No. 41, approved June 1, 1945 (1945 Acts, page 47); by amending Sections 3 and 7 of said Act as amended by Act No. 831, approved September 19, 1953 (1953 Acts, page 1119); and by amending Section 11 of said Act as amended by Act No. 14 approved August 11, 1950 (Fourth Special Session 1950 Acts, page 55).

Also:

H. 775. To amend Section 125 of Title 12, Code of Alabama 1940, which relates to the interest rate and maturity of temporary loans made by county governing bodies in anticipation of taxes.

Also:

H. 873. To amend Section 15 of Act No. 75 adopted at the First Special Session of the Legislature of Alabama of 1959 pertaining to records of the proceedings of and resolutions and ordinances adopted by Boards of Commissioners in certain cities having the commission form of government.

Also:

H. 1025. RELATING TO JEFFERSON COUNTY, ALABAMA; TO PROVIDE FOR LEVYING A LICENSE TAX ON PERSONS AND OTHERS ENGAGING IN SELLING TANGIBLE PERSONAL PROPERTY AT RETAIL AND ON PERSONS AND OTHERS CONDUCTING PLACES OF AMUSEMENT IN SAID COUNTY, SUCH TAX TO BE MEASURED BY THE GROSS RECEIPTS OR GROSS PROCEEDS OF SUCH BUSINESSES; TO PROVIDE FOR LEVYING AN EXCISE TAX ON THE STORAGE, USE OR OTHER CONSUMPTION IN SAID COUNTY OF TANGIBLE PERSONAL PROPERTY PURCHASED FOR USE, STORAGE OR OTHER CONSUMPTION IN SAID COUNTY; SPECIFYING SALES AND TRANSACTIONS THAT ARE EXEMPT FROM THE MEASUREMENT OF THE LICENSE TAX; SPECIFYING PROPERTY THE USE, STORAGE OR OTHER CONSUMPTION OF WHICH IS EXEMPT FROM THE EXCISE TAX; PROVIDING FOR PAYMENT OF SAID TAXES, MAKING REPORTS AND MAINTAINING RECORDS WITH RESPECT THERETO, THE COLLECTION OF SAID TAXES, AND THE ENFORCEMENT OF THE PROVISIONS OF THIS ACT; MAKING APPLICABLE TO THE TAXES HEREIN LEVIED AND ADOPTING CERTAIN PROVISIONS OF ACT NO. 100, H. B. 94, APPROVED AUGUST 18, 1959, EFFECTIVE OCTOBER 1, 1959, AND ARTICLE 11 OF CHAPTER 20, TITLE 51, CODE OF ALABAMA, AS AMENDED; PROVIDING FOR THE FILING OF REPORTS WITH AND THE PAYMENT OF TAX TO THE DIRECTOR OF THE DEPARTMENT OF REVENUE OF JEFFERSON COUNTY, ALABAMA, AND PROVIDING FOR THE ENFORCEMENT OF THIS ACT BY SAID DIRECTOR OF REVENUE OF JEFFERSON COUNTY, ALABAMA; PROVIDING THAT THE SAID LICENSE TAX SHALL BE ADDED TO THE SALES PRICE OR ADMISSION FEE AND PASSED ON TO THE PURCHASER OR PERSON PAYING THE SAID SALES PRICE OR ADMISSION FEE; PROVIDING FOR THE USE OF THE REVENUES FROM SAID TAXES; PROVIDING FOR REFERENDA OR ELECTIONS OF THE QUALIFIED ELECTORS FOR MAKING THE TAXES APPLICABLE TO SAID COUNTY; AND PROVIDING FOR THE TERMINATION OF THE TAXES IMPOSED SUBJECT TO REFERENDA OR ELECTIONS OF THE QUALIFIED ELECTORS OF SAID COUNTY.

Also:

H. 1031. Providing further for the election and organization of the council in all cities having a population of not less than 14,000 nor more than 19,000, according to the last or any subsequent federal decennial census, and operating under the mayor-council form of government; providing for the election of councilmen by place and number; and prescribing additional qualifications for candidates seeking election to such council.

Also:

H. 1036. To supplement the state salary payable to circuit judges by payments from the county treasury in all judicial circuits composed of only one county which has a population of not less than 65,000 nor more than 75,000, according to the most recent federal decennial census.

Also:

H. 1116. To make an additional appropriation for payment of expenses of the Legislature.

Also:

H. 291. To provide for the construction, maintenance and repair of streets, roads, drives, and parking areas on the campus of any state institution of higher learning, the Alabama State Hospitals and the Partlow State School.

Also:

H. 802. To authorize the state board of education and the boards of trustees of all state institutions to make investments of endowment funds and other funds held for investment in the same manner as the Teachers Retirement System of Alabama is authorized to make.

Also:

H. 893. To make an appropriation for a tentative or preliminary survey of the Mulberry Fork of the Black Warrior River for the purpose of promoting the development of a waterway system connecting the Tennessee River and the Warrior River in the State of Alabama.

Also:

H. 724. To amend Sections 92 and 117 of Title 17 of the Code of Alabama of 1940 so as to authorize any county or city or other political subdivision of the state to authorize and direct the use of voting machines for registering or recording and computing the vote at all elections held in such county or city or other political subdivision or portion of any thereof without the requirement of submitting the question of the authorization or installation of voting machines to a vote of the qualified electors of such county, city, or other political subdivision, and so as to make the pertinent and necessary laws pertaining to the use of voting machines in counties also apply to the use of voting machines in any municipality or other political subdivision in which voting machines may be adopted.

Also:

H. 725. To authorize each county in this state, in which voting machines may now or hereafter be authorized or required to be used in the conduct of elections, to sell and issue from time to time interest bearing warrants or certificates of indebtedness of such county for the purpose of acquiring or providing voting machines for the conduct of elections in such county; authorizing each such county to pledge and use, for payment of the principal of and interest on such warrants and certificates, so much as may be necessary for such purpose of the  $\frac{1}{2}$  of 1% ad valorem tax which such county is now authorized to levy without reference to its purpose, and specifying the effect and priority of any such pledge; and authorizing the refunding of such warrants and certificates.

Also:

H. 733. To amend further Section 361 of Title 17, Code of Alabama - 1940, in relation to single shot voting for the nomination or election of electors for president and vice president of the United States.

Also:

H. 1021. To authorize the probate judges of all counties having a population of not less than 500,000 inhabitants, according to the last or any subsequent federal decennial census, to destroy or otherwise dispose of certain papers and documents filed for record in his office under certain conditions.

Also:

H. 395. To amend Section 5 of Title 27, Code of Alabama 1940, relating to the adoption of children; providing that a final order of adoption made by a court of competent jurisdiction shall be incontestable for any irregularity, infirmity, or defect in the adoption proceedings after the lapse of five years from the date thereof.

Also:

H. 465. To amend Section 10 of an act approved August 17, 1951 (Act No. 476, S. 418, Acts 1951, Vol. I, p. 840) creating within the department of conservation a division to be known as the division of seafoods, in relation to the authority of the director of conservation to make expenditures out of the seafoods fund.

Also:

H. 467. To amend further Section 153 of Title 8, Code of Alabama, 1940, making it unlawful to sell oysters under a certain size, etc.

Also:

H. 464. To provide for the patrolling and protection of private oyster reefs and to provide certain requirements of the owners or lessees of such private oyster reefs.

Also:

H. 342. To amend Section 1 of Act No. 455, 1945 General Acts of Alabama, page 689, approved July 6, 1945, entitled an Act "To authorize the Department of State Docks and Terminals of the State of Alabama to carry fire and casualty and public liability insurance of all kinds and to pay premiums thereon and to fix the liability in connection therewith and to authorize suits directly against the insurance carriers on any such policies and to repeal all laws, or parts of laws, in conflict herewith."

Also:

H. 343. To provide for the management, control and ownership of McDuffie Island in Mobile Bay; to provide for the transfer of deeds and records to the Department of State Docks pertaining to McDuffie Island; to provide for the lease, sale or other disposition of properties on McDuffie Island; to provide for the disposition of all revenues obtained from the sale or other disposition of lands on McDuffie Island; to repeal all laws in conflict with the provisions of this act.

Also:

H. 616. To create the position of Chief Engineer in the State Highway Department; to provide for his appointment, qualifications, duties, responsibilities and salary; and to provide for the effective date of this Act.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 113. Relative to congratulating Fred Taylor, who has been recently appointed City Editor of the Birmingham News.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 373. To amend Section 171 of Title 7, Code of Alabama 1940, relating to actions for validation of obligations of political subdivisions of the state.

Also:

H. 827. To amend Section 695, Title 51, Code of Alabama 1940, in relation to an apportionment of the license taxes payable by certain common carriers of passengers.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate accedes to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 337. To appropriate the sum of Seven Thousand Dollars (\$7,000.00) out of Seafoods Division Fund in addition to all other

appropriations heretofore made for the purpose of paying items of expense and equipment purchases incurred prior to October 1, 1958.

And the President and Presiding Officer of the Senate named as Conferees on part of the Senate Messrs. Caffey, Webb and Haltom.

J. E. SPEIGHT,  
Secretary.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Cates to suspend the rules in order to introduce a resolution was adopted.

#### RESOLUTION

The following resolution was introduced:

By Mr. Cates:

H. R. 114. WHEREAS, the Honorable Ralph W. Chambers, wit, humorist and orator, is a member of this body; and,

WHEREAS, he has not regaled us with one of his inimitable speeches for several months, now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That this House lay aside its business of law making and recess for thirty minutes so that the members of this House may enjoy a relaxing break, while Mr. Chambers entertains us with a speech on any subject he desires and thereby inspires us with his words of wit, wisdom and humor, to again pick up our law making tasks with renewed vigor.

BE IT FURTHER RESOLVED That Mr. Chambers grant us the favor of entertaining us during this break.

On motion of Mr. Cates the rules were suspended and H. R. 114 was adopted.

#### MOTION TO RECEIVE REPORT OF COMMITTEE ON CONFERENCE ADOPTED

The motion of Mr. Brannan that the House receive the Report of the Committee on Conference on the Bill H. 337 was adopted.

#### REPORT OF COMMITTEE OF CONFERENCE ON H. B. 337

We, your committee of conference appointed to reconcile the disagreement between the two houses concerning the bill, H. B. 337, report as follows:

First, we recommend that the House agree to the Senate substitute and that Section 1 of said Senate substitute then be amended to include the following names and amounts:

Gerald O. Sprinkle — \$33.25

A. C. Branyon, Jr. — \$245.25

Sidney P. Landry — \$60.50

Second, we further recommend that the total amount of \$7,099.18 in H. B. 337, wherever it appears in said bill, be deleted and in lieu thereof the amount of \$7,438.18 be inserted therein.

|                                    |                                     |
|------------------------------------|-------------------------------------|
| Conferees on the part of the House | Conferees on the part of the Senate |
| John A Murphy                      | Will G. Caffey, Jr.                 |
| L. W. Brannan, Jr.                 | E. B. Haltom, Jr.                   |
| H. Cornett                         | Douglas S. Webb                     |

### CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Mr. Brannan, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate substitute for the bill, H. 337, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 63; Nays 2.

#### Yeas:

|                 |                    |                    |                   |
|-----------------|--------------------|--------------------|-------------------|
| Mr. Speaker     | Faulk              | Johnston (Leonard) | Rast              |
| Adams (Houston) | Ferguson           | Jones (Covington)  | Rogers            |
| Albea           | Gilchrist          | Jones (Monroe)     | Rozelle           |
| Ashworth        | Glass              | Locke              | Sessions          |
| Avery           | Gordon             | Long (Lauderdale)  | Shumate           |
| Bailey          | Grant              | McClendon (Chamb)  | Smith (Russell)   |
| Bassett         | Gross              | Meade              | Smith (St. Clair) |
| Bevill          | Grouby             | Merrill            | Solomon           |
| Brannan         | Guthrie            | Morrow             | Speaks            |
| Branyon         | Hain               | Murphy             | Steagall          |
| Brewer          | Hankins            | Nettles            | Sullivan          |
| Cabiness        | Hardy              | Oakley             | Taylor            |
| Callahan        | Harvey             | Perry              | Torbert           |
| Cates           | Hocklander         | Phillips           | Trimmier          |
| Copeland        | Ingram             | Pierce             | Turnham           |
| Cornett         | Johnson (Hardaway) | Ramey              |                   |

—63

**Nays:** Messrs. Johnson (J. T. Tom) and Reynolds (Chambers). —2

And said bill:

H. 337. To appropriate the sum of Seven Thousand Dollars (\$7,000.00) out of Seafoods Division Fund in addition to all other appropriations heretofore made for the purpose of paying items of expense and equipment purchases incurred prior to October 1, 1958.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 59; Nays 0.

#### Yeas:

|                 |           |                    |                   |
|-----------------|-----------|--------------------|-------------------|
| Mr. Speaker     | Casey     | Hankins            | Murphy            |
| Adams (Houston) | Copeland  | Hardy              | Nettles           |
| Ashworth        | Cornett   | Harvey             | Oakley            |
| Avery           | Daniel    | Hocklander         | Perry             |
| Bailey          | Dickson   | Ingram             | Phillips          |
| Bassett         | Faulk     | Johnson (Hardaway) | Pierce            |
| Bishop          | Ferguson  | Johnston (Leonard) | Ramey             |
| Brannan         | Gilchrist | Jones (Covington)  | Rast              |
| Branyon         | Glass     | Locke              | Rogers            |
| Brewer          | Gordon    | Long (Lauderdale)  | Rozelle           |
| Cabiness        | Grant     | McClendon (Chamb)  | Sessions          |
| Callahan        | Guthrie   | Meade              | Shumate           |
| Camp            | Hain      | Morrow             | Smith (St. Clair) |



Speaks  
Steagall

Sullivan  
Taylor

Torbert  
Trimmier

Turnham

—59

# REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 466. Relating to seafoods; providing for owners of private oyster reefs, beds or bottoms, or lessees thereof, to use mechanical devices, including mechanical rake dredges, at any time, to cultivate and harvest or to remove their live oysters, under certain prescribed conditions.

Also:

H. 717. To amend Act No. 653, H. 489, entitled "An Act To regulate the teaching and practice of cosmetology; requiring the registration and licensing of cosmetologist and cosmetologists' apprentices, and schools of cosmetology, creating for the administration of this Act a State Board of Cosmetology, and defining violation of this Act and prescribing penalties therefor," approved September 20, 1957 (Acts of Alabama 1957, page 981).

Also:

H. 831. To provide for grants in aid for educational purposes and for the administration and enforcement of the Act.

Also:

H. 563. To permit the county, city and independent school district boards of education, by their rules and regulations, to provide assistance to residents of their respective districts for instruction on an elementary or secondary level not available to them in public schools within the district.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## RECESS

On motion of Mr. Gilchrist the House recessed until 11:15 o'clock this evening.

The hour of 11:15 o'clock P. M. having arrived, the House reconvened.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 183. To amend Section 620 of Title 52, Code of Alabama (1940), which relates to American Legion scholarships, by adding certain institutions of learning to those mentioned therein.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The senate has passed the following House bills and returns same herewith to the House:

H. 713. To amend Section 5 of Act No. 247, S. 69, approved July 29, 1953 (Acts of Alabama, 1953, page 311) entitled "An Act relating to banks and banking; to provide for the retention and disposition of bank records, and for other purposes," by providing for the reproduction of bank records by processes in addition to the microphotographic process and by providing that such reproductions may be retained by banks in lieu of the originals thereof.

Also:

H. 813. To validate certain elections held in the year 1958 under the provisions of Articles 6 and 7, Chapter 10, Title 52, Code of Alabama (1940), and Section 216, Article 11, Constitution of Alabama.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 337. To appropriate the sum of Seven Thousand Four Hundred Thirty-Eight Dollars and eighteen cents (\$7,438.18) out of Seafood Division Fund in addition to all other appropriations heretofore made for the purpose of paying items of expense and equipment purchases listed herein incurred prior to October 1, 1958.

And said Bill, as thus amended by the Conference report, was again read at length and passed.

And said Bill, H. B. 337, together with the report of the Committee on Conference, is herewith returned to the House.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 302. To make an appropriation for the relief of Leroy Lackey Company, Inc.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 252. To authorize the Commissioner of Agriculture and Industries to enter into contract by bond or insurance policy for the protection and benefit of employees of the Department of Agriculture and Industries engaged in work involving inspection and grading of agricultural products at shipping points and receiving centers.

J. E. SPEIGHT,  
Secretary.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Meade to suspend the rules in order to introduce a resolution was adopted.

#### RESOLUTION

The following resolution was introduced:

By Mr. Meade:

H. J. R. 115. BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill H. B. 700, which has passed both Houses, be designated the "Harris, Godfrey and Meade Bill".

On motion of Mr. Meade the rules were suspended and H. J. R. 115 was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 224. To amend further Section 104 of Title 51, Code of Alabama 1940, in relation to the meetings of boards of equalization to review assessments.

Also:

H. 336. To amend further Section 42 of Title 22, Code of Alabama 1940, in relation to the certification and search of vital records.

Also:

H. 786. To amend further Section 718 of Title 51, Code of Alabama 1940, in relation to liability for collection and payment of the tax on tobacco and tobacco products.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 383. To amend Section 251 of Title 26, Code of Alabama 1940, as last amended, the same relating to penalties for violations of the Unemployment Compensation Law.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 420. To empower the Commissioner of the State Department of Pensions and Security to authorize the destruction of obsolete records pertaining to the handling and distribution of surplus commodities.

J. E. SPEIGHT,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 288. To amend Section 11 of Title 27, Code of Alabama 1940, to provide that the judge of probate shall make a report to the bureau of vital statistics, state health department, of the result of proceedings to legitimate bastard children.

J. E. SPEIGHT,  
Secretary.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 252. To authorize the Commissioner of Agriculture and Industries to enter into contract by bond or insurance policy for the protection and benefit of employees of the Department of Agriculture and Industries engaged in work involving inspection and grading of agricultural products at shipping points and receiving centers.

Also:

H. 302. To make an appropriation for the relief of Leroy Lackey Company, Inc.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 713. To amend Section 5 of Act No. 247, S. 69, approved July 29, 1953 (Acts of Alabama, 1953, page 311) entitled "An Act relating to banks and banking; to provide for the retention and disposition of bank records, and for other purposes," by providing for the reproduction of bank records by processes in addition to the microphotographic process and by providing that such reproductions may be retained by banks in lieu of the originals thereof.

Also:

H. 813. To validate certain elections held in the year 1958 under the provisions of Article 6 and 7, Chapter 10, Title 52, Code of Alabama (1940), and Section 216, Article 11, Constitution of Alabama.

Also:

H. 183. To amend Section 620 of Title 52, Code of Alabama (1940), which relates to American Legion scholarships, by adding certain institutions of learning to those mentioned therein.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 224. To amend further Section 104 of Title 51, Code of Alabama 1940, in relation to the meetings of boards of equalization to review assessments.

Also:

H. 336. To amend further Section 42 of Title 22, Code of Alabama 1940, in relation to the certification and search of vital records.

Also:

H. 786. To amend further Section 718 of Title 51, Code of Alabama 1940, in relation to liability for collection and payment of the tax on tobacco and tobacco products.

Also:

H. 383. To amend Section 251 of Title 26, Code of Alabama 1940, as last amended, the same relating to penalties for violations of the Unemployment Compensation Law.

Also:

H. 420. To empower the Commissioner of the State Department of Pensions and Security to authorize the destruction of obsolete records pertaining to the handling and distribution of surplus commodities.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 745. To amend Section 2, Item III, B (4) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

J. E. SPEIGHT,  
Secretary.

#### MOTION TO SUSPEND RULES ADOPTED

The motion of Mr. Ashworth to suspend the rules in order to introduce a resolution was adopted.

#### RESOLUTION

The following resolution was introduced:

By Mr. Ashworth:

H. J. R. 116. WHEREAS the business of the Regular Session of the Legislature of 1959 has now been completed, now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that when the two Houses adjourn today, they adjourn sine die, and

BE IT FURTHER RESOLVED That a committee of six (6) be appointed, three members of the House to be appointed by the Speaker of

the House and three members of the Senate, to be appointed by the Presiding Officer of the Senate, to wait upon the Governor and inform him that the Legislature now stands ready to adjourn sine die and awaits any further message that he might desire to transmit.

On motion of Mr. Ashworth the rules were suspended and H. J. R. 116 was adopted.

And the Speaker appointed Messrs. Ashworth, Faulk and Meade as a committee on the part of the House.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 115. Naming H. B. 700.

J. E. SPEIGHT,  
Secretary.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 288. To amend Section 11 of Title 27, Code of Alabama 1940, to provide that the judge of probate shall make a report to the bureau of vital statistics, state health department, of the result of proceedings to legitimate bastard children.

Also:

H. 745. To amend Section 2, Item III, B (4) of Act No. 98, approved June 25, 1959, entitled "An Act To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools."

Also:

H. 337. To appropriate the sum of Seven Thousand four hundred thirty-eight dollars and eighteen cents (\$7,438.18) out of Seafood Division Fund in addition to all other appropriations heretofore made for the purpose of paying items of expense and equipment purchases listed herein incurred prior to October 1, 1958.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 115. Relative to naming House Bill 700.

And finds same correctly enrolled.

CHAS. C. ADAMS,  
Chairman.

## SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution the title to which is set out in the above and foregoing report of the Standing Committee on Rules.

## CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hours named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:25 P.M. On November 12, 1959:

H. 812  
H. 837  
H. 833  
H. 226  
H. 365  
H. 473  
H. 627  
H. 652  
H. 679  
H. 695  
H. 700  
H. 701  
H. 758  
H. 764  
H. 777  
H. 799  
H. 836  
H. 841  
H. 842  
H. 870  
H. 871  
H. 877  
H. 881  
H. 883  
H. 886  
H. 889  
H. 891  
H. 904  
H. 905  
H. 917



H. 919  
H. 923  
H. 924  
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H. 1041  
H. 1067  
H. 1069  
H. 1071  
H. J. R. 89  
H. J. R. 91  
H. 239  
H. 521  
H. 659  
H. 1014  
H. 1074  
H. 735  
H. 763  
H. 882  
H. 968  
H. 983  
H. 989  
H. 992  
H. 994  
H. 996  
H. 999  
H. 1023  
H. 1024  
H. 335

Delivered to the Secretary of State at 12:33 P.M. On November 12, 1959:

H. 909  
H. 1042

Delivered to the Governor at 4:15 P.M. On November 12, 1959:

H. 36  
H. 38  
H. 952  
H. 1012  
H. 1130  
H. 1134  
H. 372  
H. 445  
H. 662  
H. 752  
H. 797  
H. 839  
H. 931  
H. 1011  
H. 1065  
H. 1075  
H. 1077  
H. 1112  
H. 256  
H. 66  
H. 981  
H. 67  
H. 1032  
H. 1070  
H. 1079  
H. 1091  
H. 998  
H. J. R. 100  
H. J. R. 102  
H. J. R. 103  
H. J. R. 104  
H. J. R. 106  
H. J. R. 107  
H. J. R. 108  
H. 1082

Delivered to the Governor at 5:55 P.M. On November 12, 1959:

H. 522  
H. 850  
H. 437

Delivered to the Governor at 10:20 P. M. On November 12, 1959:

H. 719  
H. J. R. 109  
H. 1013  
H. 1027  
H. 1029  
H. 1066  
H. 1080  
H. 1083  
H. 1084  
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H. 1125  
H. 1126  
H. 1131  
H. 1132  
H. 96  
H. 424  
H. 775  
H. 873  
H. 1021  
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H. 1031  
H. 1036  
H. 1116  
H. 291  
H. 802  
H. 893  
H. 724  
H. 725  
H. 733  
H. 395  
H. 465  
H. 467  
H. 464  
H. 342  
H. 343

H. 616  
H. 373  
H. 827  
H. J. R. 113

Delivered to the Secretary of State at 10:30 P. M. On November 12, 1959:

H. 1000  
H. 1001  
H. 190

Delivered to the Governor at 11:05 P. M. On November 12, 1959:

H. 466  
H. 717  
H. 831  
H. 563

Delivered to the Governor at 11:50 P. M. On November 12, 1959:

H. 252  
H. 302  
H. 713  
H. 813  
H. 183  
H. 224  
H. 336  
H. 786  
H. 383  
H. 420

Delivered to the Governor at 12:00 Midnight On November 12, 1959:

H. J. R. 115  
H. 288  
H. 337  
H. 745

OAKLEY MELTON, JR.,  
Clerk.

#### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirty-sixth legislative day and finds the same to be correct.

CHAS. C. ADAMS,  
Chairman.

On motion of Mr. Ashworth, the reading at length of the Journal of the House for the thirty-sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirty-sixth legislative day was approved.

#### ADJOURNMENT

On motion of Mr. Ashworth, the House adjourned sine die at 12:00 o'clock, midnight.

CHARLES C. ADAMS,  
Speaker of the House of Representatives of the  
Legislature of Alabama, Regular Session, 1959

Attest:

OAKLEY MELTON, JR.,  
Clerk of the House of Representatives of the  
Legislature of Alabama, Regular Session, 1959

## ROSTER OF THE SENATE OF ALABAMA

## Regular Session 1959

Albert Boutwell, *Lieutenant Governor* ..... Birmingham  
 Vaughan Hill Robison, *President Pro-Tem* ..... Montgomery  
 J. E. Speight, *Secretary* ..... Montgomery  
 Ralph E. Macon, *Assistant Secretary* ..... Wetumpka

First Senatorial District—Lauderdale and Limestone Counties.

E. B. Haltom, Jr. .... P. O. Box 532, Florence

Second Senatorial District—Lawrence and Morgan Counties.

Robert R. Berryman .... Box 573, Town Creek

Third Senatorial District—Blount, Cullman and Winston Counties.

Elwood Rutledge .... P. O. Box 169, Haleyville

Fourth Senatorial District—Madison County.

Dave Archer .... 204 Eustis St., Huntsville

Fifth Senatorial District—Jackson and Marshall Counties.

D. Donald Word .... P. O. Box 282, Scottsboro

Sixth Senatorial District—Etowah and St. Clair Counties.

James Ray Wyatt .... Ashville

Seventh Senatorial District—Calhoun County.

A. C. Shelton .... Jacksonville

Eighth Senatorial District—Talladega County.

G. Kyser Leonard .... 516 North St., Talladega

Ninth Senatorial District—Chambers and Randolph Counties.

W. C. (Bill) Hines .... LaFayette

Tenth Senatorial District—Elmore and Tallapoosa Counties.

Upshaw G. Jones .... Wetumpka

Eleventh Senatorial District—Tuscaloosa County.

Ryan deGraffenried ..... 1001 First National Bank Building,  
 Tuscaloosa

Twelfth Senatorial District—Fayette, Lamar and Walker Counties.

Woodrow Wilson Roberts ..... Fayette

**ROSTER OF THE SENATE OF ALABAMA—Continued**

Thirteenth Senatorial District—Jefferson County.

Lawrence (Larry) Dumas ..... 1414 Brown-Marx Building,  
Birmingham

Fourteenth Senatorial District—Pickens and Sumter Counties.

Aubrey D. Green ..... York

Fifteenth Senatorial District—Autauga, Chilton and Shelby  
Counties.

Joe W. Graham ..... Box 163, Maplesville

Sixteenth Senatorial District—Lowndes County.

Carl C. Golson ..... Fort Deposit

Seventeenth Senatorial District—Butler, Conecuh and Coving-  
ton Counties.

R. G. Kendall, Jr. .... Evergreen

Eighteenth Senatorial District—Bibb and Perry Counties.

Norman R. Crawford ..... Marion

Nineteenth Senatorial District—Choctaw, Clarke and Washing-  
ton Counties.

Dennis Porter ..... Chatom

Twentieth Senatorial District—Marengo County.

E. O. Eddins ..... Demopolis

Twenty-First Senatorial District—Baldwin, Escambia and Mon-  
roe Counties.

Douglas S. Webb ..... P. O. Box 142, Atmore

Twenty-Second Senatorial District—Wilcox County.

Roland Cooper ..... Camden

Twenty-Third Senatorial District—Dale and Geneva Counties.

Rufus Barnett ..... 327 Magnolia St., Ozark

Twenty-Fourth Senatorial District—Barbour County.

James S. (Jimmy) Clark ..... Eufaula

Twenty-Fifth Senatorial District—Coffee, Crenshaw and Pike  
Counties.

Alton L. Turner ..... Luverne

Twenty-Sixth Senatorial District—Bullock and Macon Counties.

L. K. (Snag) Andrews ..... Union Springs

Twenty-Seventh Senatorial District—Lee and Russell Counties.

Yetta G. Samford, Jr. .... P. O. Box 272, Opelika

**ROSTER OF THE SENATE OF ALABAMA—Continued**

|                                                                         |                              |
|-------------------------------------------------------------------------|------------------------------|
| Twenty-Eighth Senatorial District—Montgomery County.                    |                              |
| Vaughan Hill Robison .....                                              | 1532 Dunbar Ave., Montgomery |
| Twenty-Ninth Senatorial District—Cherokee and DeKalb Counties.          |                              |
| George E. Godfrey .....                                                 | Jamestown                    |
| Thirtieth Senatorial District—Dallas County.                            |                              |
| Walter C. Givhan .....                                                  | Safford                      |
| Thirty-First Senatorial District—Colbert, Franklin and Marion Counties. |                              |
| Hugh Moses .....                                                        | Hamilton                     |
| Thirty-Second Senatorial District—Greene and Hale Counties.             |                              |
| W. F. Wilson .....                                                      | Havana                       |
| Thirty-Third Senatorial District—Mobile County.                         |                              |
| Will G. Caffey, Jr. ....                                                | P. O. Box 388, Mobile        |
| Thirty-Fourth Senatorial District—Clay, Cleburne and Coosa Counties.    |                              |
| John E. Gaither .....                                                   | Heflin                       |
| Thirty-Fifth Senatorial District—Henry and Houston Counties.            |                              |
| Carl S. Farmer .....                                                    | Abbeville                    |

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF  
ALABAMA****Regular Session 1959****OFFICERS**

|                                                  |                |
|--------------------------------------------------|----------------|
| Chas. C. Adams, <i>Speaker</i> .....             | Alexander City |
| Virgis M. Ashworth, <i>Speaker Pro Tem</i> ..... | Centreville    |
| Oakley Melton, Jr., <i>Clerk</i> .....           | Montgomery     |
| David W. Crosland, <i>Assistant Clerk</i> .....  | Montgomery     |
| Richard C. Belser, <i>Reading Clerk</i> .....    | Montgomery     |

**MEMBERS OF THE HOUSE**

|                                  |            |
|----------------------------------|------------|
| Autauga—E. A. (Bud) Grouby ..... | Prattville |
| Baldwin—L. W. Brannan, Jr. ....  | Foley      |

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF  
ALABAMA—Continued**

|                                                      |                                                  |
|------------------------------------------------------|--------------------------------------------------|
| Barbour—Place No. 1—Sim A. Thomas .....              | Eufaula                                          |
| Place No. 2—McDowell Lee .....                       | Clio                                             |
| Bibb—Virgis M. Ashworth .....                        | Box 381, Centreville                             |
| Blount—W. P. Gordon .....                            | Box 361, Oneonta                                 |
| Bullock—Place No. 1—M. B. McLendon ...               | Box 247, Union Springs                           |
| Place No. 2—J. B. Powell .....                       | Box 387, Union Springs                           |
| Butler—Place No. 1—F. LaMont Glass .....             | 845 Ft. Dale Rd.,<br>Greenville                  |
| Place No. 2—H. B. Taylor .....                       | Box 278, Georgiana                               |
| Calhoun—Place No. 1—Woodrow Albea .....              | 1001 Commercial<br>National Bank Bldg., Anniston |
| Place No. 2—Hugh D. Merrill .....                    | Box 1486, Anniston                               |
| Chambers—Place No. 1—Roy W. McClendon .....          | Shawmut                                          |
| Place No. 2—Charles Reynolds .....                   | Lanett                                           |
| Cherokee—Ralph A. Meade .....                        | Cedar Bluff                                      |
| Chilton—Francis W. Speaks .....                      | Box 535, Clanton                                 |
| Choctaw—Hunter Phillips .....                        | Butler                                           |
| Clarke—Place No. 1—Joe C. McCorquodale, Jr. ....     | Jackson                                          |
| Place No. 2—Roland H. Bounds—"Resigned July 8, 1959" |                                                  |
| Clay—Kenneth F. Ingram .....                         | Ashland                                          |
| Cleburne—John S. Casey .....                         | Box 266, Heflin                                  |
| Coffee—Drexel Cook .....                             | Elba                                             |
| Colbert—Kenneth H. Bishop .....                      | Route 2, Cherokee                                |
| Conecuh—Wiley Salter .....                           | Evergreen                                        |
| Coosa—Charles R. Franklin .....                      | Goodwater                                        |
| Covington—Fletcher Jones .....                       | Box 741, Andalusia                               |
| Crenshaw—Guy Owens .....                             | Luverne                                          |
| Cullman—John J. Guthrie .....                        | Route 3, Cullman                                 |
| Dale—Henry B. Steagall, II .....                     | Box 226, Ozark                                   |
| Dallas—Place No. 1—M. D. (Pete) Gilmer .....         | Marion Junction                                  |



**ROSTER OF THE HOUSE OF REPRESENTATIVES OF  
ALABAMA—Continued**

|                                                 |                                                         |
|-------------------------------------------------|---------------------------------------------------------|
| Place No. 2—Frank Hardy .....                   | Route 6, Box 300, Selma                                 |
| Place No. 3—B. V. Hain .....                    | Box 155, Selma                                          |
| DeKalb—Robert E. Harris .....                   | 2900 Alabama Ave., S. W.,<br>Fort Payne                 |
| Elmore—Place No. 1—Leonard Johnston .....       | Wetumpka                                                |
| Place No. 2—Hardaway Johnson .....              | Eclectic                                                |
| Escambia—Hugh Rozelle .....                     | Bank of Atmore Building, Atmore                         |
| Etowah—Place No. 1—Buford L. Copeland .....     | 524 Chestnut St.,<br>Gadsden                            |
| Place No. 2—E. K. Hanby .....                   | 403 Noojin Building, Gadsden                            |
| Fayette—James A. Branyon, II .....              | Box 600, Fayette                                        |
| Franklin—W. E. Oden .....                       | 402 High Street, Russellville                           |
| Geneva—Roland R. Faulk .....                    | Samson                                                  |
| Greene—W. L. Martin, Jr. ....                   | Eutaw                                                   |
| Hale—Place No. 1—Richard M. Avery .....         | Greensboro                                              |
| Place No. 2—Charles H. Ramey .....              | Akron                                                   |
| Henry—Place No. 1—Emory R. ("Em") Solomon ..... | Headland                                                |
| Place No. 2—W. Ralph Chambers .....             | Route 1, Columbia                                       |
| Houston—Charles H. Adams .....                  | Box 975, Dothan                                         |
| Jackson—Place No. 1—W. Wallace Gross .....      | Scottsboro                                              |
| Place No. 2—Bernard Cabiness .....              | 103 Appletree Street,<br>Scottsboro                     |
| Jefferson—J. K. (Jess) Edwards .....            | 3612 Huntsville Ave.,<br>Brighton                       |
| John H. Hawkins, Jr. ....                       | 1841 Montclair Drive, Birmingham                        |
| Hugh A. Locke, Jr. ....                         | 923 Frank Nelson Bldg., Birmingham                      |
| Hugh Morrow, III .....                          | 214 Woodward Bldg., Birmingham 3                        |
| Walter Emmett Perry, Jr. ....                   | 610 Frank Nelson Bldg.,<br>Birmingham                   |
| Holt Rast .....                                 | Box 1491, Birmingham                                    |
| Tram Sessions .....                             | The Liberty National Life Ins. Co. Bldg.,<br>Birmingham |

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF  
ALABAMA—Continued**

|                                                    |                                         |
|----------------------------------------------------|-----------------------------------------|
| Lamar—Jack Hankins .....                           | Vernon                                  |
| Lauderdale—Place No. 1—Robert H. Broadfoot .....   | 302 W. Alabama St., Florence            |
| Place No. 2—Charles G. Long .....                  | Box 297, Florence                       |
| Lawrence—Bruce W. Dodd .....                       | Route 3, Moulton                        |
| Lee—Place No. 1—C. C. Torbert, Jr. ....            | Opelika                                 |
| Place No. 2—Pete Turnham .....                     | 606 Moore Mill Road, Auburn             |
| Limestone—Granville N. Turner .....                | Route 2, Toney                          |
| Lowndes—Place No. 1—Robert S. Dickson, Jr. ....    | Lowndesboro                             |
| Place No. 2—A. J. (Jack) Brooks .....              | Box 46, Fort Deposit                    |
| Macon—Grady Rogers .....                           | Route 1, Tuskegee                       |
| Madison—Place No. 1—N. L. (Luke) Reynolds .....    | 2225 California St., Huntsville         |
| Place No. 2—Roscoe Roberts, Jr. ....               | Terry-Hutchens Bldg., Huntsville        |
| Marengo—Place No. 1—V. Buren Daniel .....          | Nanafalia                               |
| Place No. 2—Charles B. Grant, Jr. ....             | RFD, Demopolis                          |
| Marion—John “Pete” Self .....                      | Box 597, Hamilton                       |
| Marshall—Olin C. Hearn .....                       | Box 31, Albertville                     |
| Mobile—Place No. 1—John A. Murphy .....            | 817 First Nat’l. Bank Bldg., Mobile     |
| Place No. 2—Joseph M. Hocklander .....             | 302 First Federal Savings Bldg., Mobile |
| Place No. 3—Charles S. Trimmier .....              | Box 1133, Mobile                        |
| Monroe—Ralph L. Jones .....                        | Monroeville                             |
| Montgomery—Place No. 1—Alfred W. Goldthwaite ..... | 26 So. Perry St., Montgomery            |
| Place No. 2—O. J. (Joe) Goodwyn .....              | 325 Bell Bldg., Montgomery              |
| Place No. 3—George F. (Bubber) Bailey .....        | 2144 Meadow Lane Drive, Montgomery      |
| Place No. 4—J. J. (Junie) Pierce .....             | 2038 Myrtlewood Drive, Montgomery       |

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF  
ALABAMA—Continued**

Morgan—Place No. 1—Albert P. Brewer ..... Box 1487, Decatur  
 Place No. 2—Bob Gilchrist ..... 504 Short Street, Hartselle  
 Perry—Place No. 1—Roy A. Barnett ..... Marion  
 Place No. 2—T. R. Long ..... Uniontown  
 Pickens—Ulie B. Sullivan ..... Carrollton  
 Pike—Place No. 1—L. Gardner Bassett ..... 206 Orange St., Troy  
 Place No. 2—A. L. (Pat) Boyd ..... Box 454, Troy  
 Randolph—J. M. Jenkins ..... Box 384, Roanoke  
 Russell—Place No. 1—Homer W. Cornett ..... Box 88, Phenix City  
 Place No. 2—Joseph W. Smith ..... Box 464, Phenix City  
 St. Clair—R. Rush (Doc) Smith ..... Ashville  
 Shelby—John Lewis Cates ..... Columbiana  
 Sumter—Place No. 1—Jesse E. Harvey ..... Cuba  
 Place No. 2—Ira D. Pruitt ..... Livingston  
 Talladega—Place No. 1—Bill Nichols ..... Sylacauga  
 Place No. 2—Ashley L. Camp, Jr. .... Box 491, Talladega  
 Tallapoosa—Place No. 1—Charles C. Adams ..... Alexander City  
 Place No. 2—J. T. (Tom) Johnson ..... Route 1, Notasulga  
 Tuscaloosa—Place No. 1—A. K. (Temo) Callahan ..... 913 First  
 Nat'l. Bank Bldg., Tuscaloosa  
 Place No. 2—Arthur Louis Ferguson ..... 2805 16th Avenue,  
 Northport  
 Walker—Place No. 1—Alonzo Shumate ..... Box 63, Jasper  
 Place No. 2—Tom Bevill ..... Jasper  
 Washington—A. D. Britton, Jr. .... Box 1111, Millry  
 Wilcox—Place No. 1—Sam C. Nettles, Jr. .... Arlington  
 Place No. 2—Gregory Oakley ..... Pine Apple  
 Winston—H. E. (Pete) Ray ..... Haleyville

**LEGISLATIVE DAYS—REGULAR SESSION 1959****MAY 5, 1959 - NOVEMBER 12, 1959**

|          |           |                          | Pages |
|----------|-----------|--------------------------|-------|
| 1st Day  | Tuesday   | May 5, 1959 .....        | 1     |
| 2nd Day  | Friday    | May 8, 1959 .....        | 44    |
| 3rd Day  | Tuesday   | May 12, 1959 .....       | 53    |
| 4th Day  | Friday    | May 15, 1959 .....       | 114   |
| 5th Day  | Tuesday   | May 19, 1959 .....       | 127   |
| 6th Day  | Friday    | May 22, 1959 .....       | 175   |
| 7th Day  | Tuesday   | May 26, 1959 .....       | 199   |
| 8th Day  | Friday    | May 29, 1959 .....       | 249   |
| 9th Day  | Tuesday   | June 2, 1959 .....       | 289   |
| 10th Day | Friday    | June 5, 1959 .....       | 384   |
| 11th Day | Tuesday   | June 9, 1959 .....       | 417   |
| 12th Day | Friday    | June 12, 1959 .....      | 463   |
| 13th Day | Tuesday   | June 16, 1959 .....      | 491   |
| 14th Day | Friday    | June 19, 1959 .....      | 546   |
| 15th Day | Tuesday   | June 23, 1959 .....      | 621   |
| 16th Day | Tuesday   | August 25, 1959 .....    | 636   |
| 17th Day | Tuesday   | September 8, 1959 .....  | 691   |
| 18th Day | Friday    | September 11, 1959 ..... | 764   |
| 19th Day | Tuesday   | September 15, 1959 ..... | 802   |
| 20th Day | Friday    | September 18, 1959 ..... | 893   |
| 21st Day | Tuesday   | September 22, 1959 ..... | 1017  |
| 22nd Day | Friday    | September 25, 1959 ..... | 1095  |
| 23rd Day | Tuesday   | September 29, 1959 ..... | 1137  |
| 24th Day | Friday    | October 2, 1959 .....    | 1277  |
| 25th Day | Tuesday   | October 6, 1959 .....    | 1348  |
| 26th Day | Friday    | October 9, 1959 .....    | 1420  |
| 27th Day | Tuesday   | October 13, 1959 .....   | 1486  |
| 28th Day | Friday    | October 16, 1959 .....   | 1563  |
| 29th Day | Wednesday | October 21, 1959 .....   | 1597  |
| 30th Day | Friday    | October 23, 1959 .....   | 1713  |
| 31st Day | Tuesday   | October 27, 1959 .....   | 1791  |
| 32nd Day | Friday    | October 30, 1959 .....   | 1927  |
| 33rd Day | Wednesday | November 4, 1959 .....   | 2087  |
| 34th Day | Thursday  | November 5, 1959 .....   | 2244  |
| 35th Day | Friday    | November 6, 1959 .....   | 2308  |
| 36th Day | Thursday  | November 12, 1959 .....  | 2362  |

## INDEX TO REGULAR SESSION

## ABSENTEE VOTING

- Ballots, time for receiving, counting and returning—  
HB 722, pp. 938, 1448, 1795, 1804
- Election officials, time for delivery of absentee ballots to—  
HB 268, p. 136
- Election officials to receive, count, and return absentee ballots, appointment and duties—  
HB 267, p. 136
- Limited to servicemen and their wives—  
HB 178, p. 98
- Limited to servicemen, their wives, and veterans confined in certain hospitals—  
SB 53, pp. 1021, 1104, 2332, 2373, 2379  
HB 56, p. 57

## ACTIONS

- see also: CIVIL REMEDIES AND PROCEDURE; JUDICIAL PROCEDURE; PRACTICE AND PROCEDURE; SUITS
- Action for wrongful act, omission, or negligence causing death, damages recoverable under—  
HB 285, pp. 141, 911  
SB 122, p. 1352
- Action for wrongful death in certain cases, provide for joinder of action for damages to personal property with—  
HB 262, p. 135
- Actions to prohibit issuance of bonds by political subdivision, duties of county or deputy solicitor with reference to—  
HB 373, pp. 270, 391, 1786, 2508, 2536, 2550
- Adoption proceedings, time limitation for contesting defect or irregularity in—  
HB 395, pp. 301, 421, 1398, 2509, 2535, 2549
- Alimony or allowance for support out of estate of divorced husband, remarriage of wife bars right to—  
HB 344, pp. 259, 391, 1081
- Appeals, waiver of notice of, if adverse party fails to raise question of notice—  
HB 406, pp. 303, 391, 757
- Checks or drafts, worthless, for the payment of money, actions on—  
HB 38, pp. 19, 911, 1398, 1402, 2443, 2458, 2548
- Costs in certain cases where issuance of execution as to judgment is stayed, issuance of execution for—  
HB 471, pp. 471, 598, 1794, 1804

## ACTIONS—Continued

Declaratory judgments, attorney general entitled to be heard in certain actions for—

HB 407, pp. 303, 391, 757

Defamatory statements published or uttered in or as a part of a television or radio broadcast, regulating actions involving—

HB 220, pp. 121, 467

Discharge of juror and rendition of verdict by remaining jurors in certain cases, authorized—

SB 228, p. 848

Divorce cases, trial tax levied in—

HB 361, p. 267

HB 455, p. 427

Divorce proceedings, counsel fees for wife in—

HB 184, pp. 99, 115, 169

Divorce suits, mode of proceeding in—

HB 210, pp. 120, 467

Divorce suits, residence requirements in—

HB 200, p. 104

Evidence, method of establishing market value—

HB 869, p. 1288

Garnishment, public employees and officials subjected to—

HB 586, pp. 713, 879

Hospital records, admissibility in evidence of reproductions of—

HB 141, p. 90

HB 433, pp. 399, 597

Hospitalization or medical expense insurance, attorney fees in certain suits on—

HB 286, p. 141

Laws of other states, manner of proving, in Alabama courts—

HB 147, pp. 91, 115, 193, 639, 647, 691

Pro tanto settlements by infants, provided for—

HB 261, p. 135

Receiver, appeal of order of register appointing—

HB 264, p. 136

Receivers, appointment of—

HB 263, p. 136

HB 265, p. 136

Services of process in civil suits growing out of motor vehicle accidents—

SB 280, pp. 839, 1280, 2329, 2375, 2380

## ACTIONS—Continued

Suits against the state or any officer or agency thereof, penalty for failure to disclose contribution of funds or services in aid of instituting or maintaining—  
SB 28, pp. 642, 878, 2468, 2518

Wife, regulating suits by or against—  
HB 139, p. 90

## ACTS AMENDED GENERAL ACTS

1923, Act No. 502, p. 663, General Acts of Alabama, 1923, relating to policemen's pension, relief and retirement funds—  
HB 993, pp. 1584, 1634, 1878, 2506, 2527, 2549

1939, Act No. 664, p. 1050, General Acts of Alabama, 1939, which provides for the levy, assessment, and collection of mileage taxes from motor carriers—  
HB 683, pp. 875, 1101, 1562, 1786, 1794, 1800, 2021, 2032, 2233, 2283

1939, Act No. 669, p. 1064, General Acts of Alabama, 1939, known as the "Alabama Motor Carrier Act of 1939"—  
HB 322, pp. 208, 1105

1943, Act No. 246, p. 203, General Acts of Alabama, 1943, regulating the investment of certain funds of counties, cities and towns—  
HB 247, p. 131  
SB 147, pp. 247, 275

1943, Act No. 259, p. 230, General Acts of Alabama, 1943, providing for appeals to the circuit court in counties 400,000 or more population from decisions of the board of equalization—  
HB 999, pp. 1594, 1636, 1782, 2409, 2438, 2547

1943, Act No. 298, p. 252, General Acts of Alabama, 1943, establishing the department of labor—  
HB 1053, p. 1695

1943, Act No. 329, p. 311, General Acts of Alabama, 1943, known as the "Farm-to-Market Road Act of 1943"—  
HB 424, pp. 397, 1286, 1700, 2506, 2532, 2549

1943, Act No. 486, p. 449, General Acts of Alabama, 1943, providing for the appointment of a board of trustees relative to the first permanent seat of government of the State of Alabama at Cahaba in Dallas County—  
SB 404, pp. 1809, 1944, 2123, 2352

1943, Act No. 534, p. 508, General Acts of Alabama, 1943, prescribing the manner of computing deductions from prison sentences for good conduct—  
HB 228, pp. 122, 467, 1015

1943, Act No. 557, p. 544, General Acts of Alabama, 1943, known as the "Uniform Fiduciaries Act"—  
HB 449, pp. 426, 600, 1551

1943, Act No. 558, p. 548, General Acts of Alabama, 1943, providing for the reporting of accidents by drivers of motor vehicles—  
HB 163, p. 93

## ACTS AMENDED GENERAL ACTS—Continued

- 1943, Act No. 587, p. 590, General Acts of Alabama, 1943, relating to the use of trawls for catching sea food—  
HB 463, pp. 470, 1142, 1703, 1710
- 1945, Act No. 82, p. 79, General Acts of Alabama, 1945, providing for the expansion of port facilities and the issuance of revenue bonds—  
HB 341, pp. 258, 598
- 1945, Act No. 115, p. 108, General Acts of Alabama, 1945, changing the name of the commission on education with respect to alcoholism—  
HB 86, pp. 70, 177, 371, 839, 892, 1017
- 1945, Act No. 159, p. 200, General Acts of Alabama, 1945, regulating small loan companies—  
HB 201, pp. 104, 624
- 1945, Act No. 173, p. 304, General Acts of Alabama, 1945, creating the state department of veteran's affairs—  
HB 1049, p. 1694
- 1945, Act No. 245, p. 367, General Acts of Alabama, 1945, creating the office of commissioner of licenses in counties of 140,000 to 400,000 population—  
HB 653, pp. 798, 2108, 2255
- 1945, Act No. 248, p. 376, General Acts of Alabama, 1945, creating a county-wide civil service system in counties 400,000 or more population—  
HB 1099, pp. 1863, 1946, 2134, 2488, 2524, 2549  
HB 1106, pp. 1866, 1947, 2137
- 1945, Act No. 263, p. 407, General Acts of Alabama, 1945, regulating commercial fishing—  
HB 330, p. 212
- 1945, Act No. 296, p. 493, General Acts of Alabama, 1945, relating to fees of arresting officers in game and fish cases—  
HB 809, pp. 1059, 1142, 1794, 1801  
SB 354, pp. 1352, 2249, 2349, 2381
- 1945, Act No. 306, p. 499, General Acts of Alabama, 1945, providing for and regulating the creation of trusts by employers for the benefit of employees—  
HB 451, pp. 426, 599, 1551, 1552
- 1945, Act No. 412, p. 647, General Acts of Alabama, 1945, providing for the adoption, purchase, and use of textbooks—  
HB 372, pp. 270, 392, 1793, 1796, 2057, 2453, 2458, 2548
- 1945, Act No. 427, p. 670, General Acts of Alabama, 1945, relating to the duty to stop in the event of a vehicle accident resulting in injury to a person or damage to a vehicle—  
HB 723, p. 938



## ACTS AMENDED GENERAL ACTS—Continued

- 1945, Act No. 455, p. 689, General Acts of Alabama, 1945, authorizing the state docks department to carry fire and casualty and other public liability insurance—  
HB 342, pp. 258, 599, 1793, 1799, 2031, 2510, 2535, 2549
- 1945, Act No. 515, p. 734, General Acts of Alabama, 1945, creating the state employees' retirement system of Alabama—  
HB 475, pp. 471, 877, 1412, 1804, 1840, 1926, 1939, 2312, 2350, 2361
- 1947, Act No. 49, p. 16, General Acts of Alabama, 1947, relating to shrimp caught for commercial purposes—  
HB 880, p. 1295
- 1947, Act No. 322, p. 211, General Acts of Alabama, 1947, relating to licenses for catching shrimp—  
HB 468, pp. 470, 1142, 1703, 1705
- 1947, Act No. 351, p. 231, General Acts of Alabama, 1947, creating a department of examiners of public accounts and a supervisory legislative committee—  
HB 624, pp. 745, 1141, 1794, 1804
- 1947, Act No. 376, p. 267, General Acts of Alabama, 1947, authorizing group life, health, accident, and hospitalization insurance for certain public employees—  
SB 88, pp. 147, 179, 375, 403  
HB 108, pp. 78, 116, 195, 1083, 1084, 1094
- 1947, Act No. 492, p. 338, General Acts of Alabama, 1947, regulating contracts for public works—  
HB 368, pp. 270, 389, 518, 520, 545
- 1949, Act No. 27, p. 39, Acts of Alabama, 1949, providing for the printing and publication of acts and journals of the legislature—  
SB 111, pp. 147, 908, 2340, 2378
- 1949, Act No. 178, p. 204, Acts of Alabama, 1949, authorizing cities and counties to engage in certain historical research—  
SB 201, pp. 2302, 2320, 2490, 2520
- 1949, Act No. 207, p. 242, Acts of Alabama, 1949, known as the "Alabama Coal Mine Safety Law of 1949"—  
HB 539, pp. 665, 880  
SB 277, pp. 840, 1102, 1561, 2015
- 1949, Act No. 397, p. 568, Acts of Alabama, 1949, exempting the gross proceeds of sales of certain small stores or vending stands operated by blind persons from the state sales tax—  
HB 79, p. 66
- 1949, Act No. 424, p. 601, Acts of Alabama, 1949, regulating absentee voting at elections—  
SB 53, pp. 1021, 1104, 2332, 2373, 2379  
HB 56, p. 57  
HB 178, p. 98  
HB 267, p. 136  
HB 268, p. 136  
HB 722, pp. 938, 1448, 1795, 1804

## ACTS AMENDED GENERAL ACTS—Continued

- 1949, Act No. 516, p. 740, Acts of Alabama, 1949, regulating the use of highways by pedestrians and vehicles—  
HB 428, p. 398  
HB 768, p. 960  
HB 894, p. 1312
- 1949, Act No. 530, p. 835, Acts of Alabama, 1949, regulating through licensure hospitals, sanatoria, rest homes, nursing homes, and related institutions—  
HB 93, p. 72  
HB 158, pp. 93, 177, 371, 850, 889, 1016
- 1951, Act No. 23, p. 232, Acts of Alabama, 1951, providing for the admissibility in evidence of certain reproductions of records—  
HB 141, p. 90  
HB 433, pp. 399, 597
- 1951, Act No. 173, p. 413, Acts of Alabama, 1951, providing for licensing of livestock markets—  
HB 673, p. 874
- 1951, Act No. 173, p. 409, Acts of Alabama, 1951, regulating the operation of livestock markets—  
HB 237, pp. 124, 255, 535, 1077, 1079, 1094
- 1951, Act No. 175, p. 416, Acts of Alabama, 1951, providing for the incorporation of a municipal public corporation for the financing and construction of public utilities—  
HB 287, pp. 141, 178, 369  
SB 153, pp. 247, 256, 369, 404
- 1951, Act No. 234, p. 504, Acts of Alabama, 1951, relating to the election, qualifications and compensation of the superintendent of insurance—  
HB 930, p. 1371
- 1951, Act No. 311, p. 606, Acts of Alabama, 1951, regulating the office of sheriff in counties of more than 96,000 and less than 140,000 population—  
SB 311, pp. 903, 1035, 1200, 1273
- 1951, Act No. 320, p. 612, Acts of Alabama, 1951, prescribing the penalty for transporting or removing from this state any dead body which has not been embalmed or cremated—  
HB 186, pp. 99, 177, 372, 1425, 1431, 1486
- 1951, Act No. 321, p. 612, Acts of Alabama, 1951, providing for the filing of names of public assistance recipients—  
HB 159, pp. 93, 130, 281
- 1951, Act No. 476, p. 840, Acts of Alabama, 1951, creating the division of seafoods in the state department of conservation—  
HB 465, pp. 470, 1142, 1703, 1708, 2509, 2535, 2549
- 1951, Act No. 691, p. 1192, Acts of Alabama, 1951, fixing the compensation of court reporters—  
SB 267, pp. 1495, 1633, 1772, 2018
- 1951, Act No. 703, p. 1211, Acts of Alabama, 1951, creating state and county boards and departments of public welfare—

## ACTS AMENDED GENERAL ACTS—Continued

- HB 76, p. 66
- HB 232, pp. 123, 911, 1794, 1801, 2149
- HB 241, p. 125
- HB 295, p. 180
- HB 299, p. 182
- 1951, Act No. 704, p. 1224, Acts of Alabama, 1951, known as the "Motor Vehicle Safety-Responsibility Act"—
  - SB 124, pp. 226, 253, 459, 496
  - HB 273, p. 137
  - HB 547, pp. 674, 910, 1412
  - HB 788, pp. 1042, 1281
  - HB 898, p. 1312
  - HB 899, p. 1313
- 1951, Act No. 712, p. 1250, Acts of Alabama, 1951, creating a state bureau of publicity and information—
  - HB 1048, p. 1694
- 1951, Act No. 807, p. 1409, Acts of Alabama, 1951, providing for the appointment and compensation of a deputy circuit solicitor for the sixth judicial circuit—
  - HB 144, p. 90
- 1951, Act No. 813, pp. 1426-1447, Acts of Alabama, 1951, relating to form of government for cities having a population of 75,000 to 125,000—
  - SB 293, pp. 841, 913, 1070, 1098
  - HB 610, pp. 740, 886, 1001, 1235, 1254, 1276
- 1951, Act No. 929, p. 1579, Acts of Alabama, 1951, relating to the retirement system for officers and employees of cities of 250,000 or more population—
  - HB 783, pp. 1039, 1107, 1225, 1421, 1427, 1485
- 1953, Act No. 22, p. 25, Acts of Alabama, 1953, regulating the speed of motor vehicles on the highways—
  - HB 896, pp. 1312, 1691, 2149
- 1953, Act No. 202, p. 267, Acts of Alabama, 1953, creating the board of corrections—
  - HB 452, p. 426
  - HB 1057, p. 1695
- 1953, Act No. 247, p. 311, Acts of Alabama, 1953, relating to retention and disposition of bank records—
  - HB 713, pp. 932, 1102, 1551, 1553, 2540, 2543, 2550
- 1953, Act No. 325, p. 382, Acts of Alabama, 1953, fixing the compensation of members of governing body of cities 78,500 to 125,000 population—
  - SB 314, pp. 903, 1107, 1138, 1244, 1274
- 1953, Act No. 443, p. 549, Acts of Alabama, 1953, providing law clerks for justices of the supreme court—
  - HB 301, pp. 182, 877
  - SB 175, pp. 1443, 1691, 2477, 2520

## ACTS AMENDED GENERAL ACTS—Continued

- 1953, Act No. 474, p. 589, Acts of Alabama, 1953, providing for the appointment of supernumerary circuit solicitors—  
SB 128, pp. 848, 909, 1138, 1247, 1272
- 1953, Act No. 585, pp. 828-831, Acts of Alabama, 1953, relating to the election, qualification, and compensation of the director of public safety—  
HB 929, p. 1371
- 1953, Act No. 666, p. 923, Acts of Alabama, 1953, providing a scholarship program for medical education—  
SB 61, pp. 849, 909, 1086, 1099  
HB 156, p. 92
- 1953, Act No. 724, p. 979, Acts of Alabama, 1953, providing for the appointment of law clerks to the judges of the court of appeals—  
SB 178, pp. 1443, 1691, 2477, 2520  
HB 334, pp. 212, 877
- 1953, Act No. 737, p. 1000, Acts of Alabama, 1953, providing for the disposition of revenue derived from the sale of sand and gravel from public water bottoms and certain state lands—  
HB 5, p. 6  
SB 12, pp. 146, 252, 376, 403
- 1953, Act No. 775, p. 1046, Acts of Alabama, 1953, fixing the license and registration fee on pick-up trucks—  
HB 274, pp. 137, 390
- 1953, Act No. 784, p. 1069, Acts of Alabama, 1953, regulating commercial fishing—  
HB 329, p. 212
- 1953, Act No. 792, p. 1085, Acts of Alabama, 1953, providing for the disposition of revenue derived from the sale of timber and timber products from lands owned by the division of state parks, monuments, and historical sites—  
HB 6, p. 6  
SB 16, pp. 146, 252, 376, 403
- 1953, Act No. 817, p. 1103, Acts of Alabama, 1953, regulating the granting of scholarships to the University of Alabama—  
HB 727, pp. 939, 1448, 1794, 1804
- 1955, Act No. 46, p. 152, Acts of Alabama, 1955, regulating the sale of eggs—  
HB 699, pp. 924, 1141
- 1955, Act No. 47, pp. 267-284, Acts of Alabama, 1955, known as the "Alabama Civil Defense Act of 1955"—  
HB 1047, p. 1694
- 1955, Act No. 69, p. 179, Acts of Alabama, 1955, fixing the compensation of the director of the legislative reference service—  
HB 208, pp. 120, 253, 383, 804, 805, 891, 1017
- 1955, Act No. 103, p. 345, Acts of Alabama, 1955, relating to harbors and seaports—  
HB 608, p. 740

## ACTS AMENDED GENERAL ACTS—Continued

- 1955, Act No. 103, pp. 345-348, Acts of Alabama, 1955, establishing the Alabama docks department—  
HB 608, p. 740  
HB 1059, p. 1695
- 1955, Act No. 204, p. 497, Acts of Alabama, 1955, creating the state banking department—  
HB 1060, p. 1695
- 1955, Act No. 297, p. 652, Acts of Alabama, 1955, regulating the operation of cemeteries in counties 94,000 to 134,000 population—  
HB 145, pp. 90, 119, 189, 408, 419, 462
- 1955, Act No. 308, p. 707, Acts of Alabama, 1955, providing for the issuance of distinctive license tags for motor vehicles owned by members of the national guard and air national guard—  
HB 454, p. 427  
SB 235, pp. 847, 1032, 1138, 1260, 1274
- 1955, Act No. 313, p. 711, Acts of Alabama, 1955, providing for the reidentification of voters in counties 56,500 to 72,500 population—  
HB 168, pp. 94, 119, 160, 408, 419, 462
- 1955, Act No. 335, p. 756, Acts of Alabama, 1955, fixing the salary of the stenographer and secretary to the circuit solicitor of the sixth judicial circuit—  
HB 655, pp. 800, 883, 985
- 1955, Act No. 341, p. 763, Acts of Alabama, 1955, creating the state department of pensions and security—  
HB 304, pp. 183, 292, 541, 614  
HB 808, pp. 1059, 1143  
HB 926, p. 1371
- 1955, Act No. 342, pp. 765-769, Acts of Alabama, 1955, creating the state planning and industrial board—  
HB 1058, p. 1695
- 1955, Act No. 389, p. 924, Acts of Alabama, 1955, fixing the compensation of certain state officers—  
HB 911, p. 1357
- 1955, Act No. 476, p. 1084, Acts of Alabama, 1955, creating the office of deputy circuit solicitor of the twenty-third judicial circuit—  
HB 1032, pp. 1671, 1723, 2091, 2453, 2461, 2548
- 1956, Act No. 65, p. 357, Acts of Alabama, 1956, prescribing power of the recorder's court in cities of 300,000 or more population to impose penalties for violating ordinances prohibiting certain immoral acts—  
HB 983, pp. 1526, 1634, 1776, 2401, 2438, 2547
- 1956, Act No. 104, p. 148, Acts of Alabama, 1956, providing for the designation and establishment of controlled access facilities—  
HB 551, pp. 674, 1102, 1794, 1803  
HB 868, p. 1288

## ACTS AMENDED GENERAL ACTS—Continued

- 1956, Act No. 110, p. 166, Acts of Alabama, 1956, levying a license tax on trading stamps in counties 400,000 or more—  
HB 596, pp. 726, 907, 1131, 1263, 1278
- 1957, Act No. 261, p. 332, Acts of Alabama, 1957, levying a mineral documentary tax—  
HB 293, pp. 180, 468
- 1957, Act No. 343, p. 452, Acts of Alabama, 1957, regulating state purchasing—  
HB 366, pp. 269, 389, 518
- 1957, Act No. 565, p. 785, Acts of Alabama, 1957, fixing the compensation of the governor—  
HB 1055, p. 1695
- 1957, Act No. 603, p. 862, Acts of Alabama, 1957, requiring fees for the examination of banks, credit unions, and small loan companies—  
HB 10, pp. 7, 252, 379, 839, 891, 1017
- 1957, Act No. 653, p. 981, Acts of Alabama, 1957, regulating and licensing cosmetologists—  
HB 65, p. 60  
HB 312, pp. 204, 600, 681, 691, 1076, 1080, 1094  
HB 717, pp. 932, 1281, 1555, 1793, 1797, 2160, 2517, 2539, 2550  
HB 721, pp. 938, 1103, 1388, 1809, 1840, 1926  
HB 852, p. 1163
- 1957, Act No. 737, pp. 1158-1159, Acts of Alabama, regulating the operation of the county board of equalization in counties 80,000 to 94,000 population—  
HB 1071, pp. 1732, 1847, 2083, 2371, 2391, 2547
- 1957, Act No. 743, p. 1173, Acts of Alabama, 1957, providing for a refund of state tax on gasoline used for certain agricultural purposes—  
SB 284, pp. 1529, 2249, 2359, 2381  
HB 705, pp. 926, 1141
- 1959, Act No. 75, 1959 First Special Session, relating to records of proceedings, resolutions, and ordinances adopted by boards of commissioners in certain cities having commission form of government—  
HB 873, pp. 1291, 1941, 2094, 2506, 2532, 2549
- 1959, Act No. 98, 1959 Regular Session, general appropriation act—  
HB 672, pp. 874, 914, 1080, 1484, 1489, 1562  
HB 745, pp. 954, 1447, 1793, 1797, 2168, 2544, 2545, 2550  
HB 958, pp. 1474, 1691, 1794, 1802
- 1959, Act No. 100, 1959 Regular Session, levying state sales and use taxes—  
HB 594, pp. 724, 877, 1139, 1260, 1262, 1444, 1488, 1562  
HB 975, pp. 1522, 1585, 1586, 1598, 1941, 2018, 2361
- 1959, Act No. 297, 1959 Regular Session, mourning death of Judge William Ora Walton—  
SJR 37, pp. 2019, 2314

## ACTS AMENDED LOCAL ACTS

- Autauga County, Act No. 222, Local Acts of Alabama, 1878, p. 248, establishing the board of revenue—  
HB 693, pp. 918, 1032, 1386, 2071, 2113, 2361
- Autauga County, Act No. 77, p. 55, Local Acts of Alabama, 1947, creating the office of county solicitor—  
HB 691, pp. 916, 1032, 1184, 1422, 1428, 1485
- Autauga County, Act No. 445, p. 303, Local Acts of Alabama, 1947, creating the court of common pleas—  
HB 648, pp. 794, 883, 983, 1228, 1256, 1276
- Baldwin County, Act No. 220, Local Acts of Alabama, 1931, pp. 83-84, relating to the county fine and forfeiture fund—  
HB 1011, pp. 1636, 1721, 1903, 2451, 2459, 2548
- Bibb County, Act No. 17, p. 43, Local Acts of Alabama, 1957, levying sales and use taxes—  
HB 937, pp. 1454, 1498, 1566, 2368, 2388, 2547
- Blount County, Act No. 57, p. 86, Acts of Alabama, 1956, levying a tax on gasoline—  
HB 1066, pp. 1728, 1845, 2079, 2487, 2523, 2548
- Calhoun County, Act No. 608, p. 1045, Acts of Alabama, 1951, creating the policemen's and firemen's retirement fund for the city of Anniston—  
HB 478, pp. 500, 600, 683, 838, 890, 1016
- Chambers County, Act No. 496, p. 624, Acts of Alabama, 1953, relating to salaries, offices, and duties of certain officials—  
HB 657, pp. 868, 912, 1063, 1439, 1446, 1486
- Chambers County, Act No. 502, p. 1150, Acts of Alabama, 1955, providing for the appointment and compensation of a deputy to the circuit clerk—  
HB 28, pp. 14, 47, 110, 126, 291, 308, 384
- Cherokee County, Act No. 314, p. 200, Local Acts of Alabama, 1939, authorizing the levy of a gasoline tax—  
HB 870, pp. 1288, 1451, 1536, 2365, 2384, 2546
- Cherokee County, Act No. 261, p. 606, Acts of Alabama, 1955, relating to the construction, maintenance, and repair of county roads and bridges—  
HB 1123, pp. 1961, 2109, 2263
- Chilton County, Act No. 872, p. 1505, Acts of Alabama, 1951, establishing the board of revenue and control—  
SB 370, pp. 1345, 1355, 1534, 2016
- Choctaw County, Act No. 156, p. 67, Local Acts of Alabama, 1927, providing for the election, term, qualifications, compensation, powers, duties, and authority of the superintendent of education—  
HB 387, pp. 294, 393, 431, 619, 628, 635
- Choctaw County, Act No. 581, p. 909, Acts of Alabama, 1949, providing for clerical assistance to the tax assessor and tax collector—

## ACTS AMENDED LOCAL ACTS—Continued

- lector—  
HB 444, pp. 424, 469, 526, 854, 888, 1016
- Clarke County, Act No. 64, p. 175, Acts of Alabama, 1955, creating the office of special deputy sheriff—  
HB 942, pp. 1466, 1632, 1766, 2289, 2318, 2361
- Coffee County, Act No. 652, p. 409, Local Acts of Alabama, 1947, providing for meetings and compensation of members of the board of education—  
HB 480, pp. 503, 600, 751, 1233, 1249, 1275
- Colbert County, Act No. 32, p. 25, Local Acts of Alabama, 1947, establishing the law and equity court—  
HB 1013, pp. 1640, 1721, 1905, 2486, 2522, 2548
- Colbert County, Act No. 243, p. 308, Acts of Alabama, 1957, authorizing an election for determining whether an additional privilege or excise tax on tobacco may be levied—  
HB 1131, pp. 1973, 2111, 2267, 2504, 2532, 2549
- Conecuh County, Act No. 472, p. 319, Local Acts of Alabama, 1939, regulating the office of county superintendent of education—  
HB 1111, pp. 1868, 1944, 2122, 2488, 2525, 2549
- Coosa County, Act 328, p. 617, Acts of Alabama, 1951, providing for the appointment of an additional deputy by the sheriff—  
HB 311, pp. 203, 256, 311, 442, 460, 545
- Covington County, Act No. 460, Acts of Alabama, 1953, providing a special fund for the use of the solicitor and judge of the twenty-second judicial circuit—  
HB 889, pp. 1300, 1451, 1537, 2367, 2385, 2546
- Cullman County, Act No. 297, p. 379, Acts of Alabama, 1957, fixing the compensation of certain officers—  
HB 192, pp. 101, 119, 163, 409, 419, 462  
HB 531, pp. 659, 696, 964, 1350, 1351, 1419
- Dallas County, Act No. 151, p. 396, Acts of Alabama, 1955, authorizing the court of county revenues to expend county funds for purposes not otherwise provided by law—  
SB 58, pp. 148, 151, 179, 217, 273
- Dallas County, Act No. 194, pp. 245-254, Acts of Alabama, 1957, creating the county court—  
HB 871, pp. 1289, 1453, 1545, 2368, 2385, 2546
- DeKalb County, Act No. 31, p. 77, Acts of Alabama, 1957, relating to the construction, maintenance, and repair of county roads and bridges by the state highway department—  
HB 1016, pp. 1644, 1722, 1908, 2504, 2528, 2549
- DeKalb County, Act No. 637, p. 956, Acts of Alabama, 1957, creating the superior court—  
HB 33, pp. 17, 117, 151, 407, 418, 462



## ACTS AMENDED LOCAL ACTS—Continued

- Elmore County, Act No. 17, pp. 229-231, Acts of Alabama, 1955, regulating fishing in Elmore and Tallapoosa Counties—  
HB 580, pp. 709, 885, 991, 1232, 1252, 1276
- Franklin County, Act No. 404, p. 272, Local Acts of Alabama, 1923, establishing the law and equity court—  
HB 1017, pp. 1646, 1722
- Franklin County, Act No. 201, p. 462, Acts of Alabama, 1951, relating to appointment of a deputy sheriff—  
HB 1005, pp. 1614, 1720, 1902, 2504, 2527, 2549
- Geneva County, Act No. 383, p. 176, Local Acts of Alabama, 1931, creating the county board of school commissioners—  
HB 1089, pp. 1857, 1943, 2117, 2502, 2530, 2549
- Geneva County, Act No. 538, p. 329, Local Acts of Alabama, 1939, establishing the inferior court—  
HB 972, pp. 1514, 1631, 1763, 2366, 2389, 2547
- Greene County, Act No. 10, p. 1, Local Acts of Alabama, 1947, levying a beer tax—  
HB 483, pp. 505, 600, 684, 838, 890, 1016
- Greene County, Act No. 149, p. 383, Acts of Alabama, 1951, regulating the construction of roads and bridges—  
HB 589, pp. 721, 885, 995, 1233, 1252, 1276
- Hale County, Act No. 61, p. 89, Acts of Alabama, 1953, establishing the board of revenue—  
HB 838, pp. 1152, 1283, 1391, 2071, 2113, 2361
- Houston County, Act No. 273, p. 196, Local Acts of Alabama, 1947, creating a civil service system for the city of Dothan—  
HB 506, pp. 602, 624, 689, 839, 891, 1017
- Jefferson County, Act No. 467, p. 637, Acts of Alabama, 1957, creating the criminal court—  
HB 427, pp. 398, 422, 525, 854, 888, 1016
- Lauderdale County, Act No. 296, p. 426 to 433, Acts of Alabama, 1949, levying sales and use taxes—  
HB 974, pp. 1518, 1600, 1761, 2369, 2389, 2547
- Lawrence County, Act No. 147, p. 86, Local Acts of Alabama, 1947, providing for the appointment of a deputy clerk to the circuit clerk—  
HB 842, pp. 1156, 1355, 1535, 2366, 2384, 2546
- Lawrence County, Act No. 25, 1959 First Special Session, levying sales and use taxes—  
HB 1130, pp. 1967, 2110, 2265, 2442, 2460, 2548
- Lee County, Act No. 220, p. 312, Acts of Alabama, 1949, creating the office of county solicitor—  
HB 599, pp. 729, 886, 998, 1234, 1253, 1276

## ACTS AMENDED LOCAL ACTS—Continued

Lee County, Act No. 242, p. 361, Acts of Alabama, 1949, creating the court of common pleas—

HB 601, pp. 733, 886, 999, 1235, 1253, 1276

Limestone County, Act No. 199, Local Acts of Alabama, 1947, creating the county court—

HB 1029, pp. 1665, 1723, 1911, 2487, 2523, 2548

Limestone County, Act No. 10, p. 27, Acts of Alabama, 1951, fixing the compensation of the superintendent of education—

HB 1028, pp. 1663, 1723, 1911, 2505, 2529, 2549

Limestone County, Act No. 355, p. 423, Acts of Alabama, 1953, fixing compensation of the sheriff and providing for appointment of deputies and assistants—

HB 1027, pp. 1662, 1722, 1910, 2487, 2522, 2548

Limestone County, Act No. 68, p. 106, Acts of Alabama, 1957, levying sales and use taxes—

HB 1075, pp. 1739, 1847, 2085, 2452, 2459, 2548

Macon County, Act No. 334, p. 225, Local Acts of Alabama, 1939, creating the board of revenue—

HB 492, pp. 510, 601, 751, 840, 892, 1017

Madison County, Act No. 470, p. 329, Local Acts of Alabama, 1947, creating the office of chief clerk to the circuit solicitor of the twenty-third judicial circuit—

HB 603, pp. 736, 886, 1000, 1235, 1253, 1276

Madison County, Act No. 8, p. 114, Acts of Alabama, 1955, creating the office of chief clerk to the register of the circuit court—

HB 1035, p. 1675

HB 1076, pp. 1744, 1845, 2081, 2502, 2530, 2549

Marengo County, Act No. 311, p. 188, Local Acts of Alabama, 1923, establishing the board of revenue—

SB 329, pp. 1025, 1107, 1215, 1273

Marion County, Act No. 58, p. 170, Acts of Alabama, 1955, levying a privilege license tax on electric and hydro-electric public utilities—

HB 69, pp. 63, 117, 153

Mobile County, Act No. 242, p. 363, Local Acts of Alabama, 1875, regulating the operation of public schools—

HB 414, p. 305

Mobile County, Act No. 470, p. 298, Local Acts of Alabama, 1939, establishing the county personnel department—

HB 1115, pp. 1953, 2109, 2259

Mobile County, Act No. 594, p. 355, Local Acts of Alabama, 1939, placing the sheriff on a salary—

HB 1117, pp. 1954, 2109, 2260, 2488, 2525, 2549

## ACTS AMENDED LOCAL ACTS—Continued

- Mobile County, Act No. 362, p. 536, Acts of Alabama, 1949, regulating the operation of public libraries—  
HB 917, pp. 1361, 1452, 1540, 2367, 2386, 2546  
SB 418, pp. 1810, 1945, 2255, 2352
- Mobile County, Act No. 13, pp. 122-123, Acts of Alabama, 1955, providing for the appointment of an assistant treasurer—  
HB 882, pp. 1296, 1354, 1481, 2398, 2438, 2547
- Mobile County, Act No. 16, pp. 124-125, Acts of Alabama, 1955, establishing the positions of administrative assistant and of legal stenographer to the circuit solicitor of the thirteenth judicial circuit—  
HB 1113, pp. 1951, 2108, 2259
- Mobile County, Act No. 111, p. 356, Acts of Alabama, 1955, fixing the salary of the tax collector—  
HB 720, p. 937
- Mobile County, Act No. 216, p. 273, Acts of Alabama, 1957, providing for the appointment of bailiffs by the judges of the court of general sessions—  
HB 921, pp. 1363, 1452, 1541
- Montgomery County, Act No. 222, p. 125, Local Acts of Alabama, 1939, consolidating the administration of all city and county public schools—  
SB 281, pp. 866, 913, 1069, 1099
- Montgomery County, Act No. 240, p. 165, Local Acts of Alabama, 1947, requiring a county pension plan—  
SB 273, pp. 863, 913, 1068, 1097
- Morgan County, Act No. 415, p. 194, Local Acts of Alabama, 1919, establishing the county court—  
HB 736, pp. 941, 1034, 1192, 1423, 1428, 1485  
HB 740, pp. 947, 1034, 1196, 1424, 1429, 1486
- Morgan County, Act No. 361, p. 248, Local Acts of Alabama, 1939, prescribing the compensation and duties of the tax assessor—  
HB 741, pp. 948, 1034, 1196, 1424, 1429, 1486
- Morgan County, Act No. 464, p. 278, Local Acts of Alabama, 1939, prescribing the compensation and duties of the tax collector—  
HB 743, pp. 952, 1034, 1198, 1424, 1429, 1486
- Morgan County, Act No. 70, p. 34, Local Acts of Alabama, 1943, placing the judge of probate on a salary—  
HB 737, pp. 942, 1034, 1192, 1423, 1429, 1485
- Morgan County, Act No. 437, p. 789, Acts of Alabama, 1951, fixing the compensation of members of the board of revenue and control—  
HB 738, pp. 943, 1034, 1194, 1423, 1429, 1486
- Pickens County, Act No. 279, p. 168, Local Acts of Alabama, 1935, providing for the election of the superintendent of education—  
HB 670, pp. 873, 913, 1067, 1230, 1254, 1276

## ACTS AMENDED LOCAL ACTS—Continued

- Pike County, Act No. 634, p. 366, Local Acts of Alabama, 1939, regulating the compensation of deputy sheriffs—  
HB 614, pp. 741, 886, 1002, 1228, 1254, 1276
- Pike County, Act No. 165, p. 193, Acts of Alabama, 1949, providing for an additional deputy sheriff—  
HB 614, pp. 741, 886, 1002, 1228, 1254, 1276
- Shelby County, Act No. 179, p. 206, Acts of Alabama, 1949, creating the board of revenue and control—  
HB 131, pp. 85, 118, 159, 408, 419, 462
- St. Clair County, Act No. 109, p. 59, Local Acts of Alabama, 1937, providing for the appointment, duties, term, qualifications, and compensation of the superintendent of education—  
HB 303, pp. 182, 393, 430, 631, 634, 635
- St. Clair County, Act No. 691, p. 179, Acts of Alabama, 1957, fixing the compensation of the coroner—  
SB 268, pp. 854, 913, 1066, 1097
- Talladega County, Act No. 733, p. 1281, Acts of Alabama, 1951, creating the intermediate court—  
SB 22, pp. 227, 247, 256, 315, 379
- Tallapoosa County, Act No. 17, pp. 229-231, Acts of Alabama, 1955, regulating fishing in Elmore and Tallapoosa counties—  
HB 580, pp. 709, 885, 991, 1232, 1252, 1276
- Tuscaloosa County, Act No. 56, p. 76, Acts of Alabama, 1953, levying sales and use taxes—  
HB 803, pp. 1048, 1106, 1206, 1425, 1430, 1486, 1588, 1930, 1933, 2086
- Winston County, Act No. 539, pp. 357-358, Local Acts of Alabama, 1931, providing for a board of education—  
HB 964, pp. 1476, 1499, 1569, 2367, 2389, 2547
- Winston County, Act No. 242, pp. 553-555, Acts of Alabama, 1955, establishing the law and equity court—  
HB 963, pp. 1475, 1499, 1565, 1568, 2367, 2388, 2547
- Winston County, Act No. 291, p. 369, Acts of Alabama, 1957, requiring the state repartment of revenue to collect sales and use taxes levied in city of Haleyville—  
HB 933, pp. 1376, 1452, 1543, 2366, 2387, 2547

## ACTS OF ALABAMA

- "Blind person," legislative definition of—  
HB 229, p. 122

- Number of bound acts to be printed and delivered to the secretary of state, prescribed—  
SB 111, pp. 147, 908, 2340, 2378

## ACTS REPEALED GENERAL ACTS

- 1931, Act No. 134, General Acts of Alabama, 1931, creating a Spanish American relief trust fund—  
HB 708, pp. 930, 1032

## ACTS REPEALED GENERAL ACTS—Continued

- 1943, Act No. 560, p. 552, General Acts of Alabama, 1943, regulating the labeling, sale, or distribution of agricultural, vegetable, flower and herb seeds—  
HB 818, pp. 1118, 1353, 1422
- 1945, Act No. 74, p. 72, General Acts of Alabama, 1945, requiring courthouses to be closed one half day each week—  
HB 568, pp. 701, 1282, 1557, 1981, 2019
- 1945, Act No. 233, p. 355, General Acts of Alabama, 1945, regulating the sale of submerged lands and man-made lands lying under or abutting tidal waters—  
HB 305, p. 184
- 1951, Act No. 116, p. 343, Acts of Alabama, 1951, prohibiting the obtaining of money or property or the payment of any obligation by means of a worthless check or draft—  
HB 36, pp. 19, 910, 1398, 1399, 2443, 2458, 2548
- 1951, Act No. 508, p. 899, Acts of Alabama, 1951, providing for the appointment and compensation of a deputy to the sheriff in counties 30,000 to 33,500 population and having two court-houses—  
HB 317, pp. 207, 256, 313, 637, 645, 691
- 1951, Act No. 804, p. 1401, Acts of Alabama, 1951, prescribing eligibility for pardon or parole of any person whose death sentence has been commuted by the governor—  
HB 351, pp. 263, 391
- 1951, Act No. 989, p. 1665, Acts of Alabama, 1951, providing for the seizure, holding, and sale of animals found running at large—  
HB 236, pp. 124, 255, 534, 1350, 1419
- 1953, Act No. 152, p. 195, Acts of Alabama, 1953, regulating the compensation of the superintendent of education in counties 20,900 to 22,400 population—  
HB 1111, pp. 1868, 1944, 2122, 2488, 2525, 2549
- 1955, Act No. 103, p. 345, Acts of Alabama, 1955, relating to harbors and seaports—  
HB 608, p. 740
- 1955, Act No. 131, p. 380, Acts of Alabama, 1955, relating to the compensation of certain circuit judges—  
HB 960, p. 1474
- 1955, Act No. 335, p. 756, Acts of Alabama, 1955, fixing the compensation of the secretary to the solicitor of the sixth judicial circuit—  
HB 9, p. 7
- 1956, Act No. 110, p. 182, Acts of Alabama, 1956, regulating and licensing the sale, use, or distribution of trading stamps—  
HB 596, pp. 726, 907, 1131, 1263, 1278
- 1957, Act No. 430, p. 593, Acts of Alabama, 1957, regulating payment of supplemental benefits to beneficiaries of municipal

## ACTS REPEALED GENERAL ACTS—Continued

- employees' pension, relief, or retirement systems in cities 300,000 or more population—  
HB 991, p. 1581, 1634, 1877, 2503, 2527, 2549
- 1957, Act No. 604, p. 863, Acts of Alabama, 1957, relating to harbors and seaports—  
HB 608, p. 740
- 1957, Act No. 618, p. 887, Acts of Alabama, 1957, creating the Alabama river development authority—  
HB 300, pp. 182, 877, 1793, 1799
- 1957, Act No. 669, p. 1013, Acts of Alabama, 1957, regulating the compensation of certain employees of counties 63,750 to 72,750 population—  
HB 412, pp. 305, 394, 434, 841, 892, 1017

## ACTS REPEALED LOCAL ACTS

- Barbour County, Act No. 270, pp. 295-296, Local Acts of Alabama, 1878-79, relating to regulation of records of conveyances—  
HB 1012, pp. 1638, 1721, 1904, 2442, 2458, 2548
- Cherokee County, Act No. 261, pp. 606-609, Acts of Alabama, 1955, providing for construction and maintenance of roads and bridges by the state highway department—  
SB 409, pp. 1812, 2321, 2433
- Elmore County, Act No. 171, pp. 436-437, Acts of Alabama, 1955, changing the method of compensating certain county officers—  
HB 579, pp. 708, 885, 990, 1229, 1254, 1276
- Escambia County, Act No. 19, p. 48, Acts of Alabama, 1955, creating the office of commissioner of education—  
HB 393, pp. 299, 394, 433, 637, 645, 691
- Franklin County, Act No. 216, pp. 521-525, Acts of Alabama, 1955, levying sales and use taxes for school purposes—  
HB 1003, pp. 1604, 1611, 1720, 1900, 2500, 2527, 2549
- Greene County, Act No. 24, 1959 First Special Session, levying sales and use taxes for public school purposes—  
HB 707, pp. 926, 1033, 1190, 1436, 1442, 1486
- Mobile County, Act No. 241, p. 139, Local Acts of Alabama, 1935, relating to the compensation of the tax collector and his assistants—  
SB 434, pp. 2067, 2111, 2270, 2352  
HB 1044, pp. 1685, 1942, 2255
- Mobile County, Act No. 242, p. 141, Local Acts of Alabama, 1935, relating to the compensation of the tax assessor and his assistants—  
SB 434, pp. 2067, 2111, 2270, 2352  
HB 1044, pp. 1685, 1942, 2255
- St. Clair County, Act No. 516, p. 231, Local Acts of Alabama, 1943, providing for the appointment of an additional deputy—  
SB 318, pp. 904, 1724, 2430
- Talladega County, Act No. 428, p. 763, Acts of Alabama, 1951, creating a civil service board for employees of the city of Sylacauga—  
HB 892, p. 892

## ACTS REPEALED LOCAL ACTS—Continued

Tallapoosa County, Act No. 286, p. 328, Local Acts of Alabama 1878-1879, fixing the boundaries of the town of Dadeville—  
HB 1134, pp. 1977, 2111, 2268, 2442, 2458, 2548

Winston County, Act No. 336, p. 624, Acts of Alabama, 1951, prohibiting the disclosure of the identity of persons drawn or summoned for jury service prior to beginning of the session of court—  
HB 832, pp. 1122, 1144, 1326, 1807, 1841, 1926

## ADAMS, SPEAKER CHARLES C.

Special fund for purchasing hearing aid for—  
HR 8, p. 48

Commended for outstanding leadership in legislature—  
HR 110, p. 2447

## ADMINISTRATORS

Appraisers appointed to appraise estate of decedent, compensation—  
HB 259, pp. 134, 253, 530

Fiduciaries, registration and transfer of securities by—  
HB 449, pp. 426, 600, 1551

Wills, time limit for probate of—  
SB 86, pp. 141, 390, 2466, 2519

## ADOPTION

Judge of probate, fees in adoption proceedings—  
HB 490, p. 510

Proceedings, time limitation for contesting defect or irregularity in—  
HB 395, pp. 301, 421, 1398, 2509, 2535, 2549

## AD VALOREM TAX

see also: BOARD OF EQUALIZATION; REAL PROPERTY; TAXATION

Air-conditioners and television sets used in the home, exempted from—  
HB 16, p. 7

Alabama junior chamber of commerce exempted from—  
HB 71, pp. 65, 389, 614

Application for exemption of certain mineral leases from—  
HB 293, pp. 180, 468

Blind persons, exemption from—  
HB 78, pp. 66, 253, 381  
HB 979, p. 1523

## AD VALOREM TAX—Continued

Board of equalization, limiting power of agents of department of revenue to advise with—  
HB 20, pp. 8, 51

Coosa County, authorizing, for school purposes, constitutional amendment—  
HB 909, pp. 1356, 1451, 1539, 2365, 2386, 2547

Counties authorized to levy, constitutional amendment—  
HB 436, p. 400

Counties 400,000 or more population, regulating appeals from the board of equalization—  
HB 999, pp. 1594, 1636, 1782, 2409, 2438, 2547

Deaf mutes, blind, and insane persons, exemption from—  
HB 78, pp. 66, 253, 381

DeKalb County, for school purposes, authorizing, constitutional amendment—  
HB 214, pp. 120, 130, 190, 1229, 1257, 1276

Department of revenue, power to revalue and equalize assessments, limited—  
HB 19, pp. 8, 51

Etowah County, validating special elections to authorize—  
HB 778, p. 1038

Exemptions of factories, plants, and industries from—  
HB 839, pp. 1154, 1447, 1793, 1796, 2076, 2452, 2459, 2548

Homestead exemption—  
HB 209, p. 120  
HB 512, p. 608

Hospital purposes, authorizing special tax for—  
HB 773, pp. 1037, 1690, 1794, 1802

Lee County, city of Auburn, for school purposes, constitutional amendment authorizing—  
SB 56, pp. 226, 293, 416, 428  
HB 61, pp. 58, 117, 152

Lee County, city of Opelika, constitutional amendment authorizing—  
SB 114, pp. 226, 258, 317, 379  
HB 188, pp. 100, 119, 163

Lee County, for school purposes, constitutional amendment authorizing—  
SB 114, pp. 226, 258, 317, 379  
HB 188, pp. 100, 119, 163

Motor vehicles, manner of determining valuation of assessment for purposes of—  
HB 18, p. 8  
SB 3, pp. 840, 1690, 2356, 2357, 2375, 2379

Municipal, date for levy of—  
HB 362, pp. 267, 1694



## AD VALOREM TAX—Continued

Randolph County, school district 2, for educational purposes, constitutional amendment authorizing—  
HB 114, pp. 82, 118, 158, 619, 628, 635

Rate of assessment of property—  
HB 487, p. 509  
HB 488, p. 510

State, prohibiting levy of, constitutional amendment—  
HB 436, p. 400

Veterans, disabled, or their widows, exemption for—  
HB 199, p. 104

Winston County, constitutional amendment authorizing—  
SB 342, pp. 1025, 1144, 1328, 1352

## ADVERSE POSSESSION

Acquisition of title to school lands by—  
SB 101, pp. 198, 1689, 2476

## ADVERTISING

Alcoholic beverages, regulated—  
HB 43, pp. 22, 1449

Highway rights of way, placing of signs on—  
HB 172, p. 97  
HB 709, p. 930

Legal notices, rates for and manner of publication of—  
HB 346, pp. 259, 292, 412, 637, 645, 691

Optometrists, regulated—  
HB 510, p. 608

Privilege license tax levied on sellers of—  
HB 321, p. 208

## AERONAUTICS, STATE DEPARTMENT OF

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Director, compensation—  
HB 875, pp. 1291, 1948

## AGRICULTURAL CENTER BOARD

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Appropriation, constructing and equipping livestock shows and other agricultural and industrial displays—  
HB 248, p. 131

## AGRICULTURAL COOPERATIVE ASSOCIATIONS

Amendment of by-laws and filling vacancies on board of directors of—

SB 161, pp. 1020, 1141, 2473, 2519

Mortgage of real property owned by—

SB 162, pp. 1020, 1141, 2473, 2519

Regulating use of word "co-operative" in title of—

SB 160, pp. 1020, 1141, 2472, 2519

## AGRICULTURAL AND MECHANICAL INSTITUTE FOR NEGROES

American legion scholarships for attendance at—

HB 183, pp. 99, 177, 373, 2540, 2543, 2550

Streets and parking areas on campus of, construction and maintenance of—

HB 291, pp. 180, 392, 1793, 1799, 2228, 2247, 2511, 2534, 2549

## AGRICULTURE

Agricultural center board, appropriation for constructing and equipping livestock shows and other such displays—

HB 248, p. 131

Agricultural cooperative associations, amendment of by-laws and filling vacancies on board of directors—

SB 161, pp. 1020, 1141, 2473, 2519

Agricultural cooperative associations, mortgage of real property owned by—

SB 162, pp. 1020, 1141, 2473, 2519

Agricultural cooperative associations, regulating use of word "Co-operative" in title of—

SB 160, pp. 1020, 1141, 2472, 2519

Animals found running at large, seizure, holding, and sale of—

HB 236, pp. 124, 255, 534, 1350, 1419

Cattle and beef industry, promotion of—

HB 825, pp. 1120, 1141

SB 357, pp. 1444, 1497, 2328, 2379

Farmers' markets, state, establishment of—

HB 840, pp. 1154, 1498

Fertilizer, regulating shipments of—

SB 172, pp. 642, 1031, 2328, 2378

HB 354, p. 264

Fire ant, appropriation for eradication of—

HB 515, p. 627

Gasoline used for agricultural purposes, method for refunding tax on—

SB 284, pp. 1529, 2249, 2359, 2381

HB 705, pp. 926, 1141

## AGRICULTURE—Continued

Hogs, appropriation for control of diseases of—

HB 672, pp. 874, 914, 1080, 1484, 1489, 1562

HB 745, pp. 954, 1447, 1793, 1797, 2168, 2544, 2545, 2550

HB 958, pp. 1474, 1691, 1794, 1802

Livestock feed and insecticides, exempting from regulation motor vehicles used in transporting—

HB 322, pp. 208, 1105

Livestock markets, injunction to restrain operation of—

HB 237, pp. 124, 255, 535, 1077, 1079, 1094

Livestock markets, weighing of livestock at—

HB 238, pp. 124, 255, 536, 1077, 1079, 1094

Peanuts and peanut products, privilege license tax on machines vending—

HB 517, pp. 627, 1948, 2305

Peanuts and peanut products sold in packages, exemptions from sales tax—

HB 594, pp. 724, 877, 1139, 1260, 1262, 1444, 1488, 1562

Seed, regulating labeling, sale, and distribution of—

HB 818, pp. 1118, 1353, 1422

## AGRICULTURE AND INDUSTRIES, STATE DEPARTMENT OF

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Brake fluid, regulating sale of—

SB 40, pp. 142, 176, 284, 291, 309

HB 179, pp. 98, 177, 285

Bread, establishing standard weights for loaves of—

HB 470, p. 471

Cattle and beef industry, promotion of—

HB 825, pp. 1120, 1141

SB 357, pp. 1444, 1497, 2328, 2379

Commissioner authorized to enter into contracts by bond or insurance policy for protection of certain employees—

HB 252, pp. 132, 255, 536, 2541, 2542, 2550

Farmers' markets, regulation of—

HB 840, pp. 1154, 1498

Fertilizer, regulating shipments of—

SB 172, pp. 642, 1031, 2328, 2378

HB 354, p. 264

Fire ant, appropriation for eradication of—

HB 515, p. 627

Livestock markets, injunction to restrain operation of—

HB 237, pp. 124, 255, 535, 1077, 1079, 1094

AGRICULTURE AND INDUSTRIES, STATE DEPARTMENT OF —  
Continued

Livestock markets, regulating operation of—  
HB 673, p. 874

Livestock markets, weighing of livestock at—  
HB 238, pp. 124, 255, 536, 1077, 1079, 1094

Poultry industry, regulation and licensing of—  
HB 857, p. 1178

## AIR-CONDITIONING EQUIPMENT

Ad valorem tax, air-conditioners used in the home exempted from—  
HB 16, p. 7

## AIR NATIONAL GUARD

Association of commissioned officers and warrant officers, author-  
izing organization of—  
HB 504, pp. 602, 882, 1793, 1799, 2233, 2283

Motor vehicle license tags, distinctive, fee for issuance of—  
SB 235, pp. 847, 1032, 1138, 1260, 1274  
HB 454, p. 427

Motor vehicles of members of, exempt from license tax and regis-  
tration fees—  
HB 454, p. 427

Uniform allowance for officers of—  
HB 505, p. 602

## ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD

Administrator, election of—  
HB 1052, p. 1694

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Beer, additional tax levied on, for care and treatment of mentally  
ill—  
HB 360, p. 266

Inspectors and investigators, appointment and authority of—  
HB 367, pp. 269, 389, 518

Law enforcement officers, providing for payment of annuity or re-  
tirement benefits to—  
HB 58, p. 58

Spirituous or vinous liquors, additional tax levied on, for care and  
treatment of mentally ill—  
HB 359, p. 266

Spirituous or vinous liquors, additional tax levied on, for educa-  
tional purposes—  
HB 419, p. 307

## ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD—Continued

Spirituuous or vinous liquors, additional tax levied on, for old age pensions—  
HB 173, p. 98

## ALABAMA ASSOCIATION OF COUNTY COMMISSIONERS

Expressing appreciation to, for professional cards furnished members of legislature—  
HJR 24, pp. 185, 200, 213, 248

## ALABAMA BOYS INDUSTRIAL SCHOOL

Appropriation—  
HB 121, p. 84

## ALABAMA BUSINESS CORPORATION ACT

Enacted—  
SB 261, pp. 1496, 1692, 2323, 2374, 2380  
HB 948, p. 1471

## ALABAMA CATTLEMEN'S ASSOCIATION

Expressing appreciation to—  
HJR 62, pp. 894, 906, 1023, 1094

## ALABAMA CIVIL WAR CENTENNIAL COMMISSION

Created—  
SB 202, pp. 847, 907, 1077, 1097  
HB 635, p. 749

## ALABAMA COAL MINE SAFETY LAW OF 1949

Black powder authorized to be used in certain counties—  
HB 171, pp. 97, 119, 162, 623, 629, 635

## ALABAMA COLLEGE

Appropriation—  
HB 121, p. 84

Governor authorized to close—  
HB 669, pp. 873, 1717, 1793, 1796, 2129, 2145

Streets and parking areas on campus of, construction and maintenance of—  
HB 291, pp. 180, 392, 1793, 1799, 2228, 2247, 2511, 2534, 2549

## ALABAMA COMMISSION ON JUVENILE COURT LEGISLATION

Established—  
HJR 13, pp. 106, 1279, 1343, 1347, 1348

## ALABAMA - COOSA RIVERS

Congress requested to make funds available for, and members of the Alabama delegation urged to expedite, development of—  
HJR 75, pp. 1527, 1930, 1933, 2086

## ALABAMA DEPARTMENT OF VETERANS OF WORLD WAR I, INCORPORATED

Represented on the state board of veterans' affairs—  
HB 370, pp. 270, 882

## ALABAMA ECONOMIC DEVELOPMENT CORPORATION

Created—  
HB 99, pp. 76, 468

## ALABAMA EDUCATIONAL TELEVISION COMMISSION

Appropriation—  
HB 121, p. 84

## ALABAMA FARM BUREAU

Joint resolution commending officers and members for decision to  
hold their annual meeting in Montgomery—  
HJR 83, pp. 1683, 1929, 1934, 2086

## ALABAMA INDUSTRIAL SCHOOL FOR NEGROES

Appropriation—  
HB 121, p. 84

## ALABAMA INSTITUTE FOR DEAF AND BLIND

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635  
HB 121, p. 84  
HB 651, pp. 797, 908, 1341, 1839, 1927

Governor authorized to close—  
HB 669, pp. 873, 1717, 1793, 1796, 2129, 2145

## "ALABAMA MAID OF COTTON FOR 1960"

Joint resolution congratulating Miss Mildred Nelson on having been  
chosen—  
HJR 74, pp. 1442, 1485, 1489, 1563

## ALABAMA MILK CONTROL BOARD

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## ALABAMA MOTOR CARRIER ACT OF 1939

Insecticides and livestock feed, exempting from regulation motor  
vehicles used in transporting—  
HB 322, pp. 208, 1105

## ALABAMA PENSION COMMISSION

Abolished—  
SB 13, pp. 145, 420, 2337, 2377  
HB 8, pp. 6, 252, 377

## ALABAMA POLICE ACADEMY

Houston County sheriffs and deputies, education and training of—  
SB 412, p. 1809

## ALABAMA POLYTECHNIC INSTITUTE

Appropriation—  
HB 121, p. 84

Appropriation for certain branch experiment stations—  
SB 264, pp. 1022, 1286, 1408, 1431  
HB 636, pp. 749, 908, 1409

Auburn university, changing name to—  
HB 413, pp. 305, 880, 1008, 1839, 1927

Football game with university of Alabama, joint resolution requesting television of—  
HJR 5, pp. 27, 129, 144, 174

Governor authorized to close—  
HB 669, pp. 873, 1717, 1793, 1796, 2129, 2145

Streets and parking areas on campus of, construction and maintenance of—  
HB 291, pp. 180, 392, 1793, 1799, 2228, 2247, 2511, 2534, 2549

## ALABAMA PORT AUTHORITY

Created, constitutional amendment—  
HB 70, p. 65

## ALABAMA PUBLIC SERVICE COMMISSION

Appeals from certain orders of, refund of certain rates during pendency of—  
HB 385, p. 293

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Court, special, to hear appeals from certain orders of—  
HB 824, p. 1120

Trains, requiring electric marker warning lights on rear of, and electric lights within, cabooses—  
HB 479, p. 503

## ALABAMA REAL ESTATE COMMISSION

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## ALABAMA RIVER DEVELOPMENT AUTHORITY

Abolished—  
HB 300, pp. 182, 877, 1793, 1799

## ALABAMA STATE BAR ASSOCIATION

Appropriation—  
HB 660, pp. 870, 1725, 1793, 1797, 2157, 2159  
628, 635

## ALABAMA STATE COLLEGE FOR NEGROES

American legion scholarships for attendance at—  
HB 183, pp. 99, 177, 373, 2540, 2543, 2550

Streets and parking areas on campus of, construction and maintenance of—  
HB 291, pp. 180, 392, 1793, 1799, 2228, 2247, 2511, 2534, 2549

## ALABAMA STATE DOCKS BOARD

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## ALABAMA STATE HOSPITALS

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635  
HB 764, pp. 959, 1100, 1101, 1446, 1548, 2372, 2384, 2546

Textbooks required to be furnished schools operated by—  
HB 679, pp. 875, 1102, 1554, 2372, 2383, 2546

## ALABAMA VOCATIONAL SCHOOL FOR GIRLS

Appropriation—  
HB 118, p. 83

Retirement pension for certain teachers, provided for—  
HB 1073, pp. 1737, 1845, 2308

## ALCOHOLIC BEVERAGES

Advertising in daily or weekly newspapers, prohibited—  
HB 43, pp. 22, 1449

Beer tax, county, abolished—  
HB 508, p. 608

Beer tax, state, making uniform—  
HB 508, p. 608

Commission on education with respect to alcoholism, name changed to commission on alcoholism—  
HB 86, pp. 70, 177, 371, 839, 892, 1017

Contraband or forfeited property, stenographic assistance for solicitor handling sale of—  
HB 491, p. 510

Counties 500,000 or more population, levying beer and liquor tax—  
HB 782, pp. 1039, 1107, 1217, 2247

Educational purposes, additional tax levied on spirituous and vinous liquors for—  
HB 419, p. 307

Federal liquor revenue stamps, owning or possessing made prima facie evidence of violation of prohibition laws—  
HB 511, pp. 608, 1692, 1980



## ALCOHOLIC BEVERAGES—Continued

Intoxicated person, penalty for letting motor vehicle to—  
HB 233, p. 123

Lee County, levying tax on—  
HB 597, pp. 726, 885, 996, 1234, 1253, 1276

Liquor agents to promote public sale, use, or consumption of, prohibited—  
HB 313, p. 204

Mentally ill, additional tax levied on beer for care and treatment of—  
HB 360, p. 266  
HB 759, pp. 957, 1101

Mentally ill, additional tax levied on spirituous and vinous liquors for care and treatment of—  
HB 359, p. 266

Old age pensions, additional tax levied on spirituous and vinous liquors for—  
HB 173, p. 98

Permit fees imposed on distillers, vintners, and distributors of—  
HB 313, p. 204

Sale of, in the vicinity of churches and schools, prohibited—  
HB 915, p. 1361

Tax levied on—  
HB 604, p. 737  
HB 760, pp. 957, 1100, 1101, 1286, 1380, 1385, 1698, 1714, 1926

“Wet” or “dry” referendums, method of petitioning for—  
HB 40, p. 19

“Wet” or “dry” referendum, state-wide, provided for—  
HB 223, p. 121

## ALEXANDER CITY, CITY OF

Boundaries altered—  
HB 980, pp. 1523, 1632, 1768  
SB 428, pp. 2063, 2111, 2269, 2352

## ALLEN, COMMANDER WILLIAM BURTON

Joint resolution mourning death of—  
HJR 42, pp. 427, 461, 496, 545

## ALTOONA, TOWN OF

Boundaries altered—  
HB 350, pp. 261, 293, 413, 637, 645, 691

## AMERICAN LEGION

Scholarships, certain institutions added—  
HB 844, p. 1157

Scholarships to Alabama state college for negroes and the agricultural and mechanical institute for negroes—  
HB 183, pp. 99, 177, 373, 2540, 2543, 2550

## ANDREWS, REPRESENTATIVE GEORGE W.

Commending congress for naming lock and dam for—  
HJR 43, pp. 429, 466, 495, 546

## ANIMALS

Fur-bearing animals, exemption of common carriers from penalty for shipping, without a fur catchers' license—  
HB 553, pp. 674, 881, 1793, 1796, 2153

Fur-bearing animals, penalty for receiving, when not licensed—  
HB 555, pp. 675, 881, 1793, 1796, 2154

Fur-bearing, licenses for capturing and killing—  
HB 552, pp. 674, 881, 1793, 1796, 2152

Fur catchers' licenses, fee retained by issuer of—  
HB 554, pp. 675, 881, 1793, 1796, 2153

Livestock markets, injunction to restrain operation of—  
HB 237, pp. 124, 255, 535, 1077, 1079, 1094

Livestock markets, weighing of livestock at—  
HB 238, pp. 124, 255, 536, 1077, 1079, 1094

Running at large, seizure, holding, and sale of—  
HB 236, pp. 124, 255, 534, 1350, 1419

Semi-trailer used for transporting livestock, maximum height of—  
SB 192, pp. 847, 1104, 2360, 2380

## ANNISTON, CITY OF

Boundaries altered—  
HB 26, pp. 12, 47, 110, 622, 629, 635

Commission form of government for, authorized—  
HB 417, pp. 307, 601, 688

Policemen's and firemen's retirement fund, benefits for members and for widows of retired members—  
HB 478, pp. 500, 600, 683, 838, 890, 1016

## ANNUITY CONTRACTS

For certain public employees, authorized—  
SB 88, pp. 147, 179, 375, 403  
HB 108, pp. 78, 116, 195, 1083, 1084, 1094

## ANTI-TRUST LAWS

Joint legislative committee created to make investigation relative to—  
SB 39, pp. 846, 1285, 2342, 2377

## APPEALS

Counties 400,000 population or more, decisions of board of equalization—  
HB 999, pp. 1594, 1636, 1782, 2409, 2438, 2547

## APPEALS—Continued

Fees on making transcript on appeal to supreme court—  
HB 623, p. 745

Public service commission, creating special court to hear certain  
appeals from—  
HB 824, p. 1120

Recorder's court, proceedings on judgments on appeals from—  
HB 225, p. 122

Recorder's court, regulating appeals from—  
HB 74, pp. 66, 910

Recorder's court, regulating manner of taking appeals from—  
HB 494, p. 512

Waiver of notice of, if adverse party fails to raise question of  
notice—  
HB 406, pp. 303, 391, 757

## APPEALS, COURT OF

see: COURT OF APPEALS

## APPROPRIATIONS

Adjustment, state board of—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Aeronautics department—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Agricultural center board—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Agricultural center board, constructing and equipping livestock  
shows and other agricultural and industrial displays—  
HB 248, p. 131

Agriculture and industries, department of—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Alabama boys industrial school—  
HB 121, p. 84

Alabama civil war centennial commission—  
SB 202, pp. 847, 907, 1077, 1097  
HB 635, p. 749

Alabama college—  
HB 121, p. 84

Alabama educational television commission—  
HB 121, p. 84

## APPROPRIATIONS—Continued

Alabama industrial school for negroes—  
HB 121, p. 84

Alabama institute for deaf and blind—  
HB 121, p. 84  
HB 651, pp. 797, 908, 1341, 1839, 1927

Alabama polytechnic institute—  
HB 121, p. 84

Alabama polytechnic institute, branch experiment stations—  
SB 264, pp. 1022, 1286, 1408, 1431  
HB 636, pp. 749, 908, 1409

Alabama state hospitals—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635  
HB 764, pp. 959, 1100, 1101, 1446, 1546, 2372, 2384, 2546

Alabama vocational school for girls—  
HB 118, p. 83

Alcoholic beverage control board—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Architects, state board of, registration for—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Archives and history, department of—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Archives and history, department of, air-conditioning building—  
SB 78, p. 642  
HB 204, p. 105

Attorney general—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Attorney's fees in indigent capital cases—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635  
HB 7, pp. 6, 252, 377, 850, 889, 1016

Auditor, state—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Bangs disease control—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Banking department, state—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## APPROPRIATIONS—Continued

Bar, state—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Birmingham chamber of commerce—

HB 323, pp. 208, 390, 440, 850, 889, 1016

Board of education, state—

HB 121, p. 84

Board of examiners in basic sciences, state—

HB 630, p. 748

Building commission, state—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Building commission, state, to construct and equip building for use of state oil and gas board—

HB 405, p. 303

Cahaba historical commission—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

HB 703, pp. 924, 1102, 1341, 1929, 1932, 2086

C. & K. Truck Lines, relief of—

HB 282, p. 139

HB 769, p. 960

Capitol building, providing restaurant facilities and correcting electrical distribution system—

SB 197, pp. 849, 1948, 2346, 2481, 2508, 2518

Chapman, Hallie S., relief of—

SB 350, pp. 1529, 2107, 2331, 2378

Circuit courts—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Citizens for T. V. A., Inc.—

HB 634, pp. 748, 1287

Civil air patrol, Alabama wing—

HB 858, p. 1179

Civil defense, department of—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Coburn, Paul, relief of—

HB 213, pp. 120, 1447, 1595

Coggins, Jack, relief of—

HB 1127, p. 1966

Commission on education with respect to alcoholism—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## APPROPRIATIONS—Continued

Commission to plan commemoration of centennial of war between the states—

HB 635, p. 749

SB 202, pp. 847, 907, 1077, 1097

Conservation, state department of, division of seafoods—

HB 298, p. 182

HB 337, pp. 213, 388, 544, 2516, 2536, 2537, 2540, 2545, 2550

Contracts, general, state licensing board for—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Council of state governments—

HB 2, pp. 5, 201, 250, 366, 385, 597, 618, 620

Council of state governments, support of regional advisory council on nuclear energy—

HB 3, pp. 5, 202, 250, 367, 385, 597, 618, 620

Court of appeals—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Court reporters—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Davis, Barney, relief of—

HB 687, p. 876

Debt service—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Division of state parks, monuments and historical sites—

SB 315, pp. 1352, 1844, 2478, 2521

HB 697, p. 920

Docks, state board—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Education appropriation bill—

HB 121, p. 84

Education, state department of—

HB 752, pp. 955, 1287, 1794, 1802, 2026, 2452, 2458, 2548

Edwards, Harold, relief of—

HB 423, p. 397

Engineers and land surveyors, professional, board of registration for—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

HB 221, p. 121

## APPROPRIATIONS—Continued

Examiners of public accounts, department of—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Finance department, state—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Fire ant, control and eradication of—

HB 515, p. 627

Fort Morgan historical commission

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Fort Toulouse, restoration of—

HB 689, p. 876

General appropriation bill—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

General contractors, state licensing board for—

HB 771, pp. 960, 1689, 1794, 1800, 2295

Geologist, state—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Gorgas memorial board—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Governor—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Hall of fame board—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Healing arts, licensing board for—

HB 629, p. 748

Health department, state—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

HB 666, pp. 872, 908

HB 804, p. 1052

SB 308, p. 1352

Health department, state, dental program—

SB 296, pp. 1019, 1286, 2475, 2520

HB 620, pp. 743, 908

Health department, state, mental health—

HB 761, pp. 957, 1100, 1101

## APPROPRIATIONS—Continued

Helen Keller property board of the city of Tuscomb—  
HB 903, pp. 1314, 1446, 2304

Hogs, prevention and control of diseases of—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635  
HB 672, pp. 874, 914, 1080, 1484, 1489, 1562  
HB 958, pp. 1474, 1691, 1794, 1802

Industrial relations, department of—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Insurance department, state—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Insurance fund—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Kilpatrick, L. B., relief of—  
HB 1010, pp. 1630, 1725, 1794, 1803, 2025

Labor department, state—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Legislative reference service—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Legislature—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635  
HB 11, pp. 7, 46, 107, 190, 193, 198  
HB 1116, pp. 1954, 2106, 2248, 2507, 2533, 2549

Leroy Lackey Company, Inc., relief of—  
HB 302, pp. 182, 1684, 1726, 2025, 2541, 2542, 2550

Liquefied petroleum gas commission—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Livestock coliseum—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Military department, state—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Milk control board, state—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635



## APPROPRIATIONS—Continued

Mobile County, reimbursement for sums erroneously paid into state treasury

HB 848, p. 1158

SB 378, pp. 2302, 2320

Moorer, Margie P., relief of—

HB 64, p. 60

Newman, Ernest V., relief of—

HB 565, p. 681

Nurses examiners and registration, board of—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Nurses training schools operated by cities or counties—

HB 410, p. 304

Oil and gas board, state—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

HB 277, pp. 137, 388, 543

Pardons and paroles, board of—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Partlow state school—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

HB 764, pp. 959, 1100, 1101, 1446, 1546, 2372, 2384, 2546

Pensions and security, department of—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Personnel department, state—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Planning and industrial development board, state, for a lock and dam at Miller's Ferry

HB 564, p. 681

Poultry disease control—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Public library service division—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Public safety, department of—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Public Service commission—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## APPROPRIATIONS—Continued

Publicity and information, bureau of—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Real estate commission—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Richmond Pearson Hobson memorial board—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Robins Engineering, Inc., relief of—

HB 662, pp. 871, 1726, 1794, 1804, 1986, 2453, 2458, 2548

Securities commission, state—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Shipping point inspection fund—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Sisk and Meade, contractors, relief of—

HB 1135, pp. 1978, 2112, 2299

Social security—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Soil conservation committee, state—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Southern industrial institute—

HB 119, p. 84

Southern regional council on mental health training and research—

HB 4, pp. 6, 202, 250, 367, 385, 597, 618, 620

State training school for girls—

HB 121, p. 84

Stuart, M. W., relief of—

HB 1063, p. 1696

Superintendent of education, state, employing technical assistants  
in school building construction—

HB 439, p. 401

Supernumerary judges—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Supernumerary justices—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## APPROPRIATIONS—Continued

## Supreme court—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## Survey of Mulberry Fork of Black Warrior River to promote connection with Tennessee River—

HB 893, pp. 1311, 1948, 2147, 2511, 2534, 2549

## Teachers' retirement system—

HB 121, p. 84

## Toxicologist, state—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## Toxicologist, state, constructing and equipping building for use of—

HB 59, pp. 58, 253, 380, 637, 645, 691

## Treasurer, state—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## Treasurer, state, renovating offices of—

HB 661, pp. 871, 1948

## Tuskegee Institute, for teaching certain courses under contract—

HB 117, p. 83

## United Spanish war veterans—

HB 708, pp. 930, 1032

## University of Alabama—

HB 121, p. 84

## University of Alabama, for mental health—

HB 763, pp. 958, 1100, 1101, 1446, 1546, 2395, 2437, 2547

## University of Alabama, for treatment of mental patients and training of medical students—

HB 766, pp. 959, 1100, 1101

## University of Alabama, to construct and equip building for use of state oil and gas board—

SB 67, pp. 641, 876, 1138, 1258, 1272

## Veterans' affairs, department of—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## Voting machines for use in counties, purchase of—

HB 191, pp. 101, 390

## Walker County junior college—

HB 120, p. 84

## Water improvement commission—

HB 820, p. 1118

## APPROPRIATIONS—Continued

Water resources study commission—

HB 774, pp. 1037, 1101, 1794, 1803, 2014

White fringed beetle, eradication of—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

White house of confederacy—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Wright, Chester, relief of—

HB 678, p. 875

## ARCHITECTS, STATE BOARD OF REGISTRATION

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## ARCHIVES AND HISTORY, DEPARTMENT OF

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Appropriation, air-conditioning building—

SB 78, p. 642

HB 204, p. 105

Public library service division, composition of executive board—

SB 349, pp. 2303, 2320, 2507, 2521

Public library service division, qualifications of director—

SB 349, pp. 2303, 2320, 2507, 2521

## ARRESTS

Armed resistance to, designated as a felony—

HB 1008, pp. 1619, 1845, 2031

Impersonator of a law enforcement officer, penalty for making arrests—

HB 198, pp. 104, 391

Uniform law on fresh pursuit, adopted—

HB 31, p. 17

## ASHLAND, TOWN OF

Boundaries altered—

HB 29, pp. 15, 47, 110, 227, 272, 288, 291

## ASHWORTH, REPRESENTATIVE VIRGIS M.

Commended for outstanding leadership in legislature—

HB 110, p. 2447

## ASSESSMENT

Board of equalization, date for meetings to review assessments—

HB 224, pp. 122, 178, 374, 2541, 2543, 2550

## ASSESSMENT—Continued

Counties 53,000 to 56,000 population, inventory and assessment of property—

SB 236, pp. 849, 1724, 2091

HB 438, pp. 400, 421, 539, 1715

Motor vehicles, manner of determining valuation of—

HB 18, p. 8

SB 3, pp. 840, 1690, 2356, 2357, 2375, 2379

Rate of assessment of property—

HB 487, p. 509

HB 488, p. 510

## ASSOCIATIONS

Agricultural cooperative associations, amendment of by-laws and filling vacancies on board of directors—

SB 161, pp. 1020, 1141, 2473, 2519

Agricultural cooperative associations, mortgage of real property owned by—

SB 162, pp. 1020, 1141, 2473, 2519

Agricultural cooperative associations, regulating use of word "co-operative" in title of—

SB 160, pp. 1020, 1141, 2472, 2519

Alabama association of county commissioners, expressing appreciation to, for professional cards furnished members of legislature—

HJR 24, pp. 185, 200, 213, 248

Alabama cattlemen's association extended thanks and appreciation as hosts of September 9—

HJR 62, pp. 894, 906, 1023, 1094

Appropriation of municipal funds to chambers of commerce and civic organizations, for industrial development purposes—

HB 355, p. 265

Required to permit examination of records of—

HB 283, pp. 139, 177, 288

Unincorporated, attorney general authorized to examine records of—

HB 21, pp. 8, 46, 191, 218, 277, 286, 292

## ATMORE, CITY OF

Boundaries altered—

HB 194, pp. 103, 119, 165, 408, 419, 462

## ATOMIC ENERGY

Appropriation, support of regional advisory council on nuclear energy—

HB 3, pp. 5, 202, 250, 367, 385, 597, 618, 620

## ATTORNEY GENERAL

## Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## Assistant securities commissioner, appointment of—

HB 394, pp. 300, 388, 543

## Confidential secretary, compensation—

HB 619, p. 743

## Declaratory judgments, entitled to be heard in certain actions for—

HB 407, pp. 303, 391, 757

## Records of certain organizations, examination of—

HB 283, pp. 139, 177, 288

## Records of corporations, partnerships, proprietorships, and unincorporated associations, examination of—

HB 21, pp. 8, 46, 191, 218, 277, 286, 292

## Investigators, authorized to employ—

HB 887, pp. 1299, 1690, 1794, 1802

## ATTORNEYS

## Appropriation, payment of attorney's fees in indigent capital cases—

HB 7, pp. 6, 252, 377, 850, 889, 1016

## Divorce proceedings, counsel fees for wife in—

HB 184, pp. 99, 115, 169

## Employment of, by municipalities—

HB 239, pp. 124, 253, 529, 2392, 2425, 2547

## Hospitalization or medical expense insurance, attorney fees in certain suits on—

HB 286, p. 141

## Privilege license tax levied on, amount of—

HB 88, pp. 72, 176, 284, 1019, 1078, 1094

## Veterans, admission to bar without examination—

HB 514, p. 627

## AUBURN, CITY OF

## Ad valorem tax for educational purposes, constitutional amendment authorizing—

SB 56, pp. 226, 293, 416, 428

HB 61, pp. 58, 117, 152

## Boundaries altered—

SB 399, pp. 1493, 1633, 2254, 2352

HB 878, pp. 1293, 1354, 1480

## AUBURN UNIVERSITY

## Changing name of Alabama polytechnic institute to—

HB 413, pp. 305, 880, 1008, 1839, 1927

## AUDITOR, STATE

## Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Lieutenant governor substituted for, on board of appointment of  
registrars—

HB 571, p. 702

## Office abolished—

HB 569, p. 702

HB 570, p. 702

## Office abolished, constitutional amendment—

HB 572, p. 702

## AUTAUGA COUNTY

## Board of education, compensation of members—

HB 650, pp. 796, 883, 984, 1228, 1257, 1276

## Board of education, election of members—

HB 519, pp. 651, 696, 961, 1231, 1249, 1275

## Board of revenue, compensation of members—

HB 693, pp. 918, 1032, 1386, 2071, 2113, 2361

## Coroner, compensation—

HB 649, pp. 795, 883, 984, 1228, 1256, 1276

## Court of common pleas, judge, compensation—

HB 648, pp. 794, 883, 983, 1228, 1256, 1276

## Court of common pleas, jurisdiction—

HB 648, pp. 794, 883, 983, 1228, 1256, 1276

## Prattville, city of, boundaries altered—

HB 772, pp. 1035, 1105, 1204, 1424, 1429, 1486

## Purchasing regulated—

HB 690, pp. 914, 1032, 1184, 1438, 1442, 1486

Roads and bridges, maintenance of motor vehicles and equipment  
used in construction and repair of—

HB 692, pp. 917, 1032, 1185, 1422, 1428, 1485

## School district number six, abolished—

HB 518, pp. 650, 696, 961, 1230, 1249, 1275

## School district number two, enlarged—

HB 518, pp. 650, 696, 961, 1230, 1249, 1275

## Solicitor, compensation regulated—

HB 691, pp. 916, 1032, 1184, 1422, 1428, 1485

## Tax assessor, clerical assistance—

HB 647, pp. 793, 883, 983, 1228, 1256, 1276

## Tax collector, clerical assistance—

HB 647, pp. 793, 883, 983, 1228, 1256, 1276

**"AUTHORIZED EMERGENCY VEHICLE"**

Term defined—

HB 843, pp. 1157, 1691, 1785

**BAILIFFS**

Compensation—

HB 426, pp. 397, 878, 1794, 1803

Counties 80,000 to 94,000 population, compensation—

HB 1070, pp. 1732, 1942, 2096, 2454, 2461, 2548

Judicial circuits composed of one county and having not less than three nor more than eight judges, compensation—

HB 226, pp. 122, 130, 214, 2365, 2383, 2546

Mobile County court of general sessions, appointment of—

HB 921, pp. 1363, 1452, 1541

Sixth judicial circuit, appointment and compensation—

HB 1110, pp. 1868, 1944, 2120, 2489, 2525, 2549

**BALDWIN COUNTY**

County offices, regulating closing of, all day on Saturday—

HB 456, pp. 427, 500, 610, 853, 888, 1016

Dixie Graves Parkway, disposition of certain real property acquired as part of—

HB 12, p. 7

Gulf Shores, town of, boundaries altered—

HB 1082, pp. 1847, 1943, 2113, 2463, 2468, 2548

Sheriff, regulating payment of compensation of deputies—

HB 1011, pp. 1636, 1721, 1903, 2451, 2459, 2548

Sheriff, salaries, appointment, and duties of deputies—

HB 1112, pp. 1949, 2108, 2258, 2452, 2460, 2548

**BALLOTS**

Grand jury in each county required to examine ballot boxes used at elections—

HB 97, p. 75

Split-ticket voting, eliminating provision for—

HB 34, pp. 19, 393

"Write-in" votes, eliminating provisions for—

HB 364, pp. 269, 393, 1412

**BAMBERG, R. C. (RED)**

Commended as outstanding cotton farmer—

HJR 98, p. 2353

**BANKING DEPARTMENT, STATE**

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635



## BANKING DEPARTMENT, STATE—Continued

Bureau of loans, created—  
HB 415, p. 306

Small loan companies, regulated and licensed—  
HB 102, pp. 76, 598, 647, 764, 766, 805, 808-24, 825, 826, 832-36,  
894, 1824, 1844, 2032, 2049, 2090, 2317, 2318, 2361  
HB 415, p. 306

## BANKS AND BANKING

Alabama economic development corporation, banks authorized to  
become members of—  
HB 99, pp. 76, 468

Checks or drafts, worthless, for the payment of money, actions on—  
HB 38, pp. 19, 911, 1398, 1402, 2443, 2458, 2548

Checks or drafts, worthless, for the payment of money, penalty for  
giving—  
HB 36, pp. 19, 910, 1398, 1399, 2443, 2458, 2548

Checks or drafts, worthless, for the payment of wages or salaries,  
penalty for giving—  
HB 37, p. 19

Chilton County, branch banks authorized—  
HB 524, pp. 654, 697, 972, 1231, 1250, 1275

Counties 57,000 to 63,750 population, branch banks authorized—  
HB 280, p. 137

Dale County, branch banks authorized—  
HB 574, pp. 704, 883, 987, 1234, 1251, 1275

Federal savings and loan associations covered under certain stat-  
utes regulating savings and loan associations—  
HB 242, pp. 130, 391, 1417, 1419  
SB 149, pp. 1022, 2108, 2492, 2520

Fees assessed for examination of banks, credit unions, and small  
loan companies, disposition of—  
HB 10, pp. 7, 252, 379, 839, 891, 1017

Fiduciaries, registration and transfer of securities by—  
HB 449, pp. 426, 600, 1551

Installment loans, regulated—  
HB 888, pp. 1299, 1449

Limestone County, branch banks authorized—  
HB 63, pp. 58, 117, 153, 291, 308, 384

Marshall County, city of Guntersville, branch banks authorized—  
HB 297, pp. 181, 256, 310, 442, 460, 545

Mobile County, savings and loan associations authorized to estab-  
lish branch offices—  
HB 80, pp. 66, 500, 609

## BANKS AND BANKING—Continued

Morgan County, city of Decatur, branch banks authorized—

HB 201, pp. 104, 624

HB 796, pp. 1046, 1106, 1205, 1206, 1425, 1430, 1486

Reproduction of records—

HB 713, pp. 932, 1102, 1551, 1553, 2540, 2543, 2550

Retirement trusts created by self-employed persons, authorized and regulated—

HB 451, pp. 426, 599, 1551, 1552

Savings and loan association as county depository, selection of—

HB 244, p. 131

HB 246, p. 131

Savings and loan associations, authorizing cities and counties to deposit certain obligations for safekeeping with—

HB 247, p. 131

SB 147, pp. 247, 275

Savings and loan association, payment of accounts of deceased person in—

HB 245, pp. 131, 391, 1417

SB 145, pp. 1022, 2108, 2492, 2520

Securities, registration and sale of—

HB 534, pp. 661, 909, 1338

SB 282, pp. 1529, 1717, 2326, 2374, 2380

Shelby County, town of Vincent, branch bank authorized—

HB 132, pp. 86, 118, 160, 408, 419, 462

Sinking funds for retirement of municipal bonds, authorizing investment in savings and loan association—

HB 243, p. 131

Small loan companies, cities authorized to impose privilege license tax on—

SB 92, pp. 166, 469, 1790, 2445

HB 106, p. 77

Small loan companies, penalty for charging in excess of interest rate allowed—

HB 201, pp. 104, 624

Small loan companies, regulated—

HB 102, pp. 76, 598, 647, 764, 766, 805, 808-24, 825, 826, 832-36, 894, 1824, 1844, 2032, 2049, 2090, 2317, 2318, 2361

HB 415, p. 306

Superintendent of banks, election and compensation—

HB 1060, p. 1695

Trust created by employer for benefit of employees, accumulation of income by—

HB 451, pp. 426, 599, 1551, 1552

Trust created by employer for benefit of employees, designation of beneficiaries—

HB 450, pp. 426, 599, 1551

## BANKS AND BANKING—Continued

Usury, penalty for—

HB 202, p. 104

HB 888, pp. 1299, 1449

## BAR, STATE

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Admission of veterans to, without examination—

HB 514, p. 627

## BARBERS

Counties 53,000 to 56,000 population, licensing and regulation of—  
HB 324, pp. 209, 256, 313, 619, 628, 635

Licensing and regulation of—

HB 331, pp. 212, 1103

Limestone County, licensing and regulation of—

HB 327, pp. 210, 256, 314, 622, 629, 635

Public health regulations relative to—

HB 967, p. 1502

## BARBOUR COUNTY

Conveyances, recording of—

HB 1012, pp. 1638, 1721, 1904, 2442, 2458, 2548

Sheriff, designation of deputies as traffic control officers—

HB 936, pp. 1453, 1498, 1565, 2365, 2387, 2547

Voting machines, purchase, installation, and use of—

SB 43, pp. 233, 247, 257, 316, 379

## BARR, CAPTAIN NORMAN LEE

Commended for contributions to the field of medicine—

HJR 26, pp. 194, 248, 273, 288

## BASIC SCIENCES, STATE BOARD OF EXAMINERS IN THE

Appropriation—

HB 630, p. 748

Created—

HB 151, pp. 91, 254, 445, 634, 638, 646, 691

## BASTARDY

Bastard children, requiring judge of probate to make report of re-  
sult of proceedings to legitimate—

HB 288, pp. 179, 467, 1130, 2542, 2545, 2550

Father's obligations prescribed—

HB 681, p. 875

HB 732, p. 940

## BEEF

Cattle and beef industry, promotion of—  
HB 825, pp. 1120, 1141  
SB 357, pp. 1444, 1497, 2328, 2379

## BEER TAX

Counties 500,000 population or more, levied—  
HB 782, pp. 1039, 1107, 1217, 2247

County taxes, abolished—  
HB 508, p. 608

Greene County, distribution of proceeds—  
HB 483, pp. 505, 600, 684, 838, 890, 1016

Levied, for care and treatment of mentally ill—  
HB 360, p. 266  
HB 759, pp. 957, 1101

Levied, for payment of old age pensions—  
HB 174, p. 98

Uniform state tax, levied—  
HB 508, p. 608

## BESSEMER, CITY OF

Bessemer common claims and criminal court, established—  
HB 1137, pp. 1979, 2112, 2282, 2489, 2526, 2549

Bessemer intermediate civil court, created—  
HB 1136, pp. 1978, 2112, 2281, 2489, 2526, 2549

Boundaries altered—  
HB 401, p. 301

Certain land conveyed for a park, vacated—  
HB 1094, pp. 1860, 1946, 2130, 2487, 2524, 2548

Commission form of government, authorized—  
HB 417, pp. 307, 601, 688

## BESSEMER COMMON CLAIMS AND CRIMINAL COURT

Established—  
HB 1137, pp. 1979, 2112, 2282, 2489, 2526, 2549

## BESSEMER, INTERMEDIATE CIVIL COURT OF

Established—  
HB 1136, pp. 1978, 2112, 2281, 2489, 2526, 2549

## BIBB COUNTY

Brent, town of, boundaries altered—  
HB 1065, pp. 1726, 1845, 2079, 2452, 2459, 2548  
SB 441, pp. 2061, 2111, 2271, 2352

## BIBB COUNTY—Continued

- Centreville, town of, boundaries altered—  
HB 567, pp. 697, 883, 986, 1232, 1251, 1275
- Governing body, expense allowance for members—  
HB 632, pp. 748, 887, 1006, 1227, 1255, 1276
- Sales tax, rate of, and exemptions from—  
HB 937, pp. 1454, 1498, 1566, 2368, 2388, 2547
- West Blocton, town of, boundaries altered—  
HB 441, pp. 422, 469, 525, 854, 888, 1016  
HB 938, pp. 1460, 1499, 1567, 2368, 2387, 2547

## BIRDS

- Game bird calls recorded or electrically amplified, prohibiting use of—  
HB 694, pp. 920, 1143

## BIRMINGHAM, CITY OF

- Appropriation, chamber of commerce—  
HB 323, pp. 208, 390, 440, 850, 889, 1016
- Boundaries altered—  
HB 913, pp. 1357, 1452, 1544  
HB 947, pp. 1470, 1500, 1760, 2370, 2387, 2547  
HB 989, pp. 1577, 1634, 1777, 2403, 2438, 2547  
HB 992, pp. 1581, 1634, 1777, 2404, 2438, 2547  
HB 1072, pp. 1732, 1846, 2083, 2501, 2529, 2549
- Braxton, Lula, relief of—  
HB 711, pp. 931, 1035, 1201, 1423, 1428, 1485
- Certain land conveyed for a park, vacated—  
HB 1094, pp. 1860, 1946, 2130, 2487, 2524, 2548
- Mayor, compensation of—  
HB 1100, pp. 1863, 1947, 2135, 2502, 2531, 2549
- Planning commission, composition and election of—  
HB 982, pp. 1526, 1634, 1876, 2372, 2389, 2547
- Policemen and firemen's retirement system established—  
HB 994, pp. 1586, 1634, 1778, 2405, 2439, 2547
- Procedure relative to rights under pension systems—  
HB 1092, pp. 1859, 1945, 2124, 2501, 2530, 2549
- Recorder's court, power to impose penalties for violation of, certain ordinances—  
HB 983, pp. 1526, 1634, 1776, 2401, 2438, 2547
- Retirement system, abolished—  
HB 991, pp. 1581, 1634, 1877, 2503, 2527, 2549
- Retirement system, definitions under—  
HB 783, pp. 1039, 1107, 1225, 1421, 1427, 1485
- Retirement system for policemen, benefits payable under—  
HB 993, pp. 1584, 1634, 1878, 2506, 2527, 2549

## BIRMINGHAM, CITY OF—Continued

Zoning board of adjustment, appointment of—  
HB 1097, pp. 1862, 1946, 2132, 2486, 2524, 2548

## BLACK WARRIOR RIVER

Survey to promote connection with Tennessee river—  
HB 893, pp. 1311, 1948, 2147, 2511, 2534, 2549

## BLACKMON, ARTHUR

Mourning death of—  
SJR 34, pp. 1687, 2016

## BLIND PERSONS

Aid to, maximum amount of—  
HB 232, pp. 123, 911, 1794, 1801, 2149

Alabama institute for deaf and blind, appropriation—  
HB 121, p. 84

Exemption from ad valorem taxation—  
HB 78, pp. 66, 253, 381  
HB 979, p. 1523

Income tax return of recipient of aid to, agents of department of  
pensions and security authorized to inspect—  
HB 421, pp. 395, 468, 1404, 1405

Legislative definition of term "blind person"—  
HB 229, p. 122

Licenses, privilege, exemption from—  
HB 978, p. 1523

Public assistance payable to, eligibility requirements for, and amount  
of—  
HB 76, p. 66

Sales tax, blind persons operating small stores and vending ma-  
chines—  
HB 79, p. 66

Sales tax, sales of certain small stores operated by, exempted from—  
HB 533, pp. 661, 908, 1338, 2271, 2282, 2361

## BLOOD

Labeling of, regulated—  
HB 227, pp. 122, 1103

## BLOUNT COUNTY

Board of finance and control, abolished—  
HB 513, pp. 624, 650, 960

Coroner, compensation—  
HB 1083, pp. 1849, 1943, 2114, 2486, 2523, 2548

County solicitor, employment and compensation of secretarial as-  
sistance—  
HB 1084, pp. 1850, 1943, 2114, 2486, 2523, 2548

## BLOUNT COUNTY—Continued

Court of county commissioners, created—  
HB 513, pp. 624, 650, 960

Gasoline tax, exemption of liquefied petroleum gas from—  
HB 1066, pp. 1728, 1845, 2079, 2487, 2523, 2548

Judge, circuit, supplemental salary—  
HB 960, p. 1474

## BOARD, MUSEUM

Cities 75,000 to 125,000, creation authorized—  
HB 1038, pp. 1677, 1724, 1919, 2371, 2391, 2547

## BOARD OF ADJUSTMENT, STATE

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## BOARD OF APPOINTMENT OF REGISTRARS

Lieutenant governor substituted for state auditor on—  
HB 571, p. 702

## BOARD OF BARBER EXAMINERS, STATE

Created—  
HB 331, pp. 212, 1103

## BOARD OF BOILER RULES

Created—  
HB 390, p. 298

## BOARD OF COMMISSIONERS OF THE LAW ENFORCEMENT OFFICERS' ANNUITY AND BENEFIT FUND OF ALABAMA

Created—  
HB 58, p. 58

## BOARD OF CORRECTIONS, STATE

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Commissioner of corrections, election and compensation—  
HB 1057, p. 1695

Convict guards, providing for eight hour work day and five day  
work week for—  
HB 452, p. 426

Convicts, prescribing maximum working day for—  
HB 453, p. 426

Convicts to work upon, clean, and restore certain cemeteries, au-  
thorizing the use of—  
HB 473, pp. 471, 1141, 1397, 2372, 2383, 2546

## BOARD OF CORRECTIONS, STATE—Continued

Joint resolution establishing a legislative committee to study the relocation of prison facilities—  
SJR 12, pp. 439, 499, 639, 644

Joint resolution extending thanks for dove shoot given in honor of members of legislature—  
HJR 87, pp. 1924, 1931, 1934, 2087

Legislative advisory committee for—  
HJR 48, p. 493

Tubercular prisoners, care and treatment of—  
HB 231, p. 123

## BOARD OF COUNTY COMMISSIONERS

Clay County, created—  
HB 644, pp. 788, 882, 979

Madison County, expenses of members—  
HB 1034, pp. 1674, 1724, 1917, 2503, 2529, 2549

## BOARD OF DRY CLEANERS AND LAUNDERERS

Created—  
HB 753, pp. 955, 2107

## BOARD OF EDUCATION, CITY

See also: EDUCATION; SCHOOLS: SUPERINTENDENT OF EDUCATION, CITY: name of specific city or town—

Annuity contracts or retirement income policies for employees of, authorized—  
SB 88, pp. 147, 179, 375, 403  
HB 108, pp. 78, 116, 195, 1083, 1084, 1094

Gasoline for use in school buses, exempted from tax levied on—  
HB 240, p. 124

Private schools, providing assistance for pupils attending  
HB 563, pp. 681, 880, 1558, 2512, 2539, 2550

Property conveyed to the state, reconveyance of—  
HB 55, pp. 57, 880

Warrants, tax anticipation, authorizing issuance of—  
HB 189, p. 100

## BOARD OF EDUCATION, COUNTY

See also: EDUCATION; SCHOOLS: SUPERINTENDENT OF EDUCATION, COUNTY; name of specific county—

Annuity contracts or retirement income policies for employees of, authorized—  
SB 88, pp. 147, 179, 375, 403  
HB 108, pp. 78, 116, 195, 1083, 1084, 1094



## BOARD OF EDUCATION, COUNTY—Continued

Autauga County, compensation of members—  
HB 650, pp. 796, 883, 984, 1228, 1257, 1276

Autauga County, election of members—  
HB 519, pp. 651, 696, 961, 1231, 1249, 1275

Choctaw County, compensation of members—  
HB 525, pp. 655, 696, 962, 1231, 1250, 1275

Coffee County, meetings and compensation of members—  
HB 480, pp. 503, 600, 751, 1233, 1249, 1275

Colbert County, compensation of members—  
HB 529, pp. 656, 696, 1182  
SB 278, pp. 865, 913, 1069, 1098

Counties 14,000 to 16,000 population, compensation of members—  
HB 435, pp. 400, 421, 523, 853, 888, 1016

Counties 22,000 to 23,000 population, compensation of members—  
HB 276, pp. 137, 179, 276, 277, 442, 460, 545

Counties 21,000 to 22,000 population, special meetings provided for—  
HB 1080, pp. 1754, 1846, 2093, 2486, 2523, 2548

Depository for school funds, selection of savings and loan association as—  
HB 246, p. 131

Etowah County, appropriation for relief of Etowah stadium association, incorporation—  
HB 315, pp. 205, 256, 311, 442, 461, 545

Gasoline for use in school buses, exempted from tax levied on—  
HB 240, p. 124

Lawrence County, meetings of—  
HB 325, pp. 209, 256, 314, 442, 461, 545

Lowndes County, authorized to impose tuition fees—  
SB 25, pp. 230, 247, 697, 970, 1024

Marengo County, regulating use of school buses—  
HB 1086, pp. 1853, 1943, 2115, 2486, 2523, 2548

Marion County, minimum age and salary of school bus drivers—  
SB 258, pp. 850, 1633, 1875

Montgomery County, power to transfer principals and teachers—  
SB 281, pp. 866, 913, 1069, 1099

Private schools, providing assistance for pupils attending—  
HB 563, pp. 681, 880, 1558, 2512, 2539, 2550

Property conveyed to the state, reconveyance of—  
HB 55, pp. 57, 880

Tuscaloosa County, meetings regulated—  
HB 560, p. 680

## BOARD OF EDUCATION, COUNTY—Continued

Warrants, tax anticipation, authorizing issuance of—  
HB 189, p. 100

Winston County, compensation of members—  
HB 964, pp. 1476, 1499, 1569, 2367, 2389, 2547

## BOARD OF EDUCATION, STATE

See also: EDUCATION; SCHOOLS; SUPERINTENDENT OF EDUCATION, STATE

Appropriation—  
HB 121, p. 84

Authorized to issue interest-bearing warrants to pay state appropriations when governor orders proration against minimum program fund—  
HB 35, p. 19

Election of members  
HB 751, pp. 955, 1285

Election of members, constitutional amendment—  
HB 750, pp. 955, 1285

Endowment funds, regulating investment of—  
HB 802, pp. 1046, 1690, 1794, 1802, 2054, 2510, 2534, 2549

Minimum school program, duty to determine funds available for—  
HB 562, p. 681

Police officers for state colleges under jurisdiction of, appointment of—  
HB 290, pp. 180, 392

## BOARD OF EQUALIZATION, COUNTY

Ad valorem taxes, limiting power of agents of department of revenue to render advice in making assessments for—  
HB 20, pp. 8, 51

Ad valorem taxes, limiting power of department of revenue to revalue and equalize assessments for—  
HB 19, pp. 8, 51

Counties 53,000 to 56,000 population, inventory and assessment of property—  
SB 236, pp. 849, 1724, 2091  
HB 438, pp. 400, 421, 539, 1715

Counties 80,000 to 94,000 population, organization, operation, clerical assistance—  
HB 1071, pp. 1732, 1847, 2083, 2371, 2391, 2547

Counties 400,000 or more population, appeals from decisions of—  
HB 999, pp. 1594, 1636, 1782, 2409, 2438, 2547

## BOARD OF EQUALIZATION, COUNTY—Continued

Date for meetings to review assessments—

HB 224, pp. 122, 178, 374, 2541, 2543, 2550

Notices by certified mail, authorized—

SB 6, pp. 147, 256, 538, 632

HB 15, p. 7

## BOARD OF EXAMINERS IN THE BASIC SCIENCES, STATE

Appropriation—

HB 630, p. 748

Created—

HB 151, pp. 91, 254, 445, 634, 638, 646, 691

## BOARD OF EXAMINERS FOR VOTER REGISTRATION, STATE

Created—

HB 447, p. 425

## BOARD OF FINANCE AND CONTROL

Blount County, abolished—

HB 513, pp. 624, 650, 960

Counties 63,500 to 72,500 population, time for holding meetings of—

HB 500, pp. 518, 601, 688

## BOARD OF HEALTH, STATE

Birth certificates and other such records, fees for issuing certified copies of—

HB 336, pp. 213, 420, 1013, 2541, 2543, 2550

## BOARD OF PARDONS AND PAROLES, STATE

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Compensation of members—

HB 1050, p. 1694

Parolee having less than three years to serve, supervision of—

HB 140, p. 90

## BOARD OF PUBLIC ACCOUNTANCY, STATE

Public accounting, regulation of—

HB 611, p. 740

## BOARD OF REGISTRARS

See also: ELECTIONS; PRIMARY ELECTIONS; REGISTRATION OF VOTERS; VOTERS

Butler County, reidentification of voters—

HB 25, pp. 9, 47, 109, 227, 272, 288

Clerical work, reservation of certain meeting days for the performance of—

HB 66, pp. 60, 1103, 1783, 2453, 2461, 2548

## BOARD OF REGISTRARS—Continued

Counties 56,500 to 72,500 population, reidentification of voters before clerk of—

HB 168, pp. 94, 119, 160, 408, 419, 462

Counties 500,000 or more population, reidentification of voters—

HB 1096, pp. 1862, 1946, 2131, 2133, 2142, 2487, 2524, 2548

Lee County, reidentification of voters—

HB 600, pp. 730, 886, 998, 1234, 1253, 1276

Meetings, additional, in even numbered years—

HB 67, pp. 60, 1103, 1783, 1784, 2453, 2461, 2548

Person disqualified from voting on conviction of crime, reporting of name of—

SB 49, pp. 167, 1280, 2474, 2519

Randolph County, reidentification of voters—

HB 499, pp. 515, 601, 687, 839, 891, 1017

Reidentification of voters, periodically—

HB 54, pp. 57, 647

HB 251, p. 132

St. Clair County, reidentification of voters—

HB 558, pp. 677, 697, 974, 1232, 1251, 1275

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS, STATE

Appropriation—

HB 221, p. 121

Fee for issuance of certificates of registration—

HB 481, pp. 504, 909, 1411

Fees, disposition of proceeds of—

HB 503, pp. 602, 909, 1411

## BOARD OF REVENUE

See also: COURT OF COUNTY COMMISSIONERS; name of county governing body; name of specific county

Autauga County, compensation of members—

HB 693, pp. 918, 1032, 1386, 2071, 2113, 2361

Chambers County, created—

SB 81, pp. 234, 247, 257, 394, 435, 465, 495

Chilton County, nomination of members—

SB 370, pp. 1345, 1355, 1534, 2016

Clay County, required to furnish county solicitor with office space—

HB 573, pp. 702, 883, 986, 1234, 1251, 1276

Counties 17,650 to 18,000 population, expense allowance for members—

HB 632, pp. 748, 887, 1006, 1227, 1255, 1276

## BOARD OF REVENUE—Continued

Counties 63,500 to 72,500 population, time for holding meetings of—  
HB 500, pp. 518, 601, 688

Cullman County, created—  
HB 422, pp. 395, 421, 609, 1029, 1079, 1094

Eminent domain, powers relative to—  
HB 867, p. 1288

Franklin County, compensation of members—  
HB 1004, pp. 1612, 1720, 1902, 2503, 2527, 2549

Hale County, election of members by district—  
HB 838, pp. 1152, 1283, 1391, 2071, 2113, 2361

Macon County, compensation of members—  
HB 492, pp. 510, 601, 751, 840, 892, 1017

Marengo County, compensation and expense allowance—  
SB 329, pp. 1025, 1107, 1215, 1273

Marion County, required to publish statements relative to income and expenditures of the county—  
HB 545, pp. 670, 697, 973

Mileage allowance of members—  
HB 62, pp. 58, 117, 197, 1083, 1084, 1094

Morgan County, compensation of members—  
HB 738, pp. 943, 1034, 1194, 1423, 1429, 1486

Shelby County, nomination, election, and qualifications of members—  
HB 131, pp. 85, 118, 159, 408, 419, 462

Winston County, created—  
HB 834, pp. 1125, 1144, 1327, 1807, 1842, 1926

## BOARD OF SCHOOL COMMISSIONERS

Mobile County, construction program regulated—  
HB 792, p. 1044

## BOARD OF VETERANS' AFFAIRS, STATE

Alabama department of veterans of World War I, Inc., represented on—  
HB 370, pp. 270, 882

## BOARD OF VETERINARY MEDICAL EXAMINERS, STATE

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## BOATS

Licensing, registration, and regulation of—  
HB 256, pp. 133, 881, 1793, 1798, 1987, 2454, 2461, 2548

## BOATS—Continued

Pilots, bar, compensation for detention on board ships—  
HB 77, pp. 66, 115, 168, 1804, 1840, 1926

Pilots, compensation of—  
HB 75, pp. 66, 115, 167, 1822, 1844, 1927

## BOILERS

Regulating construction, installation, inspection, and repair of—  
HB 390, p. 298

## BONDS

Actions to prohibit issuance of, by political subdivision, duties of county or deputy solicitor with reference to—  
HB 373, pp. 270, 391, 1786, 2508, 2536, 2550

Boards of education, city and county, authorized to issue tax anticipation warrants—  
HB 189, p. 100

Cities 6,000 or less population, financing sidewalk, street, and sewer improvements outside corporate limits of—  
SB 91, p. 165  
HB 111, pp. 79, 116, 196, 280, 449, 1490, 1496, 1563

Contractors contracting for public work, bonds required of—  
HB 676, pp. 875, 910

County officers, authorizing facsimile signatures on—  
HB 592, pp. 723, 879, 1011, 1018, 1350, 1351, 1419

Docks and harbors, rate of interest on bonds issued for acquisition, development, and maintenance of—  
HB 341, pp. 258, 598

Facsimile signatures authorized to be used on—  
HB 591, pp. 723, 879, 1011, 1350, 1351, 1419

Mental hospital building, issuance of bonds for construction of—  
HB 762, pp. 958, 1100, 1101, 1286, 1383, 1385, 1422, 1697, 1926, 2051, 2312, 2350, 2361

Mental hospital building, issuance of bonds for construction of, constitutional amendment—  
HB 765, pp. 959, 1100, 1101, 1287, 1383, 1385, 1422, 1697, 1698, 1927

Mobile County, issuance of bonds for construction of public school and hospital buildings, authorized—  
HB 1001, pp. 1597, 2108, 2257, 2485, 2522, 2550

Mobile County, issuance of bonds for construction of roads and bridges, authorized—  
HB 1000, pp. 1596, 2108, 2257, 2485, 2522, 2550

Municipal corporation, execution of bonds issued for construction of public utilities—

## BONDS—Continued

HB 287, pp. 141, 178, 369  
SB 153, pp. 247, 256, 369, 404

Municipal revenue bonds, maturity of—  
SB 93, pp. 166, 179, 279, 309  
HB 104, pp. 77, 116, 279

Savings and loan associations, authorizing cities and counties to  
deposit certain obligations for safekeeping with—  
HB 247, p. 131

School building purposes, issuance authorized—  
HB 349, p. 261

School building purposes, issuance authorized, constitutional  
amendment—  
HB 348, p. 261

Sinking fund for retirement of municipal bonds, authorizing in-  
vestment in savings and loan association—  
HB 243, p. 131

Voting machines, issuance of bonds for purchase of—  
HB 908, p. 1355

Water works boards, authorizing issuance of bonds for acquisition  
of—  
HB 855, pp. 1176, 1283, 1700, 2284, 2317, 2361

## BOOKS

Grand jury required to make periodic investigation relative to ob-  
scene literature—  
HB 100, p. 76

## BOUNDARIES

Autauga County, city of Prattville, altered—  
HB 772, pp. 1035, 1105, 1204, 1424, 1429, 1486

Baldwin County, town of Gulf Shores, altered—  
HB 1082, pp. 1847, 1943, 2113, 2463, 2468, 2548

Bibb County, town of Brent, altered—  
SB 441, pp. 2061, 2111, 2271, 2352  
HB 1065, pp. 1726, 1845, 2079, 2452, 2459, 2548

Bibb County, town of Centreville, altered—  
HB 567, pp. 697, 883, 986, 1232, 1251, 1275

Bibb County, town of West Blocton, altered—  
HB 441, pp. 422, 469, 525, 854, 888, 1016  
HB 938, pp. 1460, 1499, 1567, 2368, 2387, 2547

Bullock County, city of Union Springs, altered—  
SB 377, pp. 1434, 1499, 1758, 2017

Calhoun County, city of Anniston, altered—  
HB 26, pp. 12, 47, 110, 622, 629, 635

## BOUNDARIES—Continued

- Calhoun County, city of Piedmont, altered—  
HB 998, pp. 1592, 1632, 1771, 2289, 2318, 2361, 2423, 2456, 2462, 2548
- Chilton County, city of Clanton, altered—  
HB 940, pp. 1464, 1499, 1757, 2366, 2387, 2547
- Choctaw County, town of Butler, altered—  
HB 985, pp. 1570, 1571, 1632, 1769, 2369, 2389, 2547
- Clay County, town of Ashland, altered—  
HB 29, pp. 15, 47, 110, 227, 272, 288, 291
- Coffee County, town of Kinston, altered—  
HB 841, pp. 1154, 1451, 1535, 2365, 2384, 2546
- Colbert County, city of Tuscumbia, altered—  
HB 530, pp. 658, 696, 963, 1229, 1254, 1276
- Cullman County, city of Cullman, altered—  
HB 1085, pp. 1851, 1943, 2115, 2486, 2523, 2548
- Dale County, city of Ozark, altered—  
HB 910, pp. 1356, 1452, 1540, 2289, 2318, 2361
- Escambia County, city of Atmore, altered—  
HB 194, pp. 103, 119, 165, 408, 419, 462
- Escambia County, city of Brewton, altered—  
HB 704, pp. 924, 1033, 1189, 1423, 1428, 1485  
HB 581, pp. 711, 885, 993, 1233, 1252, 1276
- Etowah County, city of Gadsden, altered—  
HB 638, pp. 779, 882, 977, 1228, 1255, 1276
- Etowah County, town of Altoona, altered—  
HB 350, pp. 261, 293, 413, 637, 645, 691
- Etowah County, town of Rainbow City, altered—  
HB 253, pp. 132, 179, 215, 441, 460, 545
- Fayette County, city of Fayette, altered—  
HB 535, pp. 661, 696, 964  
SB 305, pp. 1021, 1106, 1215, 1273
- Greene County, city of Eutaw, altered—  
HB 944, pp. 1468, 1499, 1567, 2284, 2317, 2361
- Hale County, city of Greensboro, altered—  
HB 859, pp. 1179, 1285, 1395, 1808, 1843, 1926
- Houston County, town of Kinsey, altered—  
HB 593, pp. 723, 885, 996, 1233, 1253, 1276
- Houston County, town of Madrid, altered—  
HB 50, pp. 56, 117, 186, 407, 418, 462
- Jackson County, town of Section, altered—  
HB 356, pp. 265, 293, 414, 637, 645, 691



## BOUNDARIES—Continued

Jefferson County, city of Bessemer, altered—  
HB 401, p. 301

Jefferson County, city of Birmingham, altered—  
HB 913, pp. 1357, 1452, 1544  
HB 947, pp. 1470, 1500, 1760, 2370, 2387, 2547  
HB 989, pp. 1577, 1634, 1777, 2403, 2438, 2547  
HB 992, pp. 1581, 1634, 1777, 2404, 2438, 2547  
HB 1072, pp. 1732, 1846, 2083, 2501, 2529, 2549

Jefferson County, city of Graysville, altered—  
HB 595, pp. 725, 887, 1008, 1421, 1426, 1485

Jefferson County, city of Homewood, altered—  
SB 387, pp. 1433, 1500, 1760, 2017  
HB 861, pp. 1180, 1285, 1397, 1805, 1843, 1927

Jefferson County, city of Irondale, altered—  
HB 1105, pp. 1864, 1947, 2137  
SB 460, pp. 2284, 2319, 2431, 2457

Jefferson and St. Clair Counties, city of Leeds, altered—  
HB 1126, pp. 1965, 2112, 2280, 2502, 2531, 2549

Lamar County, town of Millport, altered—  
HB 877, pp. 1292, 1354, 1480, 2370, 2385, 2546

Lauderdale County, city of Florence, altered—  
HB 973, pp. 1516, 1631, 2088  
HB 997, pp. 1591, 1632, 2089, 2254  
SB 429, pp. 2066, 2250, 2322, 2379

Lee County, city of Auburn, altered—  
SB 399, pp. 1493, 1633, 2254, 2352  
HB 878, pp. 1293, 1354, 1480

Madison County, city of Huntsville, altered—  
HB 68, pp. 60, 421, 521, 778, 889, 1016

Marengo County, city of Linden, altered—  
HB 1087, pp. 1854, 1943

Marion and Fayette Counties, town of Glenn Allen, altered—  
HB 814, pp. 1115, 1144, 1325, 1806, 1841, 1926

Mobile County, city of Chickasaw, altered—  
HB 1119, pp. 1957, 2109, 2261, 2501, 2531, 2549  
HB 1121, pp. 1959, 2109, 2262, 2503, 2531, 2549

Monroe County, city of Monroeville, altered—  
HB 82, pp. 67, 117, 154, 407, 418, 462

Montgomery County, city of Montgomery, altered—  
HB 87, pp. 70, 118, 155, 442, 460, 545  
HB 260, pp. 134, 179, 215, 442, 460, 545  
HB 663, pp. 871, 912, 1064, 1229, 1257, 1276  
HB 987, pp. 1574, 1632, 1770, 2366, 2390, 2547  
HB 1037, pp. 1676, 1724, 1918, 2372, 2390, 2547  
SB 115, pp. 150, 913, 1066, 1097

## BOUNDARIES—Continued

- SB 294, pp. 841, 914, 1072, 1098  
SB 295, pp. 842, 913, 1071, 1098
- Morgan County, city of Decatur, altered—  
HB 507, pp. 606, 624, 690, 839, 891, 1017  
HB 612, pp. 740, 886, 1001, 1235, 1254, 1276  
HB 850, pp. 1158, 1631, 1872, 2398, 2423, 2448, 2469, 2476, 2548
- Morgan County, city of Hartselle, altered—  
HB 94, pp. 73, 118, 187, 407, 418, 462  
HB 1039, pp. 1678, 1724, 1920, 2371, 2391, 2547
- Morgan County, subdivisions altered—  
HB 742, pp. 950, 1034, 1198, 1424, 1429, 1486
- Morgan County, town of Flint City, altered—  
HB 95, pp. 74, 118, 187, 407, 418, 462
- Morgan County, town of Trinity, altered—  
HB 956, pp. 1472, 1499, 1757, 2368, 2387, 2547
- Perry County, town of Uniontown, altered—  
HB 107, pp. 77, 118, 156, 408, 419, 462
- St. Clair County, city of Pell City, altered—  
SB 425, pp. 2059, 2111, 2269, 2430, 2456  
HB 1040, pp. 1679, 1724, 1920
- St. Clair County, town of Springville, altered—  
HB 1081, pp. 1754, 1846, 2082
- Sumter County, town of York, altered—  
SB 299, pp. 845, 914, 1073, 1098
- Talladega County, city of Sylacauga, altered—  
HB 625, pp. 745, 887, 1005, 1490, 1497, 1563  
HB 626, pp. 746, 887, 1006, 1490, 1497, 1563
- Tallapoosa County, city of Alexander City, altered—  
HB 980, pp. 1523, 1632, 1768  
SB 428, pp. 2063, 2111, 2269, 2352
- Tallapoosa County, town of Dadeville, altered—  
HB 1134, pp. 1977, 2111, 2268, 2442, 2458, 2548
- Tuscaloosa County, city of Tuscaloosa, altered—  
SB 226, pp. 639, 697, 971, 1024  
SB 433, pp. 2272, 2321, 2433, 2455, 2456
- Walker County, city of Jasper, altered—  
HB 281, pp. 138, 179, 216, 408, 420, 462
- Walker County, town of Dora, altered—  
HB 170, pp. 96, 119, 162, 408, 419, 462

## BOYS STATE

- American legion commended on success of boys state program—  
HJR 41, pp. 406, 428, 461, 545

## BRAKE FLUID

Sale of, regulated—

SB 40, pp. 142, 176, 284, 291, 309

HB 179, pp. 98, 177, 285

## BRAXTON, LULA

Jefferson County, city of Birmingham, relief of—

HB 711, pp. 931, 1035, 1201, 1423, 1428, 1485

## BREAD

Standard weights for loaves of, established—

HB 470, p. 471

## BRENT, TOWN OF

Boundaries altered—

SB 441, pp. 2061, 2111, 2271, 2352

HB 1065, pp. 1726, 1845, 2079, 2452, 2459, 2548

## BREWTON, CITY OF

Boundaries altered—

HB 581, pp. 711, 885, 993, 1233, 1252, 1276

HB 704, pp. 924, 1033, 1189, 1423, 1428, 1485

Dedication of certain property, annulled—

HB 582, pp. 712, 885, 993, 1233, 1252, 1276

## BRIDGES

See also: ROADS AND BRIDGES; HIGHWAYS

“Cherokee County Memorial Bridge”, designation of—

HB 656, pp. 800, 1105, 1409

Controlled access facility, regulating location of service stations on right-of-way of—

HB 551, pp. 674, 1102, 1794, 1803

“G. E. Hill Bridge”, designation of—

HB 700, pp. 924, 1105, 1409, 1410, 2372, 2383, 2546

“John Lawson Burnett Bridge”, designation of—

SB 275, pp. 1443, 2320

“Leesburg Memorial Bridge”, designation of—

SB 275, pp. 1443, 2320

“The Demopolis Rooster Bridge”, changing name of “The Memorial Bridge” to—

SB 31, pp. 247, 255, 537, 632

## BROWN PRINTING COMPANY

Commended—

HJR 102, pp. 2428, 2455, 2462, 2548

## BRYCE HOSPITAL

Inspection of, by legislature—

HJR 59, pp. 756, 868, 889, 1016

## BUDGET OFFICER, STATE

Deputy director of finance, designated as—

HB 660, pp. 870, 1725, 1793, 1797, 2157, 2159

## BUILDING COMMISSION, STATE

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Appropriation, constructing and equipping building for use of the state oil and gas board—

HB 405, p. 303

Election of members of—

HR 15, pp. 109, 142

## BULLOCK COUNTY

Sheriff, deputy, compensation and duties—

SB 389, pp. 1491, 1631, 1763, 2018

Union Springs, city of, boundaries altered—

SB 377, pp. 1434, 1499, 1758, 2017

## BUSINESS REGULATION

Board of dry cleaners and launderers, created—

HB 753, pp. 955, 2107

Boilers and unfired pressure vessels, regulating construction, installation, inspection, and repair of—

HB 390, p. 298

Brake fluid, regulating sale of—

SB 40, pp. 142, 176, 284, 291, 309

HB 179, pp. 98, 177, 285

Commercial fishing operations, prohibiting use of gill nets in—

HB 329, p. 212

HB 330, p. 212

Corporations, organization, consolidation, merger, and dissolution of—

SB 261, pp. 1496, 1692, 2323, 2374, 2380

HB 948, p. 1471

Engineering firms doing business with the state or with any county or municipality, regulating ownership of—

HB 216, p. 121

Hotels, regulating operation of—

HB 279, pp. 137, 599

SB 133, pp. 847, 2249, 2343, 2375, 2380

Joint legislative committee created to make investigation relative to monopoly and anti-trust laws—

SB 39, pp. 846, 1285, 2342, 2377

Lobbying, regulated—

HB 527, p. 656

HB 396, p. 301

## BUSINESS REGULATION—Continued

Loss leaders, penalty for limiting number to be sold to any one customer—  
HB 249, p. 131

Motels, operation of—  
SB 133, pp. 847, 2249, 2343, 2375, 2380  
HB 279, pp. 137, 599

Penalty for using the term "wholesale" in connection with making certain sales—  
HB 272, p. 137

Plastic bags, regulating use of, in selling, delivering, or distributing various items—  
HB 391, p. 298

Small loan companies, regulating operation of—  
HB 102, pp. 76, 598, 647, 764, 766, 805, 808-24, 825, 826, 832-836, 894, 1824, 1844, 2032, 2049, 2090, 2317, 2318, 2361

Telephone companies, prescribing certain standards of service—  
HB 943, p. 1467

Trains, requiring electric marker warning lights on rear of, and electric lights within, cabooses—  
HB 479, p. 503

Tourist courts, regulating operation of—  
HB 279, pp. 137, 599  
SB 133, pp. 847, 2249, 2343, 2375, 2380

## BUTLER COUNTY

Cosmetologists, regulation and Licensing of—  
HB 312, pp. 204, 600, 681, 691, 1076, 1080, 1094  
HB 965, pp. 1500, 1631, 1762, 2369, 2389, 2547

Register, compensation—  
HB 309, pp. 202, 292, 412, 681, 749, 1019, 1078, 1094

Register, compensation, constitutional amendment—  
HB 308, pp. 202, 292, 413, 681

Reidentification of voters—  
HB 25, pp. 9, 47, 109, 227, 272, 288

United telephone and telegraph company, relief of—  
HB 966, pp. 1501, 1631, 1762, 2369, 2389, 2547

## BUTLER, TOWN OF

Boundaries altered—  
HB 985, pp. 1570, 1571, 1632, 1769, 2369, 2389, 2547

## BYRD, LIEUTENANT GOVERNOR GARLAND T.

Invited to address legislature—  
HJR 31, pp. 273, 275, 308, 384

Committee appointed to wait upon—  
p. 1487

Joint Session to hear address by—  
p. 1526

## C. &amp; K. TRUCK LINES

Appropriation, relief of—

HB 282, p. 139

HB 769, p. 960

## CAHABA HISTORICAL COMMISSION

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

HB 703, pp. 924, 1102, 1341, 1929, 1932, 2086

Board of trustees, appointment of—

SB 404, pp. 1809, 1944, 2123, 2352

## CALHOUN COUNTY

Anniston, city of, benefits for members and widows of retired members under policemen's and firemen's retirement fund—  
HB 478, pp. 500, 600, 683, 838, 890, 1016

Anniston, city of, boundaries altered—

HB 26, pp. 12, 47, 110, 622, 629, 635

Expenses of certain officers, payment of—

HB 1067, pp. 1730, 1845, 2080, 2371, 2547

Piedmont, city of, boundaries altered—

HB 998, pp. 1592, 1632, 1771, 2289, 2318, 2361, 2423, 2456, 2462, 2548

## CALLAHAN, WILLIAM T.

Joint resolution mourning death of—

SJR 34, pp. 1687, 2016

## CAMELLIA

Designated as official state flower—

HB 24, pp. 9, 392, 438, 439, 639, 647, 691

## CAMP, JOHN HOLLIS

Jefferson county, relief of—

HB 1095, pp. 1861, 1946, 2131, 2487, 2524, 2548

## CANDIDATES

Advertisements or other printed matter relative to, regulating printing and publication of—

HB 332, p. 212

Campaign expenditure statements by candidates for state senator or representative, filing of—

SB 110, pp. 200, 1104, 2340, 2353, 2373, 2380

SB 113, pp. 200, 1104, 2341, 2378

Campaign expenditure statements, date for filing by mail—

SB 110, pp. 200, 1104, 2340, 2353, 2373, 2380

SB 112, pp. 200, 1104, 2341, 2378

## CANDIDATES—Continued

Electors for president and vice-president, mode of electing candidates for—

HB 219, pp. 121, 393

Electors for president and vice-president, time for holding primary election to nominate—

HB 218, pp. 121, 393, 527

Primary elections, appointment and qualifications of watchers at polling places—

HB 446, pp. 425, 1103, 1398, 1406, 1421

## CAPITAL PUNISHMENT

Abolished—

HB 1056, p. 1695

Execution of, by lethal gas—

HB 819, p. 1118

## CAPITOL, STATE

Appropriation, providing restaurant facilities and correcting electrical system in capitol building—

SB 197, pp. 849, 1948, 2346, 2481, 2508, 2518

Appropriation, to remodel treasurer's offices—

HB 661, pp. 871, 1948

Legislature, designating certain space for use by—

HB 521, pp. 652, 878, 1403, 2392, 2425, 2547

## CATES, JOHN LEWIS

Certificate of Election—

p. 45

Oath of Office—

p. 45

Committee appointments—

p. 45

## CATTLE

Animals found running at large, seizure, holding, and sale of—

HB 236, pp. 124, 255, 534, 1350, 1419

Cattle and beef industry, promotion of—

HB 825, pp. 1120, 1141

SB 357, pp. 1444, 1497, 2328, 2379

Livestock markets, injunction to restrain operation of—

HB 237, pp. 124, 255, 535, 1077, 1079, 1094

Livestock markets, weighing of livestock at—

HB 238, pp. 124, 255, 536, 1077, 1079, 1094

Semi-trailer used for transporting, maximum height of—

SB 192, pp. 847, 1104, 2360, 2380

## CAUSES OF ACTIONS

See: ACTIONS; CIVIL REMEDIES AND PROCEDURE; JUDICIAL PROCEDURE; PRACTICE AND PROCEDURE; SUITS

## CEMETERIES

Condemnation of, for road or highway construction—  
HB 865, p. 1287

Counties authorized to expend funds in maintenance of—  
SB 154, p. 641

Counties 94,000 to 134,000 population, regulating operation of—  
HB 145, pp. 90, 119, 189, 408, 419, 462

Utilization of convicts to work upon, clean, and restore, authorized—  
HB 473, pp. 471, 1141, 1397, 2372, 2383, 2546

## CENTREVILLE, TOWN OF

Boundaries altered—  
HB 567, pp. 697, 883, 986, 1232, 1251, 1275

## CERTIFICATE OF ELECTION

p. 4

## CHAMBER OF COMMERCE

Appropriation of municipal funds to, for industrial development purposes—  
HB 355, p. 265

Birmingham chamber of commerce, appropriation to—  
HB 323, pp. 208, 390, 440, 850, 889, 1016

## CHAMBERS COUNTY

Board of revenue, created—  
SB 81, pp. 234, 247, 257, 394, 435, 465, 495

Circuit clerk, compensation and clerical assistance—  
HB 657, pp. 868, 912, 1063, 1439, 1446, 1486

Circuit clerk, compensation of deputy to—  
HB 28, pp. 14, 47, 110, 126, 291, 308, 384

County court, abolished—  
SB 84, pp. 241, 257

Court of common pleas, created—  
SB 84, pp. 241, 257

Court of county commissioners, abolished—  
SB 81, pp. 234, 247, 257, 394, 435, 465, 495

Judge of probate, compensation and clerical assistance—  
HB 657, pp. 868, 912, 1063, 1439, 1446, 1486

Justices of the peace and notaries with justice of the peace powers, jurisdiction—  
HB 82, pp. 67, 117, 154, 407, 418, 462



## CHAMBERS COUNTY—Continued

Juvenile court, abolished—  
SB 84, pp. 241, 257

Purchasing regulated—  
SB 81, pp. 234, 247, 257, 394, 435, 465, 495  
SB 83, pp. 238, 247, 257, 394, 437, 465, 495

Sheriff, compensation and clerical assistance—  
HB 657, pp. 868, 912, 1063, 1439, 1446, 1486

Register, compensation and clerical assistance—  
HB 657, pp. 868, 912, 1063, 1439, 1446, 1486

Solicitor, deputy, compensation—  
HB 658, pp. 869, 912, 1062

Tax assessor, compensation and clerical assistance  
HB 657, pp. 868, 912, 1063, 1439, 1446, 1486

Tax collector, compensation and clerical assistance—  
HB 657, pp. 868, 912, 1063, 1439, 1446, 1486

Valley-Central High football game, declaring winner number one  
team—  
HR 97, p. 2345

Valley High football team, extending congratulations to—  
HR 11, p. 105

## CHAMBERS, REPRESENTATIVE RALPH W.

Requested to speak to House—  
HR 114, p. 2537

## CHAMBLISS, V.

Appropriation, relief of—  
HB 781, pp. 1038, 1107, 1216, 1424, 1430, 1486

## CHAPMAN, HALLIE S.

Appropriation, relief of—  
SB 350, pp. 1529, 2107, 2331, 2378

## CHEATHAM, DAVID

Commended for rescuing three people from Black Warrior River—  
HJR 30, pp. 251, 275, 308, 384

## CHECKS

Counties 500,000 or more population, penalty for giving worthless  
check in payment of taxes—  
HB 1020, pp. 1656, 1718, 1880, 2505, 2528, 2549

Worthless, for payment of wages, penalty for giving—  
HB 37, p. 19

Worthless, for the payment of money, actions on—  
HB 38, pp. 19, 911, 1398, 1402, 2443, 2458, 2548

## CHECKS—Continued

Worthless, for the payment of money, penalty for giving—  
HB 36, pp. 19, 910, 1398, 1399, 2443, 2458, 2548

## CHEROKEE COUNTY

“Cherokee County Memorial Bridge”, designation of—  
HB 656, pp. 800, 1105, 1409

Coroner, compensation—  
HB 1124, pp. 1963, 2110, 2264, 2503, 2531, 2549

Diesel fuel excluded from taxation—  
HB 870, pp. 1288, 1451, 1536, 2365, 2384, 2546

Reidentification of voters—  
HB 939, pp. 1461, 1499, 1871

Roads and bridges, construction and maintenance—  
SB 409, pp. 1812, 2321, 2433

Roads and bridges, determining location of—  
HB 1123, pp. 1961, 2109, 2263

## CHICKASAW, CITY OF

Boundaries altered—  
HB 1119, pp. 1957, 2109, 2261, 2501, 2531, 2549  
HB 1121, pp. 1959, 2109, 2262, 2503, 2531, 2549

## CHILES, C. D.

Jefferson County, relief of—  
HB 946, pp. 1469, 1500, 1759, 2370, 2387, 2547

## CHILTON COUNTY

Board of revenue and control, nomination of members—  
SB 370, pp. 1345, 1355, 1534, 2016

Branch banks authorized—  
HB 524, pp. 654, 697, 972, 1231, 1250, 1275

Clanton, city of, boundaries altered—  
HB 940, pp. 1464, 1499, 1757, 2366, 2387, 2547

County court, abolished—  
SB 371, pp. 1814, 1944, 2123

Law and equity court, established—  
SB 371, pp. 1814, 1944, 2123

Railroads, warning devices required at grade crossings—  
HB 970, pp. 1511, 1631, 1871, 1937

Sales and use taxes for educational purposes, levied—  
HB 812, pp. 1108, 1143, 1323, 1806, 1841, 1926, 2014, 2253, 2338,  
2373, 2382, 2546

School buildings, construction and maintenance of—  
SB 369, pp. 1343, 1355, 1484, 2016

## CHILTON COUNTY—Continued

Sheriff, compensation of deputies—  
HB 523, pp. 652, 697, 971, 1231, 1249, 1275

## CHIROPRACTORS

Licensing and regulation of—  
HB 150, pp. 91, 254, 445, 634, 638, 646, 691  
HB 151, pp. 91, 254, 445, 634, 638, 646, 691  
HB 152, pp. 92, 254, 445, 447, 634, 638, 646, 691  
HB 153, pp. 92, 254, 445, 447, 634, 638, 646, 691

## CHOCTAW COUNTY

Board of education, compensation of members—  
HB 525, pp. 655, 696, 962, 1231, 1250, 1275  
Butler, town of, boundaries altered—  
HB 985, pp. 1570, 1571, 1632, 1769, 2369, 2389, 2547  
Constable for each commissioner's district, provided for—  
HB 641, pp. 782, 882, 1060, 1229, 1255, 1276  
Inferior court, clerical assistance for judge—  
HB 388, pp. 296, 394, 432, 632, 634, 635  
Justices of the peace, withdrawal of criminal jurisdiction—  
HB 640, pp. 781, 882, 977, 1228, 1255, 1276  
Reidentification of voters—  
HB 642, pp. 783, 882, 978, 1805, 1840, 1926  
Solicitor, county clerical assistance—  
HB 386, pp. 293, 393, 431, 631, 634, 635  
Superintendent of education, compensation—  
HB 387, pp. 294, 393, 431, 619, 628, 635  
Tax assessor, clerical assistance—  
HB 444, pp. 424, 469, 526, 854, 888, 1016  
Tax collector, clerical assistance—  
HB 444, pp. 424, 469, 526, 854, 888, 1016

## CHURCHES

Sale of alcoholic beverages and intoxicating liquors in vicinity of,  
prohibited—  
HB 915, p. 1361

## CIRCUIT CLERK

See also: CIRCUIT COURT; JUDICIAL CIRCUITS; specific judicial circuit; specific counties and counties on a population basis  
Chambers County, compensation of deputy to—  
HB 28, pp. 14, 47, 110, 126, 291, 308, 384  
Cleburne County, authorized to employ stenographic secretary—  
HB 526, pp. 655, 696, 962, 1231, 1250, 1275  
Dallas County, compensation—  
SB 59, pp. 149, 179, 217, 273

## CIRCUIT CLERK—Continued

- Elmore County, clerical assistance—  
HB 284, pp. 140, 179, 430
- Elmore County, compensation, constitutional amendment—  
HB 193, pp. 102, 119, 164, 837, 890, 1017
- Henry County, clerical assistance—  
HB 485, pp. 508, 601, 685, 838, 891, 1017
- Lawrence County, compensation of deputy clerk—  
HB 842, pp. 1156, 1355, 1535, 2366, 2384, 2546
- Limestone County, clerical assistance—  
HB 544, pp. 669, 697, 969, 1232, 1251, 1275
- Mobile County, compensation and duties of chief assistant—  
HB 1122, pp. 1960, 2109, 2262, 2503, 2531, 2549
- Person disqualified from voting on conviction of crime, reporting of name of—  
SB 49, pp. 167, 1280, 2474, 2519
- Russell County, compensation, constitutional amendment—  
HB 116, pp. 83, 118, 188, 637, 645, 691
- Twentieth judicial circuit, office of clerk-secretary established—  
HB 538, pp. 663, 696, 966, 1231, 1250, 1275

## CIRCUIT COURT

- See also: BAILIFFS; CIRCUIT CLERK; JUDGE, CIRCUIT; JUDICIAL CIRCUITS; REGISTER, CIRCUIT COURT; SOLICITOR, CIRCUIT; specific judicial circuit
- Appeals from recorder's court, manner of taking—  
HB 494, p. 512
- Appeals from recorder's court, regulated—  
HB 74, pp. 66, 910
- Appeals, waiver of notice of, if adverse party fails to raise question of notice—  
HB 406, pp. 303, 391, 757
- Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635
- Bailiffs, compensation—  
HB 426, pp. 397, 878, 1794, 1803
- Counties 125,000 to 225,000 population, creating domestic relations division of—  
SB 312, pp. 1025, 1106, 1182, 1258, 1273  
HB 664, pp. 872, 912, 1062, 1182, 1184
- Counties 200,000 to 400,000 population, selection and impaneling of alternate jurors in criminal cases in—  
HB 73, pp. 65, 912, 1062, 1317, 2073, 2113, 2361

## CIRCUIT COURT—Continued

Court reporters, retirement of—  
HB 408, p. 304

Court reporters, special, travel allowance—  
HB 187, pp. 100, 115, 169, 448, 461, 545

Divorce cases, trial tax levied in—  
HB 361, p. 267  
HB 455, p. 427

Fees chargeable by registers on appeals to supreme court—  
HB 914, pp. 1360, 1692

Fees, transcript to supreme court—  
HB 623, p. 745

Fifth judicial circuit, expense allowance for court reporters—  
HB 799, pp. 1047, 1690, 2027, 2028, 2370, 2384, 2546

Laws of other states, manner of proving—  
HB 147, pp. 91, 115, 193, 639, 647, 691

Nineteenth judicial circuit, additional judge authorized—  
HB 628, pp. 748, 879  
SB 287, pp. 1346, 1448, 2122, 2314

Probation and suspension of execution of sentence—  
HB 148, p. 91

Register, compensation for ex officio services—  
HB 740, pp. 947, 1034, 1196, 1424, 1429, 1486

Sixth judicial circuit, additional judge authorized—  
HB 437, pp. 400, 879, 1756, 2470, 2479, 2548

Sixth judicial circuit, appointment and compensation of bailiffs—  
HB 1110, pp. 1868, 1944, 2120, 2489, 2525, 2549

Sixth judicial circuit, creating domestic relations division of—  
HB 437, pp. 400, 879, 1756, 2470, 2479, 2548

Solicitor, supernumerary circuit, provided for—  
HB 328, pp. 212, 389, 758, 1073

Solicitor, supernumerary circuit, qualifications for—  
SB 128, pp. 848, 909, 1138, 1247, 1272

Thirteenth judicial circuit, additional judge authorized—  
HB 952, pp. 1472, 1691, 1794, 1802, 1922, 2443, 2458, 2548

Twenty-fifth judicial circuit, expense allowance for judge of—  
SB 366, pp. 1346, 1633, 1876, 2089, 2352

Twenty-second judicial circuit, compensation of reporter—  
HB 986, pp. 1572, 1632, 1769, 2370, 2389, 2547

## CIRCUIT SOLICITOR

See: SOLICITOR, CIRCUIT

## CITIES GENERAL LAWS

- Accountant for examination of books and records, appointment of—  
HB 418, pp. 307, 468, 1558
- Ad valorem tax, date for levy of—  
HB 362, pp. 267, 1694
- Aged persons, providing certain aid for—  
HB 609, pp. 740, 1691, 1794, 1802, 2304
- Annuity contracts or retirement income policies for employees of, authorized—  
SB 88, pp. 147, 179, 375, 403  
HB 108, pp. 78, 116, 195, 1083, 1084, 1094
- Appropriation, to aid in constructing and equipping facilities for livestock shows and other such displays—  
HB 248, p. 131
- Attorneys or physicians, employment of—  
HB 239, pp. 124, 253, 529, 2392, 2425, 2547
- Bonds issued by municipal corporation for financing public utilities, execution of—  
HB 287, pp. 141, 178, 369  
SB 153, pp. 247, 256, 369, 404
- Bonds, revenue, maturity of—  
SB 93, pp. 166, 179, 279, 309  
HB 104, pp. 77, 116, 279
- Commission form of government, effective date for change to—  
SB 94, pp. 166, 178, 375, 456, 494  
HB 103, p. 77
- Commission form of government, resolutions, ordinances, and records of—  
HB 873, pp. 1291, 1941, 2094, 2506, 2532, 2549
- Continuity of, in the event of an attack—  
HB 476, pp. 471, 911, 1555
- Elections in cities and towns having a commission form of government, regulated—  
HB 754, pp. 956, 1282, 1793, 1797, 2169
- Elections in cities and towns not having a commission form of government, regulated—  
HB 757, pp. 956, 1282, 1793, 1798, 2198, 2287
- Engineering firms doing business with any city or town, regulating ownership of—  
HB 216, p. 121
- Gasoline tax, cities excluded from distribution of certain proceeds of—  
HB 109, p. 79
- Gasoline tax, exempted from payment of—  
HB 109, p. 79

## CITIES GENERAL LAWS—Continued

- Historical research, expiration of authority to engage in—  
SB 201, pp. 2302, 2320, 2490, 2520
- Industrial development, authorizing appropriations to chamber of commerce and other civic organizations for purposes of—  
HB 355, p. 265
- Law enforcement officers of, providing for payment of annuity or retirement benefits to—  
HB 58, p. 58
- Mayor-council form of government, effective date for change from—  
SB 94, pp. 166, 178, 375, 456, 494  
HB 103, p. 77
- Municipal offices, manner of filling vacancies in—  
HB 84, p. 70
- Nurses training schools operated by, included in public school system—  
HB 410, p. 304
- Ordinances and resolutions, publication and recording of—  
SB 90, pp. 166, 468, 1788, 1931, 2016  
HB 110, p. 79
- Planning commissions, territorial jurisdiction of—  
HB 105, p. 77
- Recorder's court, manner of taking appeals from—  
HB 494, p. 512
- Recorder's court, maximum amount of, and daily amount allowed in working out, fines imposed in—  
HB 496, p. 512
- Savings and loan association, authorizing deposit of certain obligations for safekeeping with—  
HB 247, p. 131  
SB 147, pp. 247, 275
- Sinking funds for retirement of municipal bonds, authorizing investment in savings and loan association—  
HB 243, p. 131
- Small loan companies, cities authorized to impose privilege license tax on—  
SB 92, pp. 166, 469, 1790, 2445  
HB 106, p. 77
- Traffic-control devices, requiring uniform arrangement of colors appearing on—  
HB 474, p. 471
- Voting machines, regulating purchase of—  
HB 724, pp. 938, 1447, 1793, 1799, 2290, 2509, 2534, 2549

## CITIES 6,000 OR LESS POPULATION

- Street, sidewalk, and sewer improvements outside the corporate limits of, construction and financing of—  
SB 91, p. 165  
HB 111, pp. 79, 116, 196, 280, 449, 1490, 1496, 1563

## CITIES 14,000 TO 19,000 POPULATION

Mayor-Council form of government, election and organization provided for—

HB 1031, pp. 1669, 1723, 1913, 1920, 2077, 2090, 2495, 2533, 2549

## CITIES 15,000 OR MORE POPULATION

Firemen, regulating working hours for—

HB 789, pp. 1042, 1105

## CITIES 20,000 to 23,000 POPULATION

Retirement system, establishment of—

HB 577, pp. 707, 884, 989, 1229, 1255, 1276

## CITIES 20,000 TO 22,500 POPULATION

Governing body, recording of proceedings of—

HB 873, pp. 1291, 1941, 2094, 2506, 2532, 2549

## CITIES 23,000 TO 100,000 POPULATION

Commission form of government for, authorized—

HB 417, pp. 307, 601, 688

## CITIES 23,500 TO 100,000 POPULATION

Commission form of government, adoption by ordinance—

HB 874, pp. 1291, 1693, 1878

Election authorized to determine form of government other than commission form—

HB 874, pp. 1291, 1693, 1878

## CITIES 40,000 TO 50,000 POPULATION

Optional forms of government—

SB 286, pp. 903, 1035, 1321, 2096, 2312, 2352

## CITIES 75,000 TO 125,000 POPULATION

Commission form of government, selection of recorder—

SB 293, pp. 841, 913, 1070, 1098

HB 610, pp. 740, 886, 1001, 1235, 1254, 1276

Museum board, creation authorized—

HB 1038, pp. 1677, 1724, 1919, 2371, 2391, 2547

## CITIES 78,000 TO 125,000 POPULATION

Governing body, compensation of members—

SB 314, pp. 903, 1107, 1138, 1244, 1274

## CITIES 100,000 OR MORE POPULATION

Policemen's retirement system, benefits payable under—

HB 993, pp. 1584, 1634, 1878, 2506, 2527, 2549

## CITIES 125,000 TO 250,000 POPULATION

Traffic ordinances, additional procedure for securing appearance of defendant for trial—

HB 1120, p. 1959



## CITIES 250,000 OR MORE POPULATION

Employees' retirement system, definitions under—  
HB 783, pp. 1039, 1107, 1225, 1421, 1427, 1485

Policemen's and firemen's retirement system, established—  
HB 994, pp. 1586, 1634, 1778, 2405, 2439, 2547

## CITIES 300,000 OR MORE POPULATION

Planning commission, composition and election of—  
HB 982, pp. 1526, 1634, 1876, 2372, 2389, 2547

Procedure relative to rights under pension systems—  
HB 1092, pp. 1859, 1945, 2124, 2501, 2530, 2549

Recorder's court, power to impose penalties for violation of certain ordinances—  
HB 983, pp. 1526, 1634, 1776, 2401, 2438, 2547

Retirement system, abolished—  
HB 991, pp. 1581, 1634, 1877, 2503, 2527, 2549

Zoning board of adjustment, appointment of—  
HB 1097, pp. 1862, 1946, 2132, 2486, 2524, 2548

## CITIZENS FOR T. V. A., INC.

Appropriation to—  
HB 634, pp. 748, 1287

## CIVIC CLUBS

Appropriation of municipal funds to, for industrial development purposes—  
HB 355, p. 265

## CIVIL AIR PATROL

Alabama wing, appropriation—  
HB 858, p. 1179

## CIVIL CASES

Actions for wrongful act, omission, or negligence causing death, damages recoverable under—  
HB 285, pp. 141, 911

Action for wrongful death in certain cases, providing for joinder of action for damages to personal property with—  
HB 262, p. 135

Adoption proceedings, time limitation for contesting defect or irregularity in—  
HB 395, pp. 301, 421, 1398, 2509, 2535, 2549

Appeals, waiver of notice, if adverse party fails to raise question of notice—  
HB 406, pp. 303, 391, 757

Checks or drafts, worthless, for the payment of money, actions on—  
HB 38, pp. 19, 911, 1398, 1402, 2443, 2458, 2548

## CIVIL CASES—Continued

Costs in certain cases where issuance of execution as to judgment is stayed, issuance of execution for—  
HB 471, pp. 471, 598, 1794, 1804

Counties 200,000 to 400,000 population, selection and impaneling of alternate jurors in—  
HB 72, pp. 65, 912, 1062, 1317, 2072, 2113, 2361

Declaratory judgments, attorney general entitled to be heard in certain actions for—  
HB 407, pp. 303, 391, 757

Defamatory statements published or uttered in or as a part of a television or radio broadcast, regulating actions involving—  
HB 220, pp. 121, 467

Discharge of juror and rendition of verdict by remaining jurors in certain cases, authorized—  
SB 228, p. 848

Divorce cases, trail tax levied in—  
HB 361, p. 267  
HB 455, p. 427

Divorce suits, mode of proceeding in—  
HB 210, pp. 120, 467

Hospitalization or medical expense insurance, attorney fees in certain suits on—  
HB 286, p. 141

Pro tanto settlements by infants, provided for—  
HB 261, p. 135

Receiver, appeal of order of register appointing—  
HB 264, p. 136

Receivers, appointment of—  
HB 263, p. 136  
HB 265, p. 136

Wife, regulating suits by or against—  
HB 139, p. 90

Witnesses, fees of—  
HB 319, p. 208

## CIVIL DEFENSE, STATE DEPARTMENT OF

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Director, compensation and clerical assistance—  
HB 1047, p. 1694

## CIVIL REMEDIES AND PROCEDURE

See also: ACTIONS; JUDICIAL PROCEDURE; PRACTICE AND PROCEDURE; SUITS

## CIVIL REMEDIES AND PROCEDURE—Continued

Actions for wrongful act, omission, or negligence causing death, damages recoverable under—

HB 285, pp. 141, 911

SB 122, p. 1352

Action for wrongful death in certain cases, provide for joinder of action for damages to personal property with—

HB 262, p. 135

Actions to prohibit issuance of bonds by political subdivisions, duties of county or deputy solicitor with reference to—

HB 373, pp. 270, 391, 1786, 2508, 2536, 2550

Adoption proceedings, time limitation for contesting defect or irregularity in—

HB 395, pp. 301, 421, 1398, 2509, 2535, 2549

Alimony or allowances for support out of the estate of divorced husband, remarriage of wife bars right to—

HB 344, pp. 259, 391, 1081

Appeals, waiver of notice, if adverse party fails to raise question of notice—

HB 406, pp. 303, 391, 757

Checks or drafts, worthless, for the payment of money, actions on—

HB 38, pp. 19, 911, 1398, 1402, 2443, 2458, 2548

Costs in certain cases where issuance of execution as to judgment is stayed, issuance of execution for—

HB 471, pp. 471, 598, 1794, 1804

Declaratory judgments, attorney general entitled to be heard in certain actions for—

HB 407, pp. 303, 391, 757

Defamatory statements published or uttered in or as a part of a television or radio broadcast, regulating actions involving—

HB 220, pp. 121, 467

Discharge of juror and rendition of verdict by remaining jurors in certain cases, authorized—

SB 228, p. 848

Divorce proceedings, counsel fees for wife in—

HB 184, pp. 99, 115, 169

Divorce suits, mode of proceeding in—

HB 210, pp. 120, 467

Divorce suits, residence requirements in—

HB 200, p. 104

Evidence, method of establishing market value—

HB 869, p. 1288

Execution and levy, time limit for—

HB 585, p. 713

## CIVIL REMEDIES AND PROCEDURE—Continued

- Hospitalization or medical expense insurance, attorney fees in certain suits on—  
HB 286, p. 141
- Hospital records, admissibility in evidence of reproductions of—  
HB 141, p. 90  
HB 433, pp. 399, 597
- Judgments and decrees to remain liens for twenty years—  
HB 583, p. 713
- Laws of other state, manner of proving, in Alabama courts—  
HB 147, pp. 91, 115, 193, 639, 647, 691
- Pro tanto settlements by infants, provided for—  
HB 261, p. 135
- Receiver, appeal of order of register appointing—  
HB 264, p. 136
- Receivers, appointment of—  
HB 263, p. 136  
HB 265, p. 136
- Revivor of judgments in the name of the assignee—  
HB 584, p. 173
- Service of process growing out of motor vehicle accidents—  
SB 280, pp. 839, 1280, 2329, 2375, 2380
- Suits against the state or any officer or agency thereof, penalty for failure to disclose contribution of funds or services in aid of—  
SB 28, pp. 642, 878, 2468, 2518
- Wife, regulating suits by or against—  
HB 139, p. 90

## CIVIL SERVICE SYSTEM

- See also: EMPLOYEES, STATE; cities and counties on a population basis; name of specific city or town—
- Counties 400,000 or more population, city managers included in unclassified service—  
HB 1099, pp. 1863, 1946, 2134, 2488, 2524, 2549
- Counties 400,000 or more population, regulating dismissal, demotions, and suspensions—  
HB 1106, pp. 1866, 1947, 2137
- Counties 400,000 or more population, persons over seventy years of age prohibited from holding any position under classified civil service system—  
SB 461, pp. 2286, 2319, 2432, 2457
- Houston County, city of Dothan, compensation of personnel director—  
HB 506, pp. 602, 624, 689, 839, 891, 1017

## CIVIL SERVICE SYSTEM—Continued

Houston County, city of Dothan, definitions under—  
HB 506, pp. 602, 624, 689, 839, 891, 1017

Houston County, city of Dothan, meetings and compensation of  
citizens supervisory committee—  
HB 506, pp. 602, 624, 689, 839, 891, 1017

Houston County, city of Dothan, notice of meetings of personnel  
board—  
HB 506, pp. 602, 624, 689, 839, 891, 1017

Legislative committee on personnel, created—  
HB 318, p. 208

Mobile County, chief clerk in office of tax assessor included in—  
HB 652, pp. 797, 1354, 1478, 2370, 2383, 2546

Talladega County, city of Sylacauga, provided for—  
HB 892, p. 1303

## CIVIL WAR CENTENNIAL COMMISSION

Created—  
SB 202, pp. 847, 907, 1077, 1097  
HB 635, p. 749

## CLANTON, CITY OF

Boundaries altered—  
HB 940, pp. 1464, 1499, 1757, 2366, 2387, 2547

## CLARKE COUNTY

County court, clerk authorized to take complaints and issue war-  
rants—  
HB 696, pp. 920, 1143, 1321, 1490, 1497, 1563

Sheriff, compensation of special deputy sheriff—  
HB 942, pp. 1466, 1632, 1766, 2289, 2318, 2361

Sheriff, creating office of second special deputy—  
HB 941, pp. 1465, 1632, 1766, 2289, 2318, 2361

## CLAY COUNTY

Ashland, town of, boundaries altered—  
HB 29, pp. 15, 47, 110, 227, 272, 288, 291

Board of commissioners, created—  
HB 644, pp. 788, 882, 979

Court of county commissioners, abolished—  
HB 644, pp. 788, 882, 979

Highway operations, regulated—  
HB 644, pp. 788, 882, 979

Purchasing procedures, regulated—  
HB 644, pp. 788, 882, 979

## CLAY COUNTY—Continued

Solicitor, county, office created—

HB 573, pp. 702, 883, 986, 1234, 1251, 1276

Solicitor, deputy, office abolished—

HB 573, pp. 702, 883, 986, 1234, 1251, 1276

## CLEBURNE COUNTY

Circuit clerk and register in chancery authorized to employ a stenographic secretary—

HB 526, pp. 655, 696, 962, 1231, 1250, 1275

Solicitor, county, office created—

HB 389, pp. 297, 394, 432

Solicitor, deputy, office abolished—

HB 389, pp. 297, 394, 432

## CLERGYMEN

Communications between ministers and certain persons, privileged—

HB 39, pp. 19, 130, 198, 369, 451

## CLERK, CIRCUIT

See: CIRCUIT CLERK

## CLINTON, COLONEL JAMES P.

Joint resolution mourning death of—

HJR 76, pp. 1528, 1930, 1933, 2086

## COAL MINES

Definition of terms under laws regulating operation of—

HB 539, pp. 665, 880

SB 277, pp. 840, 1102, 1561, 2015

Reclassification of—

HB 539, pp. 665, 880

## COBURN, PAUL

Appropriation, relief of—

HB 213, pp. 120, 1447, 1595

## CODE OF ALABAMA 1940 AMENDED

Title 1, Section 2. Relating to definitions of words appearing in Code of Alabama 1940

HB 864, p. 1287

Title 1, Section 12. Designating the time within which any act is provided by law to be done—

HB 431, p. 399

Title 2, Section 76. Authorizing agricultural cooperative associations to hold stock in certain banks and production credit associations—

SB 162, pp. 1020, 1141, 2473, 2519

## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 2, Section 105. Regulating use of the word "co-operative" in the title of agricultural cooperative associations—  
SB 160, pp. 1020, 1141, 2472, 2519
- Title 2, Sections 116, 117, and 118. Providing for incorporation and organization of agricultural cooperative associations—  
SB 161, pp. 1020, 1141, 2473, 2519
- Title 2, Section 292. Regulating shipments of fertilizer—  
SB 172, pp. 642, 1031, 2328, 2378  
HB 354, p. 264
- Title 5, Section 211. Defining terms used in laws regulating savings and loan associations—  
HB 242, pp. 130, 391, 1417, 1419  
SB 149, pp. 1022, 2108, 2492, 2520
- Title 7, Section 102. Regulating suits by and against infants—  
HB 261, p. 135
- Title 7, Section 123. Providing for actions for wrongful act, omission, or negligence causing death—  
SB 122, p. 1352  
HB 262, p. 135  
HB 285, pp. 141, 911
- Title 7, Section 166. Regulating certain actions for declaratory judgments—  
HB 407, pp. 303, 391, 757  
HB 869, p. 1288
- Title 7, Sections 424 and 429. Prescribing the manner of proving the law of other states in the courts of Alabama—  
HB 147, pp. 91, 115, 193, 639, 647, 691
- Title 7, Sections 506 and 523. Providing that executions may be levied within ten years after the defendant's death—  
HB 585, p. 713
- Title 7, Section 508. Providing for the issuance of execution for costs in certain cases—  
HB 471, pp. 471, 598, 1794, 1804
- Title 7, Section 581. Providing for revivor of judgments—  
HB 584, p. 713
- Title 7, Section 585. Duration of lien of judgment or decree—  
HB 583, p. 713
- Title 7, Section 630. Exemption of wages from garnishment or other process—  
HB 587, pp. 714, 879
- Title 7, Section 801. Providing for notice and citation on appeals—  
HB 406, pp. 303, 391, 757
- Title 7, Section 1035. Subjecting compensation of public officials and employees to garnishment—  
HB 586, pp. 713, 879

## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 7, Section 1156. Providing for the appointment of receivers—  
HB 263, p. 136
- Title 7, Section 1157. Relating to appeal of an order by the register in appointing a receiver—  
HB 264, p. 136
- Title 7, Section 1158. Requiring the complainant to give bond before appointment of a receiver—  
HB 265, p. 136
- Title 8, Section 5. Relating to election, qualifications, and compensation of the director of conservation—  
HB 925, p. 1370
- Title 8, Section 90. Regulating the hunting of wild turkeys and certain deer—  
HB 326, pp. 210, 1143
- Title 8, Section 91. Relating to licenses to capture and kill fur-bearing animals—  
HB 552, pp. 674, 881, 1793, 1796, 2152
- Title 8, Sections 92 and 93. Prescribing the penalty for hunting or trapping without permission on lands of another—  
HB 197, pp. 104, 392
- Title 8, Section 97. Pertaining to funds from the sale of fur catchers licenses—  
HB 554, pp. 675, 881, 1793, 1796, 2153
- Title 8, Section 98. Pertaining to the transportation of furs and pelts without having a fur catcher's license—  
HB 553, pp. 674, 881, 1793, 1796, 2153
- Title 8, Section 139. Relating to tax on oysters—  
HB 918, p. 1362
- Title 8, Section 154. Relating to the use of seines, trawls, and other devices in catching shrimp—  
HB 469, pp. 471, 1142, 1703
- Title 11, Section 27. Relating to fees chargeable by registers of the circuit court for making transcripts on appeals to supreme court—  
HB 914, pp. 1360, 1692
- Title 11, Section 29. Prescribing certain fees of judges of probate—  
HB 490, p. 510
- Title 11, Section 44. Relating to fees allowed witnesses for mileage and attendance in civil cases—  
HB 319, p. 208
- Title 11, Sections 94 and 95. Relating to fees and compensation of coroners—  
SB 376, pp. 2303, 2320, 2467, 2519



## CODE OF ALABAMA 1940 AMENDED—Continued

Title 11, Section 98. Prescribing fees of grand and petit jurors—  
HB 136, p. 89

Title 11, Section 103. Relating to fees and compensation of witnesses in criminal cases—  
HB 319, p. 208

Title 12, Section 4. Providing for the selection of a depository for certain county funds—  
HB 246, p. 131

Title 12, Section 4. Requiring reports by tax collectors of funds deposited in county depositories—  
HB 13, p. 7  
SB 4, pp. 146, 256, 538, 632, 895, 1023

Title 12, Section 12. Relating to authority of commissioner's courts—  
HB 1078, p. 1746

Title 12, Section 22. Relating to the publication of reports showing the receipts and expenditures of counties—  
HB 540, pp. 666, 1107, 1793, 1797, 2158

Title 12, Section 28. Fixing mileage allowance of members of county governing bodies—  
HB 62, pp. 58, 117, 197, 1083, 1084, 1094

Title 12, Section 44. Providing for the selection of a county depository—  
HB 244, p. 131

Title 12, Section 47. Requiring county depositories to give bond or deposit securities to insure safety of deposits—  
HB 440, p. 422

Title 12, Section 70. Providing for state participation in salaries of county engineers—  
HB 96, pp. 75, 393, 1085, 2506, 2532, 2549

Title 12, Section 107. Providing for execution of bonds by county officers—  
HB 592, pp. 723, 879, 1011, 1018, 1350, 1351, 1419

Title 12, Section 125. Relating to temporary loans made by county governing bodies in anticipation of taxes—  
HB 775, pp. 1037, 1280, 1794, 1801, 2020, 2506, 2532, 2549

Title 13, Section 29. Relating to the compensation of the justices of the supreme court—  
HB 846, p. 1157

Title 13, Section 63. Relating to stenographers for court reporters—  
HB 957, pp. 1474, 1691

## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 13, Section 112. Dividing the state into judicial circuits—  
HB 445, pp. 425, 1447, 1587, 2453, 2458, 2548
- Title 13, Section 186. Fixing the compensation of bailiffs—  
HB 426, pp. 397, 878, 1794, 1803
- Title 13, Section 187. Fixing the compensation of bailiffs in judicial circuits composed of one county and having not less than three nor more than eight judges—  
HB 226, pp. 122, 130, 214, 2365, 2383, 2546
- Title 13, Section 254. Regulating the appointment and compensation of deputy circuit solicitors of the thirteenth judicial district—  
HB 459, pp. 469, 878, 975, 1805, 1840, 1926
- Title 13, Section 265. Providing for the appointment and compensation of special court reporters—  
HB 187, pp. 100, 115, 169, 448, 461, 545
- Title 13, Section 352. Relating to proceedings in juvenile courts—  
HB 162, pp. 93, 130, 282
- Title 13, Section 428. Relating to appeals from convictions in justice of the peace courts—  
HB 728, p. 939
- Title 14, Section 177. Regulating the issuance of pistol permits—  
HB 333, pp. 212, 253, 530
- Title 15, Sections 181 and 183. Relating to removal of prisoners arrested in one county and triable in another county—  
HB 884, p. 1297
- Title 15, Section 325. Relating to legal punishment—  
HB 885, p. 1298  
HB 1056, p. 1695
- Title 15, Sections 343 and 348. Relating to the execution of convicts sentenced to death—  
HB 819, p. 1118
- Title 17, Section 12. Providing qualifications for voting—  
HB 266, p. 136  
HB 730, pp. 939, 1448, 1793, 1800, 2291, 2296
- Title 17, Section 21. To substitute the lieutenant governor for the state auditor on board of appointment of registrars—  
HB 571, p. 702
- Title 17, Section 26. Providing for meetings of boards of registrars—  
HB 67, pp. 60, 1103, 1783, 1784, 2453, 2461, 2548
- Title 17, Section 33. Relating to refusing registration to vote—  
HB 853, p. 1163

## CODE OF ALABAMA 1940 AMENDED—Continued

Title 17, Section 46. Relating to costs of publishing notice of electors proposed to be stricken from registration lists—  
HB 951, p. 1472

Title 17, Section 55. Providing for the compensation of assistants to the judge of probate in making up the lists of registered voters—  
HB 358, p. 266

Title 17, Sections 77 and 80. Providing for the designation of election precincts, districts, and polling places—  
HB 207, pp. 119, 1103, 1794, 1803

Title 17, Sections 77, 80, 81, and 84. Providing for the designation of election precincts and districts—  
HB 756, p. 956

Title 17, Sections 92 and 117. Relating to the use of voting machines—  
HB 724, pp. 938, 1447, 1793, 1799, 2290, 2509, 2534, 2549

Title 17, Section 107. Providing for assistance for voters at elections where voting machines are used—  
SB 123, pp. 847, 1104, 2332, 2378

Title 17, Section 157. Prescribing the manner of voting a straight party ticket—  
HB 34, pp. 19, 393

Title 17, Section 198. Fixing the compensation of election officials—  
HB 137, p. 89  
HB 561, p. 681

Title 17, Section 222. Prescribing the mode of electing candidates for elector for president and vice president—  
HB 219, pp. 121, 393

Title 17, Section 274. Providing for appointment of committees to receive, disburse, and file statements of campaign expenditures and contributions of candidates—  
SB 112, pp. 200, 1104, 2341, 2378

Title 17, Sections 278 and 279. Providing for filing of campaign expenditure statements—  
SB 110, pp. 200, 1104, 2340, 2353, 2373, 2380

Title 17, Sections 279 and 280. Relating to filing of political campaign expense statements—  
HB 729, pp. 939, 1448, 1794, 1804

Title 17, Section 282. Regulating printing and publication of advertisements or other printed matter relative to elections—  
HB 332, p. 212

Title 17, Section 304. Prescribing the penalty for bribing or attempting to influence a voter—  
SB 46, p. 166

## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 17, Section 320. Prescribing the penalty for unlawfully influencing a voter—  
SB 46, p. 166
- Title 17, Section 321. Prescribing the penalty for buying or offering to buy votes—  
SB 46, p. 166
- Title 17, Section 340. Fixing the time for holding primary elections to nominate electors for president and vice-president—  
HB 218, pp. 121, 393, 527
- Title 17, Section 357. Providing for appointment of watchers at polling places—  
HB 446, pp. 425, 1103, 1398, 1406, 1421
- Title 17, Section 361. Relating to voting for nomination or election of electors for president or vice president of the United States—  
HB 733, pp. 940, 1448, 2024, 2509, 2534, 2549
- Title 17, Section 396. Prescribing the penalty for bribing or attempting to bribe an elector—  
SB 46, p. 166
- Title 17, Section 400. Providing for the filing of campaign expenditure statements by candidates in primary elections—  
SB 113, pp. 200, 1104, 2341, 2378
- Title 19, Sections 1, 3, 4, 9, 11, 12, 14, 16, 17, 18, 20, 22, 25, 26, 27, and 30. Relating to condemnations of land for public purposes—  
HB 863, p. 1287
- Title 19, Section 14. Regulating compensation awards in certain condemnation proceedings—  
HB 255, p. 133
- Title 19, Section 24. Relating to orders of condemnation in eminent domain proceedings—  
HB 726, p. 939
- Title 22, Section 9. Relating to election of state health officer—  
HB 746, p. 954
- Title 22, Sections 25 and 26. Regulating the issuance of certificates of death—  
HB 425, pp. 397, 598
- Title 22, Section 42. Prescribing fees for the issuance of certified copies of birth certificates and other such records—  
HB 336, pp. 213, 420, 1013, 2541, 2543, 2550
- Title 22, Sections 60, 61, 62, 63, 64, 65 and 70. Relating to sanitation of barber and beauty shops—  
HB 967, p. 1502
- Title 22, Section 87. Relating to health laws and regulations governing removal or transportation of dead bodies—  
HB 981, pp. 1525, 1692, 1984, 2453, 2461, 2548

## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 22, Section 195. Providing for the establishment of joint tuberculosis sanatoria—  
HB 498, pp. 515, 599
- Title 22, Section 215. Prescribing license fees payable by persons licensed by Alabama state milk control board—  
HB 860, p. 1180
- Title 23, Sections 23 and 25. Relating to highways, roads, bridges and ferries—  
HB 797, pp. 1047, 1102, 1342, 2452, 2459, 2548
- Title 23, Sections 36, 37 and 38. Regulating the placing of advertising signs on highway rights of way—  
HB 172, p. 97
- Title 23, Sections 40 and 44. Relating to entering upon lands to make highways surveys and relating to eminent domain for road and bridge purposes—  
HB 867, p. 1288
- Title 23, Section 131. Relating to dumping rubbish on highways—  
HB 922, pp. 1364, 1693
- Title 24, Sections 1 through 20. Regulating the operation of hotels, motels, and tourist courts—  
SB 133, pp. 847, 2249, 2343, 2375, 2380  
HB 279, pp. 137, 599
- Title 26, Section 8. Providing for the appointment and compensation of members of the board of appeals of the department of industrial relations—  
HB 381, pp. 272, 879, 1088, 1091, 1097
- Title 26, Section 181. Defining the term "director" to mean director of industrial relations or his authorized representative—  
HB 377, pp. 271, 878, 1088, 1097
- Title 26, Section 202. Prescribing amount of contributions by employees under the unemployment compensation law—  
HB 384, pp. 272, 879, 1088, 1092, 1097
- Title 26, Section 204. Providing for experience ratings and amount of contributions by employers under the unemployment compensation law—  
HB 384, pp. 272, 879, 1088, 1092, 1097
- Title 26, Section 207. Prescribing the amount of weekly unemployment compensation benefits—  
HB 378, pp. 271, 878, 1088, 1089, 1097  
HB 461, p. 470
- Title 26, Section 209. Prescribing maximum duration for payment of unemployment compensation benefits—  
HB 379, pp. 271, 878, 1088, 1090, 1097
- Title 26, Section 214. Prescribing disqualifications for benefits under the unemployment compensation law—  
HB 430, pp. 399, 878, 1088

## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 26, Section 261. Prescribing penalties for violations of the unemployment compensation law—  
HB 383, pp. 272, 879, 1088, 1092, 1097, 2542, 2544, 2550
- Title 26, Section 262. Relating to workmen's compensation, definitions of words and phrases—  
HB 794, pp. 1046, 1691
- Title 26, Section 263. Relating to workmen's compensation—  
HB 795, p. 1046
- Title 26, Section 289. Prescribing limitations on compensation under the workmen's compensation law—  
HB 380, pp. 272, 879, 1088, 1090, 1097
- Title 26, Section 293. Relating to workmen's compensation—  
HB 793, p. 1046
- Title 26, Sections 344, 347, 349, 353, 354, 357, 362, 363, 365, 366, and 367. Regulating the employment of child labor—  
HB 382, pp. 272, 879, 1088, 1091, 1097
- Title 27, Section 5. Regulating adoption proceedings—  
HB 395, pp. 301, 421, 1398, 2509, 2535, 2549
- Title 27, Section 11. Prescribing the procedure for legitimizing bastard children—  
HB 288, pp. 179, 467, 1130, 2542, 2545, 2550
- Title 29, Section 4. Relating to the alcoholic beverage control board—  
HB 1052, p. 1694
- Title 29, Section 5. Prescribing powers, duties, and functions of the Alabama alcoholic beverage control board—  
HB 367, pp. 269, 389, 518
- Title 29, Section 12. Regulating advertising of alcoholic beverages—  
HB 43, pp. 22, 1449
- Title 29, Section 68. Prescribing the manner of petitioning for and the holding of "wet" or "dry" referendums—  
HB 40, p. 19
- Title 29, Section 251. Regulating sale of contraband or forfeited property—  
HB 491, p. 510
- Title 30, Sections 20 and 21. Relating to qualifications of persons on jury rolls—  
HB 667, pp. 872, 1691, 1794, 1803  
HB 677, p. 875
- Title 30, Section 55. Prescribing grounds for challenging jurors—  
HB 275, p. 137
- Title 33, Section 42. Relative to mechanics and materialmen's liens—  
HB 671, p. 874

## CODE OF ALABAMA 1940 AMENDED—Continued

Title 34, Section 23. Prescribing the mode of proceeding in divorce suits—  
HB 210, pp. 120, 467

Title 34, Section 27. Regulating divorce proceedings instituted on the ground of involuntary abandonment—  
HB 200, p. 104

Title 34, Section 29. Prescribing residence requirement for divorce—  
HB 200, p. 104  
HB 455, p. 427

Title 34, Section 72. Regulating suits by or against the wife—  
HB 139, p. 90

Title 35, Section 12. Providing for military leave for government employees—  
SB 119, pp. 846, 2108, 2494, 2519

Title 35, Section 101. Exempting certain members of the national guard and air national guard from payment of motor vehicle license and registration fees—  
HB 454, p. 427

Title 36, Section 1. Relating to definitions of terms as applied to motor vehicles—  
HB 843, pp. 1157, 1691, 1785

Title 36, Sections 1 through 58. Relating to motor vehicle rules of the road—  
HB 895, pp. 1312, 1691, 2149

Title 36, Sections 15, 18, 25, 39, 46, and 52. Prescribing certain rules of the road and the penalty for violations thereof—  
HB 167, p. 94

Title 36, Section 17. Relating to drivers giving of signals—  
HB 897, pp. 1312, 1692, 2149, 2150

Title 36, Section 25. Regulating the stopping of motor vehicles on the main traveled portion of a highway—  
HB 254, pp. 133, 391, 756, 1531, 1696, 1926

Title 36, Section 37. Requiring certain motor vehicles to be equipped with rear view mirrors—  
HB 234, pp. 123, 178, 373, 1425, 1431, 1486

Title 36, Section 41. Prescribing additional lighting equipment permissible on motor vehicles—  
HB 399, pp. 301, 394, 1533

Title 36, Section 46. Relating to lights on parked vehicles—  
SB 330, pp. 1029, 1104, 1712, 2017  
HB 680, p. 875

Title 36, Section 48. Authorizing cities and counties to place traffic-control devices on highways—  
HB 474, p. 471

## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 36, Sections 59 through 75. Relating to motor vehicle licenses and drivers licenses—  
HB 900, p. 1313
- Title 36, Section 64. Providing for the issuance of learner permits for the operation of motor vehicles—  
SB 41, pp. 141, 390, 1559, 1931, 2015
- Title 36, Section 67. Exempting certain persons from having to secure drivers licenses—  
HB 352, p. 263
- Title 36, Section 75. Requiring front and rear license tags—  
HB 549, p. 674
- Title 36, Section 89. Prescribing size and weight limits of motor vehicles and loads—  
SB 192, pp. 847, 1104, 2360, 2380
- Title 36, Section 97. Prescribing a penalty for letting a motor vehicle to an intoxicated person—  
HB 233, p. 123
- Title 36, Section 128. Requiring the driver of a vehicle involved in an accident to stop, give name and address, and render aid to injured persons—  
HB 269, p. 136
- Title 37, Section 255. Providing for the maturity of municipal revenue bonds—  
SB 93, pp. 166, 179, 279, 309  
HB 104, pp. 77, 116, 279
- Title 37, Section 265. Providing for the investment of sinking funds created for the retirement of municipal bonds—  
HB 243, p. 131
- Title 37, Section 413. Regulating the employment by cities of certain persons employed by corporations—  
HB 239, pp. 124, 253, 529, 2392, 2425, 2547
- Title 37, Section 440. Relating to the salaries and location of the offices of mayors—  
HB 1100, pp. 1863, 1947, 2135, 2502, 2531, 2549
- Title 37, Section 445. Providing for the appointment of an accountant for the examination of the books and records of municipal officers—  
HB 418, pp. 307, 468, 1558
- Title 37, Section 462. Providing for the publication and recording of municipal ordinances and resolutions—  
SB 90, pp. 166, 468, 1788, 1931, 2016  
HB 110, p. 79
- Title 37, Section 586. Prescribing the powers of the recorder to fine, punish, imprison, and sentence to hard labor—  
HB 496, p. 512



## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 37, Section 587. Relating to appeals from recorder's court—  
SB 355, p. 1929  
HB 74, pp. 66, 910  
HB 494, p. 512  
HB 688, p. 876
- Title 37, Section 588. Providing for proceedings on judgments on appeals from recorder's court—  
HB 225, p. 122
- Title 37, Section 700. Prescribing the date for levying municipal ad valorem taxes—  
HB 362, pp. 267, 1694
- Title 37, Section 797. Relating to municipal jurisdiction of subdivision of land—  
HB 712, pp. 932, 1035, 1202, 1421, 1426, 1485
- Title 37, Section 799. Relating to city and regional planning, procedure, and legal effect of approval of plat—  
HB 982, pp. 1526, 1634, 1876, 2372, 2389, 2547
- Title 38, Section 77. Prescribing the compensation of pilots—  
HB 75, pp. 66, 115, 167, 1822, 1844, 1927
- Title 38, Section 81. Prescribing the compensation of bar pilots for detention on board ships—  
HB 77, pp. 66, 115, 168, 1804, 1840, 1926
- Title 39, Section 2. Defining terms used in connection with negotiable instruments—  
HB 633, pp. 748, 879
- Title 41, Section 148. Relating to payment of salaries of officers and employees of State of Alabama—  
HB 748, p. 954
- Title 41, Section 152. Relating to salaries of state employees—  
HB 976, p. 1523  
HB 984, pp. 1526, 1685, 1794, 1802, 2023
- Title 41, Section 154. Relating to travelling expenses of state employees and officers—  
HB 615, pp. 743, 908, 1793, 1797, 2168
- Title 41, Section 176. Filling vacancies in state and county offices by the governor—  
HB 835, p. 1130
- Title 41, Sections 176 and 177. Filling vacancies in certain state, county, and municipal offices when not expressly provided for—  
HB 84, p. 70
- Title 42, Section 1. Relating to board of pardons and paroles—  
HB 1050, p. 1694
- Title 42, Section 9. Prescribing conditions for releasing prisoners on parole—  
HB 140, p. 90

## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 42, Section 19. Relating to probation and suspension of execution of sentence—  
HB 148, p. 91
- Title 42, Section 27. Relating to compacts for out-of-state parolee supervision—  
HB 520, pp. 652, 878, 1402, 1403
- Title 45, Section 32. Prescribing manner of serving two or more sentences to the penitentiary—  
HB 228, pp. 122, 467, 1015
- Title 45, Section 50. Providing for the confinement and working of convicts—  
HB 453, p. 426
- Title 45, Section 83. Prescribing manner of serving two or more sentences to hard labor for the county—  
HB 228, pp. 122, 467, 1015
- Title 45, Section 144. Providing an allowance to the sheriff for feeding prisoners—  
HB 49, p. 56
- Title 46, Sections 65 through 82. Licensing of general contractors—  
SB 335, pp. 2303, 2320, 2435, 2455, 2456  
HB 770, pp. 960, 1689, 1794, 1800, 2292, 2296
- Title 46, Section 130. Prescribing terms used in laws regulating professional engineers and land surveyors—  
HB 215, p. 121
- Title 46, Section 137. Establishing the professional engineers fund—  
HB 503, pp. 602, 909, 1411
- Title 46, Section 144. Providing for the expiration and renewal of certificates of registration for professional engineers and land surveyors—  
HB 481, pp. 504, 909, 1411
- Title 46, Sections 195, 197, 199, 200, 205, 206, and 208. Licensing and regulating optometrists—  
HB 510, p. 608
- Title 46, Sections 259, 260, 262, 264, 267, 269, 270, 271, 272, 274, 277, 278, 279, 281, 282, 285, 286, 289, 291, and 294. Providing for the regulation and licensing of physicians and surgeons—  
HB 153, pp. 92, 254, 445, 447, 634, 638, 646, 691
- Title 50, Section 16. Relating to bonds of contractors contracting for public works—  
HB 676, pp. 875, 910
- Title 51, Section 2. Prescribing exemptions from the ad valorem tax—  
HB 16, p. 7  
HB 78, pp. 66, 253, 381  
HB 979, p. 1523

## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 51, Sections 4 and 7. Relating to application for exemption from ad valorem tax—  
HB 839, pp. 1154, 1447, 1793, 1796, 2076, 2452, 2459, 2548
- Title 51, Section 15. Exempting homesteads from ad valorem taxes—  
HB 512, p. 608
- Title 51, Sections 17, 25, 44, 60, 104, 107, 135, 158, 163, 166, and 176. Providing for and regulating the assessment of property for ad valorem tax purposes—  
HB 487, p. 509
- Title 51, Section 20. Levying a trial tax in all cases in the circuit court—  
HB 361, p. 267
- Title 51, Section 103. Prescribing duties of the board of equalization to inspect, review, revise, and fix the value of property returned to the tax assessor—  
HB 20, pp. 8, 51
- Title 51, Section 104. Fixing the date for meetings of the board of equalization to review assessments—  
HB 224, pp. 122, 178, 374, 2541, 2543, 2550
- Title 51, Sections 116 and 118. Appointment and compensation of the commissioner of revenue—  
HB 1054, p. 1695
- Title 51, Section 131. Prescribing powers and duties of the state department of revenue—  
HB 19, pp. 8, 51
- Title 51, Section 345. Requiring foreign corporations to obtain annual permits to do business—  
HB 340, pp. 213, 1690
- Title 51, Section 346. Requiring domestic corporations to obtain annual permits to do business—  
HB 339, pp. 213, 1690
- Title 51, Section 354. Prescribing due date for payment of the corporation franchise tax—  
HB 338, pp. 213, 1690
- Title 51, Section 380. Recognition of loss or gain for state income tax purposes—  
HB 345, pp. 259, 877, 1010, 1227, 1257, 1276  
SB 225, pp. 641, 877, 2467
- Title 51, Section 386. Depreciation and depletion allowance of iron ore mines for income tax purposes—  
HB 203, p. 104
- Title 51, Section 388. Providing exemptions from the state income tax—  
HB 222, pp. 121, 253, 457, 638, 646, 691  
HB 823, pp. 1120, 1690

## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 51, Sections 388, 394 and 396. Providing exemptions from income tax—  
HB 128, p. 85
- Title 51, Section 393. Requiring certain taxpayers to report as to source of income—  
HB 125, p. 84
- Title 51, Section 395. Regulating filing of income tax returns by partnerships—  
HB 296, pp. 180, 388, 467
- Title 51, Section 398. Levying state income tax on corporations—  
HB 127, p. 85
- Title 51, Section 460. Levying a privilege license tax on attorneys—  
HB 88, pp. 72, 176, 284, 1019, 1078, 1094
- Title 51, Sections 464 and 474. Purchase of license and registration tags or plates by dealers and purchasers of motor vehicles—  
HB 548, p. 674
- Title 51, Section 465. Privilege license tax imposed on automobile accessory dealers—  
HB 695, pp. 920, 1102, 1712, 2372, 2383, 2546
- Title 51, Section 556. Levying a privilege license tax on the operation of iron ore mines—  
SB 96, pp. 147, 2249  
HB 205, p. 105
- Title 51, Section 606. Levying a privilege license tax on person engaged in the business of issuing or selling trading stamps—  
HB 502, p. 518
- Title 51, Section 611. Levying a privilege license tax on transient vendors and peddlers—  
HB 289, pp. 180, 907, 1130
- Title 51, Section 613. License on vending machines—  
HB 517, pp. 627, 1948, 2305  
HB 767, pp. 960, 1947
- Title 51, Section 647. Levy and collection of state gasoline tax—  
HB 109, p. 79
- Title 51, Section 657. Distribution of state tax on gasoline—  
HB 109, p. 79
- Title 51, Section 695. Relating to license tax on automobiles, motor cars, and buses for hire—  
HB 827, pp. 1121, 1285, 1794, 1800, 2023, 2508, 2536, 2550
- Title 51, Section 697. Prescribing license taxes imposed upon motor trucks using fuel on which tax has been paid or is to be paid—  
HB 686, pp. 876, 1101, 1786, 1794, 1801, 2021, 2032, 2238, 2296, 2999

## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 51, Section 703. Prescribing the basis for the license and registration fee on trailers—  
HB 17, pp. 8, 1447, 1794, 1801  
HB 685, pp. 876, 1101, 1786, 1794, 1800, 2021, 2032, 2235, 2283
- Title 51, Section 704. Prescribing manner of assessing and collecting ad valorem taxes on motor vehicles—  
HB 18, p. 8  
SB 3, pp. 840, 1690, 2356, 2357, 2375, 2379
- Title 51, Section 713. Relating to the distribution of motor vehicle and trailer license tax funds—  
HB 684, pp. 876, 1101, 1786, 1794, 1800, 2021, 2032, 2234, 2283
- Title 51, Section 718. Liability for collection and payment of tobacco tax—  
HB 786, pp. 1042, 1102, 1556, 2541, 2544, 2550
- Title 51, Section 752. Defining terms used in levying state sales tax—  
HB 154, pp. 92, 253, 382, 638, 646, 691  
HB 196, pp. 104, 389, 615, 758
- Title 51, Sections 753, 755, 757, 776, and 785. Levying the state sales tax—  
HB 122, p. 84
- Title 51, Sections 753, 755, 776, and 785. Levying the state sales tax—  
HB 176, p. 98
- Title 51, Section 755. Prescribing exemptions from the state sales tax—  
HB 270, p. 136
- Title 51, Section 787. Defining terms used in levying the state use tax—  
HB 155, pp. 92, 253, 382, 638, 646, 691  
HB 195, pp. 104, 390, 615, 1702
- Title 51, Section 788. Levying the state use tax—  
HB 123, p. 84
- Title 51, Section 789. Prescribing exemptions from the state use tax—  
HB 271, p. 136
- Title 51, Section 832, exempting blind persons from certain state, county, and municipal privilege licenses—  
HB 978, p. 1523
- Title 52, Sections 6, 7, 8, 9, 10, and 13. Relating to the composition of boards of education—  
HB 751, pp. 955, 1285
- Title 52, Section 41. Relating to the office of state superintendent of education—  
HB 749, pp. 954, 1285
- Title 52, Section 142. Relating to school fees—  
HB 702, p. 924

## CODE OF ALABAMA 1940 AMENDED—Continued

- Title 52, Section 213. Relating to the amount of funds available for the minimum school program—  
HB 562, p. 681  
HB 682, p. 875
- Title 52, Sections 326, 329, 332, and 336. Issuance, extension and renewal of teacher certificates—  
HB 429, p. 398
- Title 52, Sections 351 and 352. Providing tenure of employment for teachers—  
HB 182, p. 99
- Title 52, Sections 364 and 365. Relating to teachers' retirement systems—  
HB 675, p. 875
- Title 52, Section 567. Providing for acquisition of title to school laws by adverse possession—  
SB 101, pp. 198, 1689, 2476
- Title 52, Section 620. Relating to American Legion scholarships—  
HB 183, pp. 99, 177, 373, 2540, 2543, 2550  
HB 844, p. 1157
- Title 53, Section 3. Authorizing the securities commissioner to appoint an assistant—  
HB 394, pp. 300, 388, 543
- Title 55, Section 8. Designation of the official state flower—  
HB 24, pp. 9, 392, 438, 439, 639, 647, 691
- Title 55, Section 64. Compensation and election of the director of finance—  
HB 927, p. 1371
- Title 55, Sections 278 through 283. Relating to public library service division—  
SB 349, pp. 2303, 2320, 2507, 2521
- Title 58, Section 1. Relating to express trusts for support of relatives—  
HB 1046, pp. 1687, 1725, 1794, 1803
- Title 61, Section 34. Prescribing a time limit for the probate of wills—  
SB 86, pp. 141, 390, 2466, 2519
- Title 61, Section 193. Appointment of appraisers to appraise estates of decedents—  
HB 259, pp. 134, 253, 530
- Title 62, Section 41. Relating to the compensation of the county treasurer of Mobile County—  
HB 883, pp. 1297, 1354, 1482, 2370, 2385, 2546
- Title 62, Section 288. Duties and compensation of members of the Jefferson County board of cosmetological examiners—  
HB 990, pp. 1580, 1634, 1877, 2502, 2526, 2549
- Title 62, Section 339. Relating to the judges of the fifteenth judicial circuit of Alabama—  
SB 292, pp. 836, 913, 1070, 1098

## CODE OF ALABAMA 1940 REPEALED

Title 6, Relating to bastardy—

HB 681, p. 875

HB 732, p. 940

Title 7, Sections 574 and 582. Prohibiting the issue of execution after ten years have elapsed from the time of the judgment or decree—

HB 585, p. 713

Title 7, Section 1157. Providing for appeals from an order of the register appointing a receiver—

HB 264, p. 136

Title 8, Section 99. Pertaining to receiving fur or pelts when license not issued—

HB 555, pp. 675, 881, 1793, 1796, 2154

Title 17, Section 158. Prescribing the manner of voting for a candidate not on the party ticket—

HB 34, pp. 19, 393

Title 17, Section 159. Prescribing the manner of voting for two or more candidates on different tickets—

HB 34, pp. 19, 393

Title 17, Section 163. Prescribing the manner of voting a blank for any officer on the party ticket—

HB 34, pp. 19, 393

Title 17, Section 322. Prescribing the penalty for an elector to sell his vote—

SB 48, p. 166

Title 19, Section 22. Relating to condemnation of land for public purposes—

HB 863, p. 1287

Title 23, Section 41. Relating to liability of officers and employees of highway department entering upon lands to make surveys—

HB 867, p. 1288

Title 26, Section 364. Providing for renewal of badges issued to boys under twelve years of age for certain street occupations—

HB 382, pp. 272, 879, 1088, 1091, 1097

Title 38, Section 122. Providing for the development and relief work upon and abutting on tide lands—

HB 460, p. 469

Title 46, Sections 129 through 150. Regulating engineers and land surveyors—

HB 578, p. 708

Title 46, Section 210. Regulating operation of business establishments in which eyes are examined or glasses fitted—

HB 510, p. 608

Title 46, Section 211. Regulating advertising by persons, firms, or corporations engaged in the practice of optometry—

HB 510, p. 608

## CODE OF ALABAMA 1940 REPEALED—Continued

- Title 46, Section 212. Prohibiting the giving of glasses or lenses as premiums on goods sold or with subscriptions to books or magazines—  
HB 510, p. 608
- Title 46, Sections 261, 263, 265, 266, 287, 288, 293, 296, and 297. Providing for the regulation and licensing of physicians and surgeons—  
HB 153, pp. 92, 254, 445, 447, 634, 638, 646, 691
- Title 51, Section 17. Fixing the rate of assessment of property for ad valorem tax purposes—  
HB 488, p. 510
- Title 51, Sections 132 through 135. Prescribing procedure for re-valuing and equalizing assessments for ad valorem taxes by the state department of revenue—  
HB 19, pp. 8, 51
- Title 51, Section 225. Requiring tax collectors to render certain reports to the state comptroller and county governing body—  
SB 5, pp. 146, 468, 2356, 2379  
HB 14, p. 7
- Title 51, Section 606. Regulating and licensing the use of trading stamps—  
HB 596, pp. 726, 907, 1131, 1263, 1278
- Title 51, Sections 752 et seq. (Chapter 20, Article 10). Relating to sales tax—  
HB 594, pp. 724, 877, 1139, 1260, 1262, 1444, 1488, 1562  
HB 975, pp. 1522, 1585, 1586, 1598, 1941, 2018, 2361
- Title 52, Sections 404 through 407. Relating to the courses of study committee—  
HB 931, pp. 1371, 1692, 1793, 1797, 2055, 2453, 2459, 2548
- Title 57, Section 114. Regulating trading stamps—  
HB 596, pp. 726, 907, 1131, 1263, 1278
- Title 60, Sections 2, 6, 10, and 14. Providing for payment of pensions to confederate veterans and their widows—  
SB 13, pp. 145, 420, 2337, 2377  
HB 8, pp. 6, 252, 377
- Title 60, Section 41. Authorizing counties to make payments in aid of indigent confederate veterans—  
SB 13, pp. 145, 420, 2337, 2377  
HB 8, pp. 6, 252, 377
- Title 60, Section 42. Exempting confederate veterans from payment of certain state, county, and municipal licenses—  
SB 13, pp. 145, 420, 2337, 2377  
HB 8, pp. 6, 252, 377

## COFFEE COUNTY

- Board of education, meetings and compensation of members—  
HB 480, pp. 503, 600, 751, 1233, 1249, 1275
- Kinston, town of, boundaries altered—  
HB 841, pp. 1154, 1451, 1535, 2365, 2384, 2546



## COFFEE COUNTY—Continued

Sheriff, appointment and compensation of a deputy—  
HB 317, pp. 207, 256, 313, 637, 645, 691

Sheriff, appointment and compensation of a jailer—  
HB 316, pp. 206, 256, 312, 637, 645, 691

Voters, purgation of lists—  
HB 698, pp. 920, 1033, 1185, 1490, 1497, 1563

## COGGINS, JACK

Appropriation, relief of—  
HB 1127, p. 1966

## COLBERT COUNTY

Board of education, compensation of members—  
HB 529, pp. 656, 696, 1182  
SB 278, pp. 865, 913, 1069, 1098

Law and equity court, compensation of judge—  
HB 1013, pp. 1640, 1721, 1905, 2486, 2522, 2548

Tobacco tax, levy, collection, and enforcement of—  
HB 1131, pp. 1973, 2111, 2267, 2504, 2532, 2549

Tuscumbia, city of, boundaries altered—  
HB 530, pp. 658, 696, 963, 1229, 1254, 1276

## COLEMAN, JUDGE ELEANOR MONTGOMERY

Joint resolution mourning death of—  
HJR 86, pp. 1924, 1929, 1934, 2087

## COLLEGES AND UNIVERSITIES

See: Specific institution

## COLLINS, CHARLES C.

Joint resolution mourning death of—  
HJR 54, pp. 633, 639, 647, 691

## COMMISSION FORM OF GOVERNMENT

Cities 23,000 to 100,000 population, authorized—  
HB 417, pp. 307, 601, 688

Effective date for change to, from mayor-council form of government—  
SB 94, pp. 166, 178, 375, 456, 494  
HB 103, p. 77

Elections in cities and towns having, regulated—  
HB 754, pp. 956, 1282, 1793, 1797, 2169

## COMMISSION ON ALCOHOLISM

Name of commission on education with respect to alcoholism changed to—  
HB 86, pp. 70, 177, 371, 839, 892, 1017

## COMMISSION ON CONSTITUTIONAL GOVERNMENT

Created—

HB 442, pp. 424, 908

## COMMISSION ON EDUCATION WITH RESPECT TO ALCOHOLISM

Name changed to commission on alcoholism—

HB 86, pp. 70, 177, 371, 839, 892, 1017

## COMMISSION ON INTERSTATE COOPERATION

Created—

SB 209, p. 847

Members authorized to attend southern regional conference of the council of state governments—

SJR 15, pp. 466, 496

## COMMISSION ON JUVENILE COURT LEGISLATION

Created—

HJR 13, pp. 106, 1279, 1343, 1347, 1348

## COMMISSION ON PEACE OFFICERS' FUNDS

Created—

HB 716, pp. 932, 1408

## COMMON CARRIERS

Furs, exemption from penalty for transporting, without a fur catcher's license—

HB 553, pp. 674, 881, 1793, 1796, 2153

Insecticides and livestock feed, exempting from regulation motor vehicles used in transporting—

HB 322, pp. 208, 1105

Rail track motor cars, requiring certain equipment to be installed on—

HB 314, p. 205

Road tax imposed on operation of vehicles defined as motor carriers—

HB 335, pp. 213, 908, 1331, 2421, 2547

Trains, requiring electric marker warning lights on rear of, and electric lights within, cabooses—

HB 479, p. 503

Vehicle operated with diesel fuel, equipment for discharge of fumes of—

HB 376, p. 271

## COMPTROLLER, COUNTY

Walker County, office abolished—

HB 856, pp. 1177, 1284, 1393, 1805, 1843, 1926

## CONDEMNATION

Eminent domain proceeding, penalty for attempting to influence commissioner in—

HB 81, p. 67

## CONDEMNATION—Continued

Involuntary conversion of property as result of, recognition of loss or gain, for income tax purposes—  
HB 345, pp. 259, 877, 1010, 1227, 1257, 1276  
SB 225, pp. 641, 877, 2467

Water and sewer lines, compensation awards in condemnation of lands for rights of way for—  
HB 255, p. 133

## CONECUH COUNTY

Board of education, special meetings provided for—  
HB 1080, pp. 1754, 1846, 2093, 2486, 2523, 2548

Sheriff, designation of deputies as traffic control officers—  
HB 1125, pp. 1964, 2110, 2264, 2503, 2531, 2549

Superintendent of education, compensation and allowances—  
HB 1111, pp. 1868, 1944, 2122, 2488, 2525, 2549

## CONFEDERATE MEMORIAL BOARD

Created—  
HB 443, p. 424

## CONFEDERATE MEMORIAL PARK

Created—  
HB 443, p. 424

## CONFEDERATE VETERANS

Pensions for, payment of—  
SB 13, pp. 145, 420, 2337, 2377  
HB 8, pp. 6, 252, 377

## CONFISCATION

Vessels from which deer are killed or taken, forfeiture of—  
SB 36, pp. 1084, 1693, 2478

## CONGRESS

Commended for naming lock and dam for representative George W. Andrews—  
HJR 43, pp. 429, 466, 495, 546

Joint resolution requesting Alabama members to oppose domestic sale of government-owned cotton during harvesting and marketing—  
SJR 18, pp. 649, 751

Joint resolution requesting congress to make funds available for Alabama-Coosa river system development—  
HJR 75, pp. 1527, 1930, 1933, 2086

Joint resolution urging members of Alabama delegation to expedite complete development of Alabama-Coosa river system—  
HJR 75, pp. 1527, 1930, 1933, 2086

Memorialized to provide aid to persons desiring to migrate to Republic of Liberia—  
HJR 57, p. 692

## CONGRESS—Continued

Requested to eliminate discrimination against certain persons in regard to military retirement pay—  
HJR 39, pp. 405, 428, 461, 545, 1097

Urged to continue present federal-aid highway program—  
HJR 4, pp. 25, 250

Requested to enact legislation providing social security benefits to child eighteen to twenty-two years of age if attending school—  
HJR 37, pp. 404, 428, 461, 545

## CONSERVATION

See also: CONSERVATION, STATE DEPARTMENT OF; FISHING; GAME AND FISH; HUNTING

Bird calls, game, regulating use of—  
HB 694, pp. 920, 1143

Commercial fishing in public impounded waters, prohibited—  
HB 294, p. 180

Commercial fishing operation, prohibiting use of gill nets and trammel nets in—  
HB 329, p. 212  
HB 330, p. 212

Counties 50,000 to 54,000 population, fishing with certain gear prohibited—  
HB 971, pp. 1514, 1632, 1767, 1784, 2369, 2389, 2547

Deer, prohibiting the killing or taking of, from vessels in navigable streams—  
SB 36, pp. 1084, 1693, 2478

Deer, regulating hunting of—  
HB 326, pp. 210, 1143

Director of, election, qualifications, and compensation—  
HB 925, p. 1370

Director of, authorized to enter into agreements with officials of other states concerning hunting of waterfowl—  
HB 631, pp. 748, 881, 1086, 1096

Fish, menhaden, and trash fish, certain devices prohibited in taking from certain tide-waters—  
HB 847, pp. 1157, 1281

Fur-bearing animals, licenses for capturing and killing—  
HB 552, pp. 674, 881, 1793, 1796, 2152

Fur-bearing animals, receiving when not licensed—  
HB 555, pp. 675, 881, 1793, 1796, 2154

Fur catcher's licenses, fee retained by issuer of—  
HB 554, pp. 675, 881, 1793, 1796, 2153

Game and fish laws, fees of arresting officers in cases of violation of—  
HB 809, pp. 1059, 1142, 1794, 1801  
SB 354, pp. 1352, 2249, 2349, 2381

## CONSERVATION—Continued

- Hunting licenses, exemption of persons over sixty-five—  
HB 212, p. 120
- Hunting or trapping without permission on lands of another, penalty for—  
HB 197, pp. 104, 392
- Lawrence County, regulating fishing—  
HB 785, pp. 1041, 1105, 1204, 1424, 1430, 1486
- Limestone County, use of nets for fishing prohibited—  
HB 541, pp. 666, 696, 967, 1231, 1250, 1275
- Oil and gas fund, transfer of surplus—  
HB 357, p. 266  
SB 238, pp. 641, 876, 1138, 1259, 1272
- Oil and gas, regulating drilling for, and production of—  
HB 920, pp. 1363, 1408  
HB 953, pp. 1472, 1718
- Oil and gas severance tax, distribution of proceeds—  
HB 357, p. 266  
SB 238, pp. 641, 876, 1138, 1259, 1272
- Oyster reefs, preventing poaching on—  
HB 464, pp. 470, 1142, 1703, 1708, 2509, 2535, 2549
- Oyster reefs, private, sale of oysters from—  
HB 467, pp. 470, 1142, 1703, 1707, 2509, 2535, 2549
- Oysters, regulating use of devices to cultivate and harvest or remove—  
HB 466, pp. 470, 1142, 1703, 1707, 2513, 2539, 2550
- Oysters, replanting reefs or beds—  
HB 918, p. 1362
- Quail, pen-raised, licensing and regulation of breeders of—  
SB 187, pp. 641, 881, 2330, 2378  
HB 404, pp. 303, 392
- Seafood, violation of laws and regulations, punishment provided for—  
HB 1138, p. 1980
- Seafoods fund, regulating expenditures out of—  
HB 465, pp. 470, 1142, 1703, 1708, 2509, 2535, 2549
- Shooting preserves, privately owned, licensing and regulation of—  
HB 798, p. 1047  
SB 359, p. 2280
- Shrimp caught for commercial purposes—  
HB 880, p. 1295
- Shrimp, license fee for catching—  
HB 468, pp. 470, 1142, 1703, 1705
- Shrimp, license fee for use of trawls—  
HB 469, pp. 471, 1142, 1703

## CONSERVATION—Continued

State submerged lands control board, creating—  
HB 458, p. 469

Trawls used in commercial salt water fishing, regulating length of—  
HB 463, pp. 470, 1142, 1703, 1710

Turkeys, wild, prohibiting hunting of—  
HB 326, pp. 210, 1143

Water resources study commission, created—  
HB 181, pp. 99, 178, 373, 452, 455  
SB 127, pp. 248, 392, 452, 465, 495

## CONSERVATION, STATE DEPARTMENT OF

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Appropriation, division of seafoods—  
HB 298, p. 182  
HB 337, pp. 213, 388, 544, 2516, 2536, 2537, 2540, 2545, 2550

Appropriation, division of state parks, monuments and historical sites—  
SB 315, pp. 1352, 1844, 2478, 2521  
HB 697, p. 920

Motorboats and other vessels, licensing, registration, and regulation of—  
HB 256, pp. 133, 881, 1793, 1798, 1987, 2454, 2461, 2548

Oyster reefs, private, sale of oysters from—  
HB 467, pp. 470, 1142, 1703, 1707, 2509, 2535, 2549

Oyster reefs, requiring the division of seafoods to patrol to prevent poaching on—  
HB 464, pp. 470, 1142, 1703, 1708, 2509, 2535, 2549

Oyster reefs and beds, replanting of—  
HB 918, p. 1362

Oysters, regulating devices to cultivate and harvest—  
HB 466, pp. 470, 1142, 1703, 1707, 2513, 2539, 2550

Quail, pen-raised, licensing and regulating breeders of—  
SB 187, pp. 641, 881, 2330, 2378  
HB 404, pp. 303, 392

Sand and gravel taken from public water bottoms, regulating expenditure of revenue derived from sale of—  
HB 5, p. 6  
SB 12, pp. 146, 252, 376, 403

Seafoods fund, regulating expenditures out of—  
HB 465, pp. 470, 1142, 1703, 1708, 2509, 2535, 2549

Shooting preserves, private, regulating operation of—  
HB 798, p. 1047  
SB 359, p. 2280

## CONSERVATION, STATE DEPARTMENT OF—Continued

Shrimp, license fee for catching—

HB 468, pp. 470, 1142, 1703, 1705

Shrimp, licensing fee for use of trawls in catching—

HB 469, pp. 471, 1142, 1703

Timber on lands owned by division of state parks, monuments and historical sites, expenditure of revenue derived from sale of—

HB 6, p. 6

SB 16, pp. 146, 252, 376, 403

Trawls used in commercial salt water fishing, regulating length of—

HB 463, pp. 470, 1142, 1703, 1710

## CONSTABLES

Choctaw County, provided for—

HB 641, pp. 782, 882, 1060, 1229, 1255, 1276

## CONSTITUTION, STATE

Amendments to, method of adopting—

HB 392, pp. 298, 393

Compilation, publication, sale, and distribution of copies of—

HB 402, pp. 303, 467

## CONSTITUTIONAL AMENDMENTS

Ad valorem tax, counties authorized to levy—

HB 436, p. 400

Ad valorem tax, state, prohibiting levy of—

HB 436, p. 400

Alabama port authority, created—

HB 70, p. 65

Auditor, state, office abolished—

HB 572, p. 702

Board of education, state, election of members—

HB 750, pp. 955, 1285

Bonds for construction of mental hospital, authorizing issuance of—

HB 765, pp. 959, 1100, 1101, 1287, 1383, 1385, 1422, 1697, 1698, 1927

Bonds for purchase of voting machines for counties, authorizing issuance of—

HB 908, p. 1355

Bonds for school building purposes, authorizing issuance of—

HB 348, p. 261

Butler County, compensation of register—

HB 308, pp. 202, 292, 413, 681

Constitution, state, method of adopting amendments to—

HB 392, pp. 298, 393

## CONSTITUTIONAL AMENDMENTS—Continued.

Coosa County, ad valorem tax for school, authorized—  
HB 909, pp. 1356, 1451, 1539, 2365, 2386, 2547

Corporations, rate of income tax levied on—  
HB 124, p. 84  
HB 347, p. 261

County roads and bridges, requiring election to authorize highway department to construct and maintain—  
HB 190, pp. 100, 1143, 1405, 1406, 1411, 2506, 2532, 2550

DeKalb County, ad valorem tax for educational purposes, authorized—  
HB 214, pp. 120, 130, 190, 1229, 1257, 1276

Educational institutions authorized to pledge certain revenue for capital improvements—  
HB 801, pp. 1047, 1690, 1794, 1802, 2054

Elections, residence requirements for—  
HB 528, p. 656

Elmore County, compensation of judge of probate, sheriff, circuit clerk, tax assessor, tax collector, and register—  
HB 193, pp. 102, 119, 164, 837, 890, 1017

Etowah County, special tax for schools, authorized—  
HB 872, pp. 1291, 1942

Franklin County, industrial development of—  
HB 706, pp. 926, 1033, 1190, 1806, 1844, 1927

Governors of Alabama, former, monetary allowance for—  
HB 811, p. 1060

Hospital purposes, authorizing special tax for—  
HB 773, pp. 1037, 1690, 1794, 1802

Income tax levied on individuals, exemptions from—  
HB 126, p. 85

Lee County, additional ad valorem tax for educational purposes, authorized—  
SB 114, pp. 226, 258, 317, 379  
HB 188, pp. 100, 119, 163

Lee County, city of Auburn, additional ad valorem tax for educational purposes, authorized—  
SB 56, pp. 226, 293, 416, 428  
HB 61, pp. 58, 117, 152

Lee County, city of Opelika, additional ad valorem tax for educational purposes, authorized—  
SB 114, pp. 226, 258, 317, 379  
HB 188, pp. 100, 119, 163

Legislature, meetings and sessions—  
HB 1051, pp. 1694, 1845

Legislature, reading of bills in each house of—  
HB 98, p. 75



## CONSTITUTIONAL AMENDMENTS—Continued

## Legislature, reapportionment of—

- HB 27, p. 13
- HB 101, pp. 76, 1693
- HB 206, p. 105
- HB 211, p. 120
- HB 250, pp. 132, 1693
- HB 432, p. 399
- HB 815, p. 1117
- HB 816, p. 1118
- HB 817, p. 1118

## Lieutenant governor, compensation of—

- HB 1061, p. 1696

## Mobile County, authorizing bond issue for construction of public school and public hospital buildings—

- HB 1001, pp. 1597, 2108, 2257, 2485, 2522, 2550

## Mobile County, authorizing bond issue for construction of roads and bridges—

- HB 1000, pp. 1596, 2108, 2257, 2485, 2522, 2550

## Mobile County, city of Mobile, authorizing additional indebtedness—

- HB 495, p. 512

## Mortgage loans, when non-resident lenders are subject to process but not doing business in Alabama—

- SB 427, pp. 2281, 2319, 2434, 2456
- HB 1043, pp. 1685, 1941

## Officers elected for a fixed term, compensation—

- HB 826, p. 1121

## Perry County, town of Uniontown, industrial development of—

- HB 613, pp. 741, 886, 1003, 1227, 1257, 1276

## Randolph County, school district 2, ad valorem tax for educational purposes, authorized—

- HB 114, pp. 82, 118, 158, 619, 628, 635

## Russell County, costs and charges of courts and compensation of officers of—

- HB 116, pp. 83, 118, 188, 637, 645, 691

## Scottsboro, city of, election of chief of police—

- HB 715, pp. 932, 1033, 1191, 1193

## Secretary of state, office abolished—

- HB 572, p. 702

## Senate, reapportionment of—

- HB 398, p. 301

## Senatorial districts composed of two or more counties, rotation of residence of senators from—

- SB 159, p. 1084

## Shelby County, compensation of officers—

- HB 622, pp. 745, 887, 1004, 1422, 1430, 1486

## CONSTITUTIONAL AMENDMENTS—Continued

Speaker of house of representatives, election of—  
HB 536, p. 662

St. Clair County, costs and charges of courts and compensation  
of certain officers—  
HB 1042, pp. 1681, 1724, 1922, 2371, 2391, 2547

Superintendent of education, state, appointment of—  
HB 750, pp. 955, 1285

Tallapoosa County, costs and charges of courts and compensation  
of officers—  
HB 1007, pp. 1619, 1949

Voting, qualifications for—  
HB 448, p. 426

Winston County, authorizing ad valorem tax for schools—  
SB 342, pp. 1025, 1144, 1328, 1352

## CONSTRUCTION COMPANIES

Privilege license tax levied on—  
HB 129, p. 85

## CONTRACTORS

Bond for contracting for public works—  
HB 676, pp. 875, 910

Privilege license tax levied on—  
HB 129, p. 85

## CONTRACTORS, GENERAL, STATE LICENSING BOARD FOR

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

HB 771, pp. 960, 1689, 1794, 1800, 2295

Licensing and regulation of general contractors—  
HB 770, pp. 960, 1689, 1794, 1800, 2292, 2296  
SB 335, pp. 2303, 2320, 2435, 2455, 2456

## CONTRACTS

Autauga County, competitive bidding required—  
HB 690, pp. 914, 1032, 1184, 1438, 1442, 1486

Commissioner of agriculture and industries authorized to enter  
into, for protection of certain employees—  
HB 252, pp. 132, 255, 536, 2541, 2542, 2550

Competitive bidding for certain purchases by the state, regulated—  
HB 1090, p. 1858

County, regulating competitive bidding on—  
HB 906, p. 1316

## CONTRACTS—Continued

Health and accident insurance policies, regulating cancellation of—  
HB 516, p. 627

Hospitalization or medical expense insurance policies or contracts, regulating issuance of—  
HB 235, pp. 124, 880

Hospitalization or medical insurance, requiring attorney fees to be included in judgment in certain suits on contracts of—  
HB 286, p. 141

Insurance policies covering loss or damage to property resulting from fire, windstorm, or lightning, issuance of—  
SB 85, p. 378

Privilege license tax levied on contractors and construction companies—  
HB 129, p. 85

Public works, defining term “public improvements” as used in contracts for—  
HB 368, pp. 270, 389, 518, 520, 545

Wife, regulating suits by or against—  
HB 139, p. 90

## CONTROLLED ACCESS FACILITIES

Planning, establishment, and maintenance of—  
HB 868, p. 1288

## CONVEYANCES

Barbour County, recording of, provided for—  
HB 1012, pp. 1638, 1721, 1904, 2442, 2458, 2548

## CONVICTS

See also: BOARD OF CORRECTIONS, STATE; PRISONERS; PRISONS

Cemeteries, utilization of convicts to work upon, clean, and restore—  
HB 473, pp. 471, 1141, 1397, 2372, 2383, 2546

Execution of, by lethal gas—  
HB 819, p. 1118

Imprisonment on two or more convictions, manner of serving sentence, and good conduct deductions—  
HB 228, pp. 122, 467, 1015

Maximum working day for—  
HB 453, p. 426

Pardon or parole of person whose death sentence has been commuted, eligibility for—  
HB 351, pp. 263, 391

**CONVICTS—Continued**

Parolee having less than three years to serve, supervision of—  
HB 140, p. 90

Probation and suspension of execution of sentence—  
HB 148, p. 91

Sentenced to county jail or to hard labor for the county, penalty for escaping—  
SB 106, pp. 145, 147, 254, 532, 632  
HB 47, p. 55

Sheriff, allowance for feeding prisoners—  
HB 49, p. 56

Tubercular, care and treatment of—  
HB 231, p. 123

**COOK, REPRESENTATIVE DREXEL**

Expressing regret on illness of—  
HR 90, p. 2256

**COOPER, CHARLES**

Joint resolution commending the director of the legislative reference service and his staff—  
HJR 100, pp. 2428, 2455, 2462, 2548

**COOPERATIVES**

Agricultural cooperative associations, amendment of by-laws and filling vacancies on board of directors—  
SB 161, pp. 1020, 1141, 2473, 2519

Agricultural cooperative associations, mortgage of real property owned by—  
SB 162, pp. 1020, 1141, 2473, 2519

Agricultural cooperative associations, regulating use of word "co-operative" in title of—  
SB 160, pp. 1020, 1141, 2472, 2519

**COOSA COUNTY**

Ad valorem tax for schools, constitutional amendment authorizing—  
HB 909, pp. 1356, 1451, 1539, 2365, 2386, 2547

Sheriff, appointment and compensation of deputy—  
HB 311, pp. 203, 256, 311, 442, 460, 545

Sheriff, designation of deputies as county traffic control officers—  
HB 836, pp. 1145, 1354, 1479, 2365, 2384, 2546

**CORONER**

Autauga County, compensation—  
HB 649, pp. 795, 883, 984, 1228, 1256, 1276

Blount County, compensation—  
HB 1083, pp. 1849, 1943, 2114, 2486, 2523, 2548

## CORONER—Continued

Cherokee County, compensation—

HB 1124, pp. 1963, 2110, 2264, 2503, 2531, 2549

Dale County, compensation—

HB 576, pp. 706, 884, 988, 1234, 1252, 1276

Fees and compensation—

SB 376, pp. 2303, 2320, 2467, 2519

Geneva County, compensation—

HB 400, pp. 301, 1283, 1388

St. Clair County, compensation—

SB 268, pp. 854, 913, 1066, 1097

## CORPORATIONS

See: BOUNDARIES; name of specific town or city

## CORPORATIONS

Alabama economic development corporation, created—

HB 99, pp. 76, 468

Domestic, date for payment of permit fee—

HB 339, pp. 213, 1690

Foreign, date for payment of permit fee—

HB 340, pp. 213, 1690

Franchise tax, due date of—

HB 338, pp. 213, 1690

Income tax levied on, rate of—

HB 127, p. 85

Income tax levied on, rate of, constitutional amendment—

HB 124, p. 84

HB 347, p. 261

Joint legislative committee created to make investigation relative to monopoly and anti-trust laws—

SB 39, pp. 846, 1285, 2342, 2377

Non-profit, owned by certain retired school personnel, exemption from taxation—

HB 659, pp. 870, 909, 1557, 2392, 2426, 2547

Organization, consolidation, merger, and dissolution of—

SB 261, pp. 1496, 1692, 2323, 2374, 2380

HB 948, p. 1471

Real estate in excess of ten thousand acres, certain corporations prohibited from owning or holding—

HB 292, p. 180

Records of, attorney general authorized to examine—

HB 21, pp. 8, 46, 191, 218, 277, 286, 292

## CORRECTIONS, STATE DEPARTMENT OF

Dove shoot given members of the legislature, expressing appreciation for—

HJR 87, pp. 1924, 1931, 1934, 2087

## CORRUPT PRACTICES—

Advertisements or other printed matter relative to an election or any candidate, regulating printing and publication of—

HB 332, p. 212

## COSMETOLOGY

Counties 47,000 to 52,000 population exempted from laws regulating practice of—

HB 312, pp. 204, 600, 681, 691, 1076, 1080, 1094

Jefferson County, duties and compensation of board of examiners—

HB 990, pp. 1580, 1634, 1877, 2502, 2526, 2549

Macon County, regulating practice of—

HB 65, p. 60

HB 605, pp. 737, 886, 1000, 2072, 2113, 2361

Montgomery County, regulating practice of—

HB 721, pp. 938, 1103, 1388, 1809, 1840, 1926

Public health regulations, governing practice of—

HB 967, p. 1502

Regulating practice of—

HB 717, pp. 932, 1281, 1555, 1793, 1797, 2160, 2517, 2539, 2550

HB 852, p. 1163

## COSTS AND FEES

Coroners—

SB 376, pp. 2303, 2320, 2467, 2519

Judge of probate, adoption proceedings—

HB 490, p. 510

Jurors, grand and petit—

HB 136, p. 89

Transcripts on appeals to supreme court—

HB 914, pp. 1360, 1692

## COTTON

Joint resolution requesting Alabama members of U. S. Congress to oppose domestic sale of government-owned cotton during harvesting and marketing of—

SJR 18, pp. 649, 751

## COUNCIL OF STATE GOVERNMENTS

Appropriation—

HB 2, pp. 5, 201, 250, 366, 385, 597, 618, 620

Appropriation, support of regional advisory council on nuclear energy—

HB 3, pp. 5, 202, 250, 367, 385, 597, 618, 620

## COUNCIL OF STATE GOVERNMENTS—Continued

Members of commission on interstate cooperation authorized to attend southern regional conference of—  
SJR 15, pp. 466, 496

## COUNTIES, GENERAL LAWS

Ad valorem tax, constitutional amendment authorizing—  
HB 436, p. 400

Aged persons, providing certain aid for—  
HB 609, pp. 740, 1691, 1794, 1802, 2304

Annuity contracts or retirement income policies for employees of, authorized—  
SB 88, pp. 147, 179, 375, 403  
HB 108, pp. 78, 116, 195, 1083, 1084, 1094

Appropriation, to aid in constructing and equipping facilities for livestock shows and other such displays—  
HB 248, p. 131

Cemeteries, expenditure of county funds for maintenance of—  
SB 154, p. 641

Confederate veterans, payment of pension to—  
SB 13, pp. 145, 420, 2337, 2377  
HB 8, pp. 6, 252, 377

Continuity of, in the event of an attack—  
HB 476, pp. 471, 911, 1555

Courthouses, closing offices—  
HB 568, pp. 701, 1282, 1557, 1981, 2019

Depository, bond to insure safety of deposits insured by federal government—  
HB 440, p. 422

Depository, selection of savings and loan association as—  
HB 244, p. 131  
HB 246, p. 131

Elections precincts, districts, and polling places, designation of—  
HB 207, pp. 119, 1103, 1794, 1803  
HB 756, p. 956

Elections for extension of certain taxes, validation of—  
HB 813, pp. 1115, 1144, 1324, 2540, 2543, 2550

Eminent domain, power of governing body relative to—  
HB 867, p. 1288

Engineering firms doing business with any county, regulating ownership of—  
HB 216, p. 121

Engineers, county, state participation in salaries of—  
HB 96, pp. 75, 393, 1085, 2506, 2532, 2549

Financial reports, requiring publication of—  
HB 540, pp. 666, 1107, 1793, 1797, 2158

## COUNTIES, GENERAL LAWS—Continued

Governing bodies, mileage allowance of members of—

HB 62, pp. 58, 117, 197, 1083, 1084, 1094

Historical research, expiration of authority to engage in—

SB 201, pp. 2302, 2320, 2490, 2520

Law enforcement officers of, providing for payment of annuity or retirement benefits to—

HB 58, p. 58

Loans, temporary, made in anticipation of taxes, rate of interest and maturity of—

HB 775, pp. 1037, 1280, 1794, 1801, 2020, 2506, 2532, 2549

Nurses training schools operated by, included in public school system—

HB 410, p. 304

Officers, administrative consultants to—

HB 787, p. 1042

Officers, compensation when elected or appointed for a fixed term—

HB 826, p. 1121

Officers, garnishment of compensation—

HB 586, pp. 713, 879

Offices, manner of filling vacancies in

HB 84, p. 70

HB 835, p. 1130

Payment of premiums on insurance of county property, provided for—

HB 1078, p. 1746

Roads and bridges, constitutional amendment requiring election to authorize highway department to construct and maintain—

HB 190, pp. 100, 1143, 1405, 1406, 1411, 2506, 2532, 2550

Savings and loan associations, authorizing deposit of certain obligations for safekeeping with—

HB 247, p. 131

SB 147, pp. 247, 275

State required to reimburse counties for certain claims paid in criminal cases—

HB 959, p. 1474

Superintendent of education, compensation—

HB 950, pp. 1472, 1500

Tax collector, reports and remittances of funds placed in county depositories—

HB 13, p. 7

SB 4, pp. 146, 256, 538, 632, 895, 1023

Traffic-control devices, requiring uniform arrangement of colors appearing on—

HB 474, p. 471



## COUNTIES, GENERAL LAWS—Continued

Voting machines, indebtedness authorized for acquiring—  
HB 725, pp. 939, 1447, 1793, 1800, 2290, 2510, 2534, 2549

Voting machines, purchase, installation, and use of—  
HB 191, pp. 101, 390  
HB 724, pp. 938, 1447, 1793, 1799, 2290, 2509, 2534, 2549

## COUNTIES 11,800 or LESS POPULATION

Sheriffs, designation of deputies as traffic control officers—  
HB 836, pp. 1145, 1354, 1479, 2365, 2384, 2546

## COUNTIES 14,000 TO 16,000 POPULATION

Board of education, compensation of members—  
HB 435, pp. 400, 421, 523, 853, 888, 1016

## COUNTIES 17,650 to 18,000 POPULATION

Governing body, expense allowance for members—  
HB 632, pp. 748, 887, 1006, 1227, 1255, 1276

## COUNTIES 18,700 to 19,000 POPULATION

County or deputy solicitors, expense allowance—  
HB 905, pp. 1316, 1451, 1538, 2365, 2386, 2546

Sheriff, designation of deputies as traffic control officers—  
HB 777, pp. 1037, 1143, 1322, 2365, 2384, 2546

## COUNTIES 19,000 to 19,300 POPULATION

Board of education, compensation of members—  
HB 525, pp. 655, 696, 962, 1231, 1250, 1275

## COUNTIES 19,200 to 20,000 POPULATION

Governing body, expense allowance for members—  
SB 103, pp. 247, 258, 317, 379

## COUNTIES 19,200 TO 20,200

Public hospitals, insuring property of—  
HB 639, pp. 780, 882, 981, 1227, 1257, 1276

## COUNTIES 20,500 TO 20,830 POPULATION

Deputy or county solicitor, compensation—  
HB 1132, pp. 1976, 2111, 2267, 2502, 2532, 2549

## COUNTIES 21,000 TO 22,000 POPULATION

Board of education, special meetings—  
HB 1080, pp. 1754, 1846, 2093, 2486, 2523, 2548

## COUNTIES 22,000 TO 23,000 POPULATION

Board of education, compensation of members—  
HB 276, pp. 137, 179, 276, 277, 442, 460, 545

## COUNTIES 25,725 TO 25,875

Chief clerk of the judge of probate, compensation—  
HB 637, pp. 749, 887, 1007, 1422, 1427, 1485

## COUNTIES 26,000 TO 26,600 POPULATION

County clerks, complaints and warrants—  
HB 696, pp. 920, 1143, 1321, 1490, 1497, 1563

## COUNTIES 29,500 TO 30,600

Fine and forfeiture fund, abolished—  
HB 747, p. 954

## COUNTIES 35,500 TO 38,500 POPULATION

Sheriff, clerical assistance—  
HB 543, pp. 669, 696, 968, 1232, 1250, 1275

## COUNTIES 38,750 TO 39,250 POPULATION

Justices of the peace, criminal jurisdiction—  
HB 1091, pp. 1858, 1943, 2118, 2454, 2462, 2548

## COUNTIES 40,500 TO 45,000 POPULATION

County offices, regulating closing of, all day on Saturday—  
HB 456, pp. 427, 500, 610, 853, 888, 1016

## COUNTIES 41,000 TO 47,000 POPULATION

Roads and bridges, construction of—  
HB 674, pp. 874, 913, 1065, 1422, 1427, 1485

## COUNTIES 47,000 TO 51,000 POPULATION

Tax assessors and tax collectors, clerical assistance—  
HB 935, pp. 1379, 1452, 1543, 2367, 2387, 2547

## COUNTIES 47,000 TO 52,000 POPULATION

Cosmetology, exemption from laws regulating practice of—  
HB 312, pp. 204, 600, 681, 691, 1076, 1080, 1094

## COUNTIES 50,000 TO 54,000 POPULATION

Fishing regulated—  
HB 971, pp. 1514, 1632, 1767, 1784, 2369, 2389, 2547

Superintendent of education, expense allowance—  
HB 924, pp. 1370, 1498, 1756, 2368, 2386, 2547

## COUNTIES 50,000 TO 60,000

Motor vehicles, alternative method for registration and licensing  
of—  
HB 735, pp. 940, 1033, 1390, 2393, 2437, 2547

## COUNTIES 53,000 TO 56,000 POPULATION

Barbers, licensing and regulation of—  
HB 324, pp. 209, 256, 313, 619, 628, 635

Property, inventory and assessment of—  
SB 236, pp. 849, 1724, 2091  
HB 438, pp. 400, 421, 539, 1715

School bus drivers, qualifications and compensation—  
HB 949, pp. 1471, 1942, 2095, 2255

## COUNTIES 56,500 TO 72,500 POPULATION

Voters, reidentification of—

HB 168, pp. 94, 119, 160, 408, 419, 462

## COUNTIES 57,000 TO 63,750 POPULATION

Branch banks authorized—

HB 280, p. 137

## COUNTIES 63,500 TO 72,500 POPULATION

Governing body, time for holding meetings of—

HB 500, pp. 518, 601, 688

## COUNTIES 63,700 TO 72,700 POPULATION

Black powder in blasting in mines, regulating use of—

HB 171, pp. 97, 119, 162, 623, 629, 635

## COUNTIES 63,750 TO 72,750 POPULATION

Assistant courthouse custodian, librarian, and jailer, compensation—

HB 412, pp. 305, 394, 434, 841, 892, 1017

## COUNTIES 65,000 TO 75,000 POPULATION

Circuit judge, supplemental compensation—

HB 1036, pp. 1676, 1724, 1917, 2494, 2533, 2549

## COUNTIES 75,000 TO 93,000 POPULATION

Expenses of certain officers, authorized—

HB 1067, pp. 1730, 1845, 2080, 2371, 2391, 2547

## COUNTIES 80,000 TO 94,000 POPULATION

Board of equalization, organization, operation, and clerical assistance—

HB 1071, pp. 1732, 1847, 2083, 2371, 2391, 2547

Circuit court, compensation of special bailiffs—

HB 1070, pp. 1732, 1942, 2096, 2454, 2461, 2548

## COUNTIES 94,000 TO 134,000 POPULATION

Board of education, meetings regulated—

HB 560, p. 680

Cemeteries, regulating operation of—

HB 145, pp. 90, 119, 189, 408, 419, 462

Court house building commission, created—

HB 230, pp. 123, 650, 1317

Court house, closing of offices in—

HB 645, pp. 791, 883, 981, 1806, 1840, 1926

Judge, circuit, expense allowance—

HB 138, pp. 89, 118, 276, 853, 887, 1016

## COUNTIES 96,000 TO 140,000 POPULATION

Sheriff, employment of deputies, clerks, warden, jailers and other assistants—

SB 311, pp. 903, 1035, 1200, 1273

## COUNTIES 125,000 TO 225,000 POPULATION

Cosmetology, regulating practice of—

HB 721, pp. 938, 1103, 1388, 1809, 1840, 1926

Domestic relations division created in the circuit court—

SB 312, pp. 1025, 1106, 1182, 1258, 1273

HB 664, pp. 872, 912, 1062, 1182, 1184

Exemptions, certain medical and scientific research activities, from fees, permits, and restrictions—

HB 828, pp. 1121, 1283, 1388, 1807, 1841, 1926

## COUNTIES 140,000 TO 400,000

Commissioner of licenses, appointment, duties, compensation, and operation of office of—

HB 653, pp. 798, 2108, 2255

## COUNTIES 200,000 TO 400,000 POPULATION

Jurors, alternate, in civil cases, selection and impaneling of—

HB 72, pp. 65, 912, 1062, 1317, 2072, 2113, 2361

Jurors, alternate, in criminal cases in the circuit court, selection and impaneling of—

HB 73, pp. 65, 912, 1062, 1317, 2073, 2113, 2361

## COUNTIES 200,000 OR MORE POPULATION

Reidentification of voters—

HB 1096, pp. 1862, 1946, 2131, 2133, 2142, 2487, 2524, 2548

## COUNTIES 400,000 OR MORE POPULATION

Board of equalization, regulating appeals from decisions of—

HB 999, pp. 1594, 1636, 1782, 2409, 2438, 2547

Civil service system, city managers included in unclassified service—

HB 1099, pp. 1863, 1946, 2134, 2488, 2524, 2549

Civil service system, regulating dismissals, demotions, and suspensions—

HB 1106, pp. 1866, 1947, 2137

Judge of probate, automobile allowance—

HB 822, pp. 1120, 1145, 1329, 1809, 1841, 1926

Person over seventy prohibited from holding any position under classified civil service system—

SB 461, pp. 2286, 2319, 2432, 2457

## COUNTIES 500,000 POPULATION OR MORE

Automobile for members of governing body—

HB 1098, pp. 1862, 1946, 2132, 2488, 2524

## COUNTIES 500,000 POPULATION OR MORE—Continued

Commission for judicial study, established—

HB 1093, pp. 1859, 1945, 2130, 2487, 2523, 2548

County health officer authorized to perform autopsies—

HB 710, pp. 930, 1035, 1200, 1423, 1428, 1485

Daylight saving time, election authorized to determine—

HB 1104, pp. 1864, 1947, 2136

SB 459, pp. 2286, 2319, 2431, 2456

Election officials, compensation—

HB 1128, pp. 1966, 2112

Employees of, making service awards to—

HB 472, pp. 471, 500, 611, 853, 888, 1016

Judge of probate authorized to delegate certain authority to other personnel of the probate court—

HB 1023, pp. 1656, 1719, 1885, 2411, 2440, 2547

Judge of probate authorized to delegate power to enter and sign marginal satisfaction records of mortgages, deeds, and other liens—

HB 1019, pp. 1655, 1718, 1879, 1882, 2505, 2528, 2549

Judge of probate authorized to dispose of certain documents—

HB 1021, pp. 1656, 1718, 1880, 2497, 2534, 2549

Judge of probate and chief clerk of probate court authorized to use certain systems of indexing—

HB 1022, pp. 1656, 1719, 1884, 2505, 2528, 2549

Kosher food, falsely selling or offering for sale, penalty for—

HB 1101, pp. 1863, 1947

License tax, election to authorize levy of—

HB 821, pp. 1119, 1145, 1330, 2246

Licenses, disposition of overpayments in sums less than one dollar—

HB 1102, pp. 1863, 1947, 2136, 2502, 2531, 2549

Liquor and beer taxes, levied—

HB 782, pp. 1039, 1107, 1217, 2247

Public health care authority, authorized—

HB 996, pp. 1587, 1635, 1781, 2407, 2439, 2547

Worthless or unpaid checks issued in payment of certain taxes, penalties—

HB 1020, pp. 1656, 1718, 1880, 2505, 2528, 2549

## COUNTIES 600,000 POPULATION OR MORE

Cities operating under city manager plan, compensation of mayor—

HB 1100, pp. 1863, 1947, 2135, 2502, 2531, 2549

## COUNTY COMMISSION

See also: BOARD OF REVENUE; COURT OF COUNTY COMMISSIONERS; name of specific county and county governing body

## COUNTY COMMISSION—Continued

Cullman County, abolished—

HB 422, pp. 395, 421, 609, 1029, 1079, 1094

Mobile County, compensation and election of—

HB 546, p. 671

Russell County, prisoners, feeding and care of—

HB 621, pp. 743, 886, 1003, 1227, 1254, 1276

## COUNTY COURT

Appeals, waiver of notice of, if adverse party fails to raise question of notice—

HB 406, pp. 303, 391, 757

Chambers County, abolished—

SB 84, pp. 241, 257

Chilton County, abolished—

SB 371, pp. 1814, 1944, 2123

Clerks, complaints and arrests—

HB 696, pp. 920, 1143, 1321, 1490, 1497, 1563

Dallas County, jurisdiction of, and procedure in—

HB 871, pp. 1289, 1453, 1545, 2368, 2385, 2546

Fayette County, judge of probate designated as ex officio judge of—

HB 41, pp. 20, 47, 111

Franklin County, re-established—

HB 1002, pp. 1602, 1720, 1900, 2503, 2527, 2549

Limestone County, compensation of judge—

HB 1029, pp. 1665, 1723, 1911, 2487, 2523, 2548

Person disqualified from voting on conviction of crime, reporting of name of—

SB 49, pp. 167, 1280, 2474, 2519

Shelby County, abolished—

HB 1079, pp. 1746, 1846, 2075, 2453, 2462, 2548

Tallapoosa County, abolished—

HB 1009, p. 1620

Walker County, stenographic secretary provided for judge of—

HB 830, pp. 1121, 1144, 1325, 1805, 1841, 1926

## COUNTY ENGINEER

See: ENGINEER, COUNTY

## COUNTY SOLICITORS

See: SOLICITOR, COUNTY

## COURT, CIRCUIT

See: CIRCUIT COURT

## COURT, COUNTY

See: COUNTY COURT; name of specific county

## COURT HOUSES

Closing of offices in, regulated—

HB 568, pp. 701, 1282, 1557, 1981, 2019

Counties 94,000 to 134,000 population, regulating closing of offices in—

HB 645, pp. 791, 883, 981, 1806, 1840, 1926

## COURT, INFERIOR

See: INFERIOR COURT; name of specific county

## COURT, JUVENILE

See: JUVENILE AND DOMESTIC RELATIONS COURT; name of specific county

## COURT, LAW AND EQUITY

Chilton County, established—

SB 371, pp. 1814, 1944, 2123

Colbert County, compensation of judge—

HB 1013, pp. 1640, 1721, 1905, 2486, 2522, 2548

Franklin County, compensation—

HB 1017, pp. 1646, 1722

## COURT OF APPEALS

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Compensation of judges—

HB 876, p. 1291

Law clerks for judges of, compensation—

SB 178, pp. 1443, 1691, 2477, 2520

HB 334, pp. 212, 877

## COURT OF COMMON PLEAS

Autauga County, judge, compensation—

HB 648, pp. 794, 883, 983, 1228, 1256, 1276

Autauga County, jurisdiction—

HB 648, pp. 794, 883, 983, 1228, 1256, 1276

Chambers County, created—

SB 84, pp. 241, 257

Lee County, garnishment proceedings in—

HB 601, pp. 733, 886, 999, 1235, 1253, 1276

Lee County, judge, compensation—

HB 601, pp. 733, 886, 999, 1235, 1253, 1276

Lee County, time limit for appeals from—

HB 601, pp. 733, 886, 999, 1235, 1253, 1276

Tallapoosa County, established—

HB 1009, p. 1620

## COURT OF COUNTY COMMISSIONERS

See also: BOARD OF REVENUE; COUNTY COMMISSION; name of specific county and county governing body

Blount County, created—

HB 513, pp. 624, 650, 960

Clay County, abolished—

HB 644, pp. 788, 882, 979

Clay County, required to furnish county solicitor with office equipment and supplies—

HB 573, pp. 702, 883, 986, 1234, 1251, 1276

Chambers County, abolished—

SB 81, pp. 234, 247, 257, 394, 435, 465, 495

Counties 19,200 to 20,000 population, expense allowance for members of—

SB 103, pp. 247, 258, 317, 379

Counties 63,500 to 72,500 population, time for holding meetings of—

HB 500, pp. 518, 601, 688

Eminent domain, power of—

HB 867, p. 1288

Greene County, compensation—

HB 589, pp. 721, 885, 995, 1233, 1252, 1276

Mileage allowance of members—

HB 62, pp. 58, 117, 197, 1083, 1084, 1094

Payment of premiums on insurance of county property, regulating—

HB 1078, p. 1746

Perry County, payment of expenses incurred by members of—

HB 556, pp. 675, 697, 969, 1232, 1251, 1275

St. Clair County, compensation of—

SB 269, pp. 855, 1144, 1328, 1351

St. Clair County, election by district—

HB 646, pp. 791, 883, 982, 1228, 1256, 1276

St. Clair County, powers, duties, compensation, and election of—

HB 646, pp. 791, 883, 982, 1228, 1256, 1276

Tallapoosa County, duties and compensation—

HB 1006, pp. 1617, 1949, 2138, 2503, 2528, 2549

## COURT OF COUNTY REVENUE

Dallas County, compensation of members—

HB 59, pp. 149, 179, 217, 273

Dallas County, expenditure of funds not otherwise provided by law—

SB 58, pp. 148, 151, 179, 217, 273

## COURT OF GENERAL SESSIONS

Mobile County, appointment of bailiffs—

HB 921, pp. 1363, 1452, 1541



## COURT REPORTERS

DeKalb County superior court, appointment and compensation—  
HB 33, pp. 17, 117, 151, 407, 418, 462

Fifth judicial circuit, expense allowance—  
HB 799, pp. 1047, 1690, 2027, 2028, 2370, 2384, 2546

Morgan County, county court, compensation—  
HB 736, pp. 941, 1034, 1192, 1423, 1428, 1485

Retirement of—  
HB 408, p. 304

Special travel allowance—  
HB 187, pp. 100, 115, 169, 448, 461, 545

Stenographers for—  
HB 957, pp. 1474, 1691

Twenty-third judicial circuit, compensation—  
SB 267, pp. 1495, 1633, 1772, 2018

Twenty-second judicial circuit, compensation—  
HB 986, pp. 1572, 1632, 1769, 2370, 2389, 2547

## COURT, SUPERIOR

See: SUPERIOR COURT

## COURT, SUPREME

See: SUPREME COURT, STATE

## COURTHOUSES

Counties 94,000 to 134,000 population, creating courthouse building  
commission—  
HB 230, pp. 123, 650, 1317

## COVINGTON COUNTY

Circuit court reporter, compensation—  
HB 986, pp. 1572, 1632, 1769, 2370, 2389, 2547

Jury board, abolished—  
HB 886, pp. 1298, 1451, 1537, 2367, 2385, 2546

Reidentification of voters—  
HB 968, pp. 1502, 1632, 1873, 2400, 2438, 2547

## CREDIT CARDS

Obtaining credit by use of card belonging to another, or which has  
been cancelled or has expired, penalty for—  
HB 1064, pp. 1696, 1717

## CREDITORS

Criminal procedure, proof of intent to hinder—  
HB 665, pp. 872, 910, 1082

## CREDIT UNIONS

Fees assessed for examination of, disposition of—  
HB 10, pp. 7, 252, 379, 839, 891, 1017

## CRENSHAW COUNTY

County or deputy solicitor, expense allowance—

HB 905, pp. 1316, 1451, 1538, 2365, 2386, 2546

Reidentification of voters—

HB 904, pp. 1314, 1451, 1538, 2365, 2386, 2546

Sheriff, designation of deputies as traffic control officers—

HB 777, pp. 1037, 1143, 1322, 2365, 2384, 2546

## CRIMES AND OFFENSES

Armed resistance to lawful arrest, punishment for—

HB 1008, pp. 1619, 1845, 2031

Baby rabbits, baby chicks, ducklings, or other fowl, penalty for selling, displaying, or giving away, as novelties—

HB 90, pp. 72, 177, 369, 643, 648, 691

Blood, penalty for failure to label—

HB 227, pp. 122, 1103

Certificates of death, penalty for issuing, without examining body—

HB 425, pp. 397, 598

Checks or drafts, worthless, for the payment of money, penalty for giving—

HB 36, pp. 19, 910, 1398, 1399, 2443, 2458, 2448

Checks or drafts, worthless, for the payment of wages or salaries, penalty for giving—

HB 37, p. 19

Corporations owning or holding in excess of ten thousand acres in certain cases, penalty for—

HB 292, p. 180

Deer, prohibiting the killing or taking of, from vessels in navigable streams—

SB 36, pp. 1084, 1693, 2478

Disturbing the peace, penalty for—

SB 107, pp. 146, 253, 530, 632

HB 48, p. 55

Elector's vote, penalty for buying or corruptly influencing—

SB 46, p. 166

Elector's vote, removing penalty for selling—

SB 48, p. 166

Eminent domain proceedings, penalty for attempting to influence commissioner in—

HB 81, p. 67

False impersonator of a law enforcement officer making an arrest or search, penalty for—

HB 198, pp. 104, 391

Firearms, loaded, penalty for transporting in motor vehicles—

HB 165, pp. 94, 178, 373

## CRIMES AND OFFENSES—Continued

Food handlers, penalty for employing person affected with infectious or contagious diseases—  
HB 375, p. 271

Hotels, penalty for maintaining open gas heaters in—  
HB 146, p. 91

Hunting or trapping without permission on lands of another, penalty for—  
HB 197, pp. 104, 392

Installment loan regulation, penalty for violating—  
HB 888, pp. 1299, 1449

Liquor agents, penalty for employing—  
HB 313, p. 204

Loss leaders, penalty for limiting number to be sold to any one customer—  
HB 249, p. 131

Motor vehicle, penalty for letting, to intoxicated person—  
HB 233, p. 123

Naturopathy, penalty for practicing—  
HB 157, pp. 92, 254, 612

No passing zones and traffic signals, penalty for violating laws relating to—  
HB 428, p. 398

Penalty for using the term “wholesale” in connection with certain sales—  
HB 272, p. 137

Person disqualified from voting on conviction of crime, penalty for failure to report name of—  
SB 49, pp. 167, 1280, 2474, 2519

Plastic bags, penalty for using, in selling, delivering, or distributing various items—  
HB 391, p. 298

Poll tax of another, penalty for paying—  
SB 52, p. 176

Pollution or contamination of any public waters of the state, penalty for—  
HB 177, p. 98

Prisoners sentenced to county jail or to hard labor for the county, penalty for escaping—  
SB 106, pp. 145, 147, 254, 532, 632  
HB 47, p. 55

Semi-trailer or loaded pole trailer operating on public road, penalty for riding on—  
HB 166, pp. 94, 178, 374, 455, 758, 1077

Small loan companies, penalty for charging in excess of interest rate allowed—  
HB 201, pp. 104, 624

## CRIMES AND OFFENSES—Continued

Soft drinks, penalty for selling, in public school building or on public school grounds—  
HB 130, p. 85

Suits against the state or any officer or agency thereof, penalty for failure to disclose contribution of funds or services in aid of instituting or maintaining—  
SB 28, pp. 642, 878, 2468, 2518

Telegraph or telegraph service, penalty for obtaining, through fraudulent scheme or device—  
HB 365, pp. 269, 910, 1407, 2364, 2383, 2546

Usury, penalty for—  
HB 202, p. 104  
HB 888, pp. 1299, 1449

Wage claims, failure to pay when due employee—  
HB 829, pp. 1121, 1281

## CRIMINAL CASES

Appropriation, payment of attorney's fees in indigent capital cases—  
HB 7, pp. 6, 252, 377, 850, 889, 1016

Counties 38,750 to 39,250 population, jurisdiction of justices of the peace—  
HB 1091, pp. 1858, 1943, 2118, 2454, 2462, 2548

Counties 200,000 to 400,000 population, selection and impaneling of alternate jurors in certain criminal cases—  
HB 73, pp. 65, 912, 1062, 1317, 2073, 2113, 2361

Discharge of juror and rendition of verdict by remaining jurors in certain cases, authorized—  
SB 228, p. 848

Federal liquor revenue stamps, owning or possessing made prima facie evidence of violation of prohibition laws—  
HB 511, pp. 608, 1692, 1980

State required to reimburse the counties for certain claims paid—  
HB 959, p. 1474

Witness in, fees of—  
HB 319, p. 208

Witnesses in, adopting uniform act to secure attendance of—  
HB 30, p. 16

## CULLMAN, CITY OF

Boundaries altered—  
HB 1085, pp. 1851, 1943, 2115, 2486, 2523, 2548

## CULLMAN COUNTY

Board of revenue, created—  
HB 422, pp. 395, 421, 609, 1029, 1079, 1094

Cosmetology, exemption from laws regulating practice of—  
HB 312, pp. 204, 600, 681, 691, 1076, 1080, 1094

## CULLMAN COUNTY—Continued

County commission, abolished—

HB 422, pp. 395, 421, 609, 1029, 1079, 1094

Cullman, city of, boundaries altered—

HB 1085, pp. 1851, 1943, 2115, 2486, 2523, 2548

Judge of probate, clerk hire allowance—

HB 531, pp. 659, 696, 964, 1350, 1351, 1419

Register, deputy, compensation—

HB 192, pp. 101, 119, 163, 409, 419, 462

HB 531, pp. 659, 696, 964, 1350, 1351, 1419

Sheriff, compensation of clerk—

HB 192, pp. 101, 119, 163, 409, 419, 462

HB 531, pp. 659, 696, 964, 1350, 1351, 1419

Tax assessor and tax collector, compensation of deputies or clerks—

HB 935, pp. 1379, 1452, 1543, 2367, 2387, 2547

## DADEVILLE, TOWN OF

Boundaries altered—

HB 1134, pp. 1977, 2111, 2268, 2442, 2458, 2548

## DALE COUNTY

Branch banks authorized—

HB 574, pp. 704, 883, 987, 1234, 1251, 1275

Coroner, salary—

HB 576, pp. 706, 884, 988, 1234, 1252, 1276

Daleville, town of, dissolution of—

SB 270, pp. 1235, 1726, 2091, 2312, 2351

Deputy or county solicitor, compensation—

HB 1132, pp. 1976, 2111, 2267, 2502, 2532, 2549

Included in thirty-third judicial circuit—

HB 374, p. 271

HB 445, pp. 425, 1447, 1587, 2453, 2458, 2548

Ozark, city of, boundaries altered—

HB 910, pp. 1356, 1452, 1540, 2289, 2318, 2361

Traffic control officers, designation of deputy sheriffs as—

HB 575, pp. 705, 883, 988, 1234, 1251, 1275

## DALEVILLE, TOWN OF

Dissolution of—

SB 270, pp. 1235, 1726, 2091, 2312, 2351

## DALLAS COUNTY

County court, jurisdiction of, and procedure in—

HB 871, pp. 1289, 1453, 1545, 2368, 2385, 2546

Court of county revenues, expenditure of funds not otherwise provided by law—

SB 58, pp. 148, 151, 179, 217, 273

## DALLAS COUNTY—Continued

Judge of probate, tax assessor, tax collector, sheriff, clerk and register of the circuit court, and members of governing body, compensation—  
SB 59, pp. 149, 179, 217, 273

Selma, city of, establishment of retirement system—  
HB 577, pp. 707, 884, 989, 1229, 1255, 1276

## DAVIS, BARNEY

Relief of—  
HB 687, p. 876

## DAY CARE FACILITIES FOR CHILDREN

Licensing and regulation of—  
HB 161, pp. 93, 421, 1793, 1799, 2148

## DAYLIGHT SAVING TIME

Adoption of, during certain periods—  
HB 431, p. 399

Counties 500,000 or more population, adoption of—  
HB 1104, pp. 1864, 1947, 2136  
SB 459, pp. 2286, 2319, 2431, 2456

## DEAD BODIES

Certificates of death, regulating issuance of  
HB 425, pp. 397, 598

Health laws and regulations governing transportation of—  
HB 981, pp. 1525, 1692, 1984, 2453, 2461, 2548

Unembalmed, regulating transportation of—  
HB 186, pp. 99, 177, 372, 1425, 1431, 1486

## DEAF

Alabama institute for deaf and blind, appropriation—  
HB 121, p. 84

Deaf mutes, ad valorem tax exemption for—  
HB 78, pp. 66, 253, 381

## DEATH

Action for wrongful death in certain cases, providing for joinder of action for damages to personal property with—  
HB 262, p. 135

Actions for wrongful act, omission, or negligence causing, damages recoverable under—  
HB 285, pp. 141, 911  
SB 122, p. 1352

Certificates of death, issuance of—  
HB 425, pp. 397, 598

Coffee County, issuance of death certificates—  
HB 698, pp. 920, 1033, 1185, 1490, 1497, 1563

## DEBT

See: BONDS

## DECATUR, CITY OF

Boundaries altered—

HB 507, pp. 606, 624, 690, 839, 891, 1017

HB 612, pp. 740, 886, 1001, 1235, 1254, 1276

HB 850, pp. 1158, 1631, 1872, 2398, 2423, 2448, 2469, 2476, 2548

Branch banks authorized—

HB 796, pp. 1046, 1106, 1205, 1206, 1425, 1430, 1486

## DECLARATORY JUDGMENTS

Attorney general entitled to be heard in certain actions for—

HB 407, pp. 303, 391, 757

## DEER

Hunting of, regulated—

HB 326, pp. 210, 1143

Killing or taking of, from vessels in navigable streams, prohibited—

SB 36, pp. 1084, 1693, 2478

## DEESE, JUDGE FRANK O.

Joint resolution mourning death of—

HJR 78, pp. 1594, 1930, 1933, 2086

## DeKALB COUNTY

Ad valorem tax for educational purposes, constitutional amendment authorizing—

HB 214, pp. 120, 130, 190, 1229, 1257, 1276

“Desota Parkway”, certain highways designated as—

HB 701, pp. 924, 1105, 1409, 1410, 2372, 2383, 2546

Gasoline tax, governing body authorized to levy—

SB 358, pp. 1236, 1633, 1774, 1931, 2017, 2314, 2381

Law library, established—

HB 477, pp. 472, 500, 610, 840, 892, 1017

Roads and bridges, maintenance by the state highway department—

HB 674, pp. 874, 913, 1065, 1422, 1427, 1485

HB 1016, pp. 1644, 1722, 1908, 2504, 2528, 2549

Superior court, appointment and compensation of reporter—

HB 33, pp. 17, 117, 151, 407, 418, 462

## “THE DEMOPOLIS ROOSTER BRIDGE”

Name of “The Memorial Bridge” changed to—

SB 31, pp. 247, 255, 537, 632

## DENTISTS

Dentistry, teaching of, practice of dental hygiene, and operation of dental laboratories, regulated and licensed—

SB 68, pp. 146, 255, 533, 632

HB 85, pp. 70, 254, 534

## DEPENDENT CHILDREN

Aid to, maximum amount of—

HB 232, pp. 123, 911, 1794, 1801, 2149

Dependent child living in a suitable home, limiting payment of aid to—

HB 23, pp. 9, 116, 170, 173

Dependent child not present in court, jurisdiction of juvenile court over—

HB 162, pp. 93, 130, 282

Dependent child of mother able to work and not needed in the home, payment of aid to—

HB 22, pp. 8, 116, 195, 218, 220, 221, 222, 223, 248, 385

Income tax return of parent or guardian of recipient of aid to, agents of department of pensions and security authorized to inspect—

HB 421, pp. 395, 468, 1404, 1405

## DEPOSITIONS

Upon oral examination of witnesses—

HB 862, pp. 1182, 1448, 1784, 1794, 1803

## DEPOSITORY, COUNTY

Bond to insure safety of deposits insured by federal government—

HB 440, p. 422

Savings and loan association as, selection of—

HB 244, p. 131

HB 246, p. 131

Tax collector, reports and remittances of funds deposited in—

HB 13, p. 7

SB 4, pp. 146, 256, 538, 632, 895, 1023

## DEPUTY SOLICITORS

See: SOLICITOR, DEPUTY

## DESOTA PARKWAY

Certain highways designated as—

HB 701, pp. 924, 1105, 1409, 1410, 2372, 2383, 2546

## DIESEL FUEL

Vehicle operated with, equipment for discharge of fumes of—

HB 376, p. 271

## DISTURBING THE PEACE

Penalty for—

SB 107, pp. 146, 253, 530, 632

HB 48, p. 55

## DIVORCE

Alimony or allowances for support, remarriage of wife bars right to—

HB 344, pp. 259, 391, 1081



## DIVORCE—

Counsel fees for wife in proceedings for—  
HB 184, pp. 99, 115, 169

Mode of proceeding in suits in—  
HB 210, pp. 120, 467

Residence requirements for—  
HB 200, p. 104

Trial tax levied in divorce cases—  
HB 361, p. 267  
HB 455, p. 427

## DIXIE GRAVES PARKWAY

Real property acquired as part of, disposition of—  
HB 12, p. 7

## DOCKS AND HARBORS

Alabama port authority, created, constitutional amendment—  
HB 70, p. 65

Alabama river development authority, abolished—  
HB 300, pp. 182, 877, 1793, 1799

Bonds issued for acquisition, development, and maintenance of,  
rate of interest on—  
HB 341, pp. 258, 598

Pilots, bar, compensation for detention on board ships—  
HB 77, pp. 66, 115, 168, 1804, 1840, 1926

Pilots, compensation of—  
HB 75, pp. 66, 115, 167, 1822, 1844, 1927

Submerged lands and man-made lands lying under or abutting tidal  
waters, regulating sale of—  
HB 305, p. 184

## DOCKS DEPARTMENT, STATE

Alabama port authority, created, constitutional amendment—  
HB 70, p. 65

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Bonds issued by, rate of interest on—  
HB 341, pp. 258, 598

McDuffie Island, management, control and ownership of—  
HB 343, pp. 259, 599, 1793, 1799, 2031, 2226, 2228, 2330, 2510, 2535,  
2549  
HB 607, p. 739

Officers, executive, selection and compensation of—  
HB 608, p. 740

## DOCKS DEPARTMENT, STATE—Continued

Submerged lands and man-made lands lying under or abutting tidal waters, regulating sale of—

HB 305, p. 184

Tidelands, repealing provision for acquiring and reclaiming of—

HB 460, p. 469

Workmen's compensation, hospital and medical liability insurance coverage of employees covered under—

HB 342, pp. 258, 599, 1793, 1799, 2031, 2510, 2535, 2549

## DORA, TOWN OF

Boundaries altered—

HB 170, pp. 96, 119, 162, 408, 419, 462

## DOTHAN, CITY OF

Civil service system, definitions under—

HB 506, pp. 602, 624, 689, 839, 891, 1017

Civil service system, meetings and compensation of citizens Supervisory committee—

HB 506, pp. 602, 624, 689, 839, 891, 1017

Governing body, recording proceedings of—

HB 873, pp. 1231, 1941, 2094, 2506, 2532, 2549

Personnel board, notice of meetings, compensation of members—

HB 506, pp. 602, 624, 689, 839, 891, 1017

## DOUBLE SPRINGS, CITY OF

Sales and use taxes levied in, collection of—

HB 833, pp. 1123, 1144, 1326, 1807, 1842, 1926, 2012, 2376, 2382, 2546

## DRIVERS LICENSES

Learner permits, issuance of—

SB 41, pp. 141, 390, 1559, 1931, 2015

Suspension of, under "Motor Vehicle Safety Responsibility Act"—

SB 124, pp. 226, 253, 459, 496

HB 899, p. 1313

Veterans exempted from requirement for—

HB 352, p. 263

## DRY CLEANERS

Regulated—

HB 753, pp. 955, 2107

## EDINGTON, JUDGE DAVID H.

Joint resolution mourning death of—

SJR 30, pp. 1545, 2016

## EDUCATION

See also: EDUCATION, STATE DEPARTMENT OF; BOARD OF EDUCATION; SUPERINTENDENT OF EDUCATION; SCHOOLS; VOCATIONAL EDUCATION; TEACHERS; name of specific institution —

Adverse possession, acquisition of title to school lands by—  
SB 101, pp. 198, 1689, 2476

Alabama vocational school for girls, appropriation—  
HB 118, p. 83

Alcoholic beverages, additional tax levied on, for educational purposes—  
HB 419, p. 307

Appropriation, interest on endowments—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Appropriation to university of Alabama from Alabama special mental health fund—  
HB 766, pp. 959, 1100, 1101

Board of education, county and city, to provide assistance for instruction at private institution—  
HB 563, pp. 681, 880, 1558, 2512, 2539, 2550

Board of education, state, election of members—  
HB 751, pp. 955, 1285

Board of education, state, election of, constitutional amendment—  
HB 750, pp. 955, 1285

Board of education, state, investment of endowment funds, authorized—  
HB 802, pp. 1048, 1690, 1794, 1802, 2054, 2510, 2534, 2549

Bonds for school building purposes, issuance authorized—  
HB 349, p. 261

Bonds for school building purposes, issuance authorized, constitutional amendment—  
HB 348, p. 261

Commission on education with respect to alcoholism, name changed to commission on alcoholism—  
HB 86, pp. 70, 177, 371, 839, 892, 1017

Committee on courses of study, provided for—  
HB 931, pp. 1371, 1692, 1793, 1797, 2055, 2453, 2459, 2548

Education, appropriation bill—  
HB 121, p. 84

Educational institutions authorized to invest certain endowment and other funds—  
HB 802, pp. 1048, 1690, 1794, 1802, 2054, 2510, 2534, 2549

Educational institutions authorized to pledge certain revenue for capital improvements—  
HB 801, pp. 1047, 1690, 1794, 1802, 2054

## EDUCATION—Continued

Funds available for minimum school program—  
HB 682, p. 875

Gasoline for use in school buses, exempted from tax levied on—  
HB 240, p. 124

Governor authorized to close any public school under certain conditions—  
HB 57, p. 58  
HB 668, pp. 872, 1717, 1793, 1795, 2129, 2139, 2140, 2142

Governor authorized to close schools, colleges, university, and institutions—  
HB 669, pp. 873, 1717, 1793, 1796, 2129, 2145

Grants in aid, provided for—  
HB 831, pp. 1122, 1692, 1794, 1803, 2021, 2511, 2539, 2550

Historical research, expiration of authority of cities and counties to engage in—  
SB 201, pp. 2302, 2320, 2490, 2520

Independent school districts, organization and establishment of—  
SB 27, p. 623  
HB 53, p. 57

Institution of higher learning publishing material relating to racial matters, expenditure of state funds by—  
HB 501, p. 518

Institutions of higher learning, construction and maintenance of streets and parking areas on campus of—  
HB 291, pp. 180, 392, 1793, 1799, 2228, 2247, 2511, 2534, 2549

Medical scholarships, qualifications for, amount, number, and repayment of—  
SB 61, pp. 849, 909, 1086, 1099  
HB 156, p. 92

Mental hospital building, bond issue authorized for construction of—  
HB 762, pp. 958, 1100, 1101, 1286, 1383, 1385, 1422, 1697, 1926, 2051, 2312, 2350, 2361

Minimum program fund, issuance of interest-bearing warrants to pay state appropriations upon proration against—  
HB 35, p. 19

Minimum school program, funds available for—  
HB 562, p. 681

Nurses training schools operated by cities or counties, included in public school system—  
HB 410, p. 304

Poliomyelitis, requiring polio vaccination for pre-school children—  
HB 566, p. 681  
HB 879, p. 1295

Polio vaccination for school children, required—  
HB 489, p. 510

## EDUCATION—Continued

- Principals or supervisors, tenure of—  
HB 182, p. 99
- Property conveyed to the state by city or county board of education, reconveyance of—  
HB 55, pp. 57, 880
- Sales tax, exemption of school lunches—  
HB 975, pp. 1522, 1585, 1586, 1598, 1941, 2018, 2361
- Scholarship funds, used to match federal funds—  
HB 522, pp. 652, 880, 1793, 1796, 2151, 2469, 2475, 2548
- School buildings, regulating construction of—  
HB 439, p. 401
- School bus drivers, examination of, provided for—  
HB 902, pp. 1313, 1945
- School bus drivers, minimum salary prescribed—  
HB 845, p. 1157
- Soft drinks, regulating sale of, in public school building or on public school grounds—  
HB 130, p. 85
- Southern industrial institute, appropriation—  
HB 119, p. 84
- State commission to determine appeal cases under teacher tenure law, provided for—  
SB 414, pp. 1928, 2107, 2483, 2521
- State textbook committee, compensation of members—  
HB 372, pp. 270, 392, 1793, 1796, 2057, 2453, 2458, 2548
- State textbook committee, composition of—  
HB 372, pp. 270, 392, 1793, 1796, 2057, 2453, 2458, 2548
- Superintendent of education, county, compensation of—  
HB 950, pp. 1472, 1500
- Superintendent of education, county, election, nomination, and qualifications of—  
HB 32, pp. 17, 391, 532, 754, 1484, 1488
- Superintendent of education, state, appointment of—  
HB 749, pp. 954, 1285
- Superintendent of education, state, appointment of, constitutional amendment—  
HB 750, pp. 955, 1285
- Tax collector, reports and remittances of school funds placed in county depositories—  
HB 13, p. 7  
SB 4, pp. 146, 256, 538, 632, 895, 1023
- Teacher certificates, requiring examination of applicants for—  
HB 429, p. 398

## EDUCATION—Continued

- Teacher disabled and not receiving benefits from retirement system, assistance for—  
HB 142, p. 90
- Teacher tenure laws, defining term “teacher” as used in—  
HB 182, p. 99
- Teachers colleges, appointment of police officers for—  
HB 290, pp. 180, 392
- Teachers, providing paid vacations for—  
HB 371, p. 270
- Teachers retired and not eligible for retirement benefits, assistance for—  
HB 143, p. 90
- Teachers, retired, supplemental retirement benefits for—  
HB 143, p. 90
- Textbooks eliminated from requirements for competitive bids in purchase of—  
HB 366, pp. 269, 389, 518
- Textbooks required to be furnished to schools operated by Alabama state hospitals—  
HB 679, pp. 875, 1102, 1554, 2372, 2383, 2546
- Textbooks, purchase and adoption of—  
HB 372, pp. 270, 392, 1793, 1796, 2057, 2453, 2456, 2546
- Tuition fees—  
HB 702, p. 924
- Tuskegee Institute, appropriation for teaching certain courses under contract—  
HB 117, p. 83
- Warrants, tax anticipation, city and county board of education authorized to issue—  
HB 189, p. 100

## EDUCATION, STATE BOARD OF

- Appropriation—  
HB 121, p. 84
- Election and composition of—  
HB 751, pp. 955, 1285
- Election and composition of, constitutional amendment—  
HB 750, pp. 955, 1285

## EDUCATION, STATE DEPARTMENT OF

- Alabama state hospitals, textbooks required to be furnished schools operated by—  
HB 679, pp. 875, 1102, 1554, 2372, 2383, 2546
- Appropriations—  
HB 121, p. 84  
HB 752, pp. 955, 1287, 1794, 1802, 2026, 2452, 2458, 2548

## EDWARDS, HAROLD

Appropriation, relief of—  
HB 423, p. 397

## EGGS

Sale, inspection, and grading of—  
HB 699, pp. 924, 1141

## ELECTIONS

See also: BOARD OF REGISTRARS; PRIMARY ELECTIONS;  
REGISTRATION OF VOTERS; VOTERS; VOTING; VOTING  
MACHINES

Absentee ballots, appointment and duties of election officials to  
receive, count, and return—  
HB 267, p. 136

Absentee ballots, time for delivery to election officials—  
HB 268, p. 136

Absentee ballots, time for receiving, counting, and returning—  
HB 722, pp. 938, 1448, 1795, 1804

Absentee voting limited to certain servicemen and their wives—  
HB 178, p. 98

Absentee voting limited to servicemen, their wives, and veterans  
confined in certain hospitals—  
SB 53, pp. 1021, 1104, 2332, 2373, 2379  
HB 56, p. 57

Advertisements or other printed matter relative to, regulating  
printing and publication of—  
HB 332, p. 212

Alcoholic beverages, petitioning for "wet" or "dry" referendums—  
HB 40, p. 19

Campaign expenditure statements by candidates for state senator  
and representative, filing of—  
SB 110, pp. 200, 1104, 2340, 2353, 2373, 2380  
SB 113, pp. 200, 1104, 2341, 2378

Campaign expenditure statements, date for filing by mail—  
SB 110, pp. 200, 1104, 2340, 2353, 2373, 2380  
SB 112, pp. 200, 1104, 2341, 2378

Cities and towns, authorizing primary elections in—  
HB 755, pp. 956, 1282, 1793, 1798, 2196

Cities and towns having a commission form of government, regu-  
lated—  
HB 754, pp. 956, 1282, 1793, 1797, 2169

Cities and towns not having a commission form of government,  
regulated—  
HB 757, pp. 956, 1282, 1793, 1798, 2198, 2287

Cities 23,500 to 100,000 population, authorized to determine form  
of government other than commission form—  
HB 874, pp. 1291, 1693, 1878

## ELECTIONS—Continued

Costs of publishing notices of electors proposed to be stricken from registration lists, payment of—  
HB 951, p. 1472

Counties 500,000 or more population, compensation of election officials—  
HB 1128, pp. 1966, 2112

County school taxes, validation of certain elections to extend—  
HB 813, pp. 1115, 1144, 1324, 2540, 2543, 2550

Election officials, compensation—  
HB 137, p. 89

Election precincts, districts, and polling places, designation of—  
HB 207, pp. 119, 1103, 1794, 1803  
HB 756, p. 956

Electors for president and vice-president, mode of electing candidates for—  
HB 219, pp. 121, 393

Electors for president and vice-president, nomination and election—  
HB 733, pp. 940, 1448, 2024, 2509, 2534, 2549

Elector's vote, penalty for buying or corruptly influencing—  
SB 46, p. 166

Elector's vote, removing penalty for selling—  
SB 48, p. 166

Etowah County, validation of certain elections—  
HB 778, p. 1038

Grand jury in each county required to examine ballot boxes and voting machines used at elections—  
HB 97, p. 75

Lists of registered voters, compensation of assistants to judge of probate in making up—  
HB 358, p. 266

Officials, compensation of—  
HB 561, p. 681

Poll tax of another, penalty for paying—  
SB 52, p. 176

Primary, appointment and qualifications of watchers at polling places—  
HB 446, pp. 425, 1103, 1398, 1406, 1421

Primary, nominating electors for president and vice-president, time for holding—  
HB 218, pp. 121, 393, 527

Qualifications for voting—  
HB 448, p. 426  
HB 730, pp. 939, 1448, 1793, 1800, 2291, 2296

Registration as voters, reapplication of applicants refused—  
HB 853, p. 1163



## ELECTIONS—Continued

Residence requirements for voting—

HB 266, p. 136

HB 528, p. 656

Speaker of house of representatives, election by popular vote—

HB 536, p. 662

Split-ticket voting, eliminating provision for—

HB 34, pp. 19, 393

Voters at elections where voting machines are used, assistance for—

SB 123, pp. 847, 1104, 2332, 2378

Voting machines, appropriation for purchase of—

HB 191, pp. 101, 390

Voting machines, bond issue for purchase of—

HB 908, p. 1355

Voting machines, local use without local electoin to authorize—

HB 724, pp. 938, 1447, 1793, 1799, 2290, 2509, 2534, 2549

“Wet” or “dry” referendum, state-wide, provided for—

HB 223, p. 121

“Write-in” votes, limiting provisions for—

HB 364, pp. 269, 393, 1412

## ELECTRICAL ADMINISTRATIVE BOARD

Created—

HB 790, p. 1042

## ELECTRICAL ENGINEER, STATE

Appointment of—

HB 790, p. 1042

## ELECTRIC PUBLIC UTILITIES

Appeals from orders of public service commission, refund of increase in rates during pendency of—

HB 385, p. 293

Bonds issued by municipal corporation for financing, execution of—

HB 287, pp. 141, 178, 369

SB 153, pp. 247, 256, 369, 404

Marion County, distribution of proceeds of privilege license tax levied on—

HB 69, pp. 63, 117, 153

## ELMORE COUNTY

Circuit court, clerical assistance—

SB 352, pp. 1238, 1285, 1396, 1431

HB 284, pp. 140, 179, 430

Fishing, regulated—

HB 580, pp. 709, 885, 991, 1232, 1252, 1276

## ELMORE COUNTY—Continued

Judge of probate, sheriff, circuit clerk, tax assessor, tax collector, and register, compensation—

HB 579, pp. 708, 885, 990, 1229, 1254, 1276

HB 1069, pp. 1730, 1845, 2080, 2371, 2391, 2547

Judge of probate, sheriff, circuit clerk, tax assessor, tax collector, and register, compensation, constitutional amendment—

HB 193, pp. 102, 119, 164, 837, 890, 1017

## EMERGENCY FUND, GOVERNOR'S

Expenditure regulated—

HB 945, p. 1469

## EMINENT DOMAIN

Commissioner in eminent domain proceeding, penalty for attempting to influence—

HB 81, p. 67

County governing bodies, powers of—

HB 867, p. 1288

Highway director authorized to acquire land and land interests by—

HB 866, p. 1287

Hospital corporations, power conferred on—

HB 912, p. 1357

Intervention of interested parties in proceedings—

HB 863, p. 1287

Orders of condemnation—

HB 726, p. 939

Water and sewer lines, compensation awards in condemnation of lands for rights of way for—

HB 255, p. 133

## EMPLOYEES

Checks or drafts, worthless, for the payment of wages or salaries, penalty for giving—

HB 37, p. 19

Night shift duty, assignment of employees to—

HB 462, p. 470

Payment of wages to, regulating—

HB 416, p. 307

Retirement trusts created by self-employed persons, authorized and regulated—

HB 451, pp. 426, 599, 1551, 1552

Trust created by employer for benefit of, accumulation of income by—

HB 451, pp. 426, 599, 1551, 1552

Trust created by employer for benefit of, designation of beneficiaries of—

HB 450, pp. 426, 599, 1551

## EMPLOYEES—Continued

Unemployment compensation, amount of weekly benefits under—  
HB 461, p. 470

Wages, penalty for failure to pay when due employee—  
HB 829, pp. 1121, 1281

Wages, prevailing wages required on all construction projects when  
state funds are expended—  
HB 1062, p. 1696

## EMPLOYEES, PUBLIC

Annuity contracts or retirement income policies for certain public  
employees, authorized—  
SB 88, pp. 147, 179, 375, 403  
HB 108, pp. 78, 116, 195, 1083, 1084, 1094

Garnishment, compensation subject to—  
HB 586, pp. 713, 879

Military leave for—  
SB 119, pp. 846, 2108, 2494, 2519

## EMPLOYEES' RETIREMENT SYSTEM

Benefits and coverage—  
HB 537, pp. 662, 907, 1414, 1805, 1840, 1926, 1935, 2313, 2350,  
2361

Benefits payable under, exempted from income tax—  
HB 222, pp. 121, 253, 457, 638, 646, 691

"Policeman" defined—  
HB 475, pp. 471, 877, 1412, 1804, 1840, 1926, 1939, 2312, 2350,  
2361

## EMPLOYEES, STATE

See also: CIVIL SERVICE SYSTEMS; RETIREMENT SYSTEMS

Agriculture and industries, state department of, insurance for pro-  
tection of—  
HB 252, pp. 132, 255, 536, 2541, 2542, 2550

Cost-of-living raise for—  
HB 714, p. 932

Expenses and per diem for—  
HB 615, pp. 743, 908, 1793, 1797, 2168

Joint resolution directing the legislative council to make a study  
of pay plans relative to compensation of state officers and  
employees—  
HJR 107, pp. 2430, 2455, 2463, 2548

Legislative committee on personnel, created—  
HB 318, p. 208

Retirement system, benefits and coverage—  
HB 537, pp. 662, 907, 1414, 1805, 1840, 1926, 1935, 2313, 2350,  
2361

Retirement system, benefits exempted from income tax—  
HB 222, pp. 121, 253, 457, 638, 646, 691

## EMPLOYEES, STATE—Continued

Retirement system, definition of term "policeman"—

HB 475, pp. 471, 877, 1412, 1804, 1840, 1926, 1939, 2312, 2350, 2361

Salaries, maximum amount of—

HB 976, p. 1523

HB 984, pp. 1526, 1685, 1794, 1802, 2023

Salaries, payment every second Friday—

HB 748, p. 954

State agency or employee furnishing information on pending measure required to furnish same information to sponsor of pending measure—

HJR 38, pp. 404, 428, 461, 545, 629, 694

## EMPLOYERS

Checks or drafts, worthless, for the payment of wages or salaries, penalty for giving—

HB 37, p. 19

Night shift duty, assignment of employees to—

HB 462, p. 470

Regulating payment of wages by—

HB 416, p. 307

Retirement trusts created by self-employed persons, authorized and regulated—

HB 451, pp. 426, 599, 1551, 1552

Trust created by, for benefit of employees, accumulation of income by—

HB 451, pp. 426, 599, 1551, 1552

Trust created by, for benefit of employees, designation of beneficiaries of—

HB 450, pp. 426, 599, 1551

Unemployment compensation, amount of weekly benefits under—

HB 461, p. 470

## ENGINEER, COUNTY

Chambers County, appointment and compensation—

SB 81, pp. 234, 247, 257, 394, 435, 465, 495

Salary of, state's participation in—

HB 96, pp. 75, 393, 1085, 2506, 2532, 2549

## ENGINEER, STATE

Highway department, creating position of chief engineer in—

HB 616, pp. 743, 1690, 1787, 1793, 1797, 1784, 2510, 2535, 2550

## ENGINEERS

Engineer, professional, definition of—

HB 215, p. 121

Engineering firms doing business with the state or with any county or municipality, regulating ownership of—

HB 216, p. 121

ENGINEERS AND LAND SURVEYORS, PROFESSIONAL, STATE  
BOARD OF REGISTRATION FOR

## Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

HB 221, p. 121

## Engineers and land surveyors, regulating practice of—

HB 578, p. 708

## Engineer, professional, definition of—

HB 215, p. 121

## Fees, disposition of proceeds of—

HB 503, pp. 602, 909, 1411

## Fee for issuance of certificate of registration—

HB 481, pp. 504, 909, 1411

## ESCAMBIA COUNTY

## Atmore, city of, boundaries altered—

HB 194, pp. 103, 119, 165, 408, 419, 462

## Brewton, city of, boundaries altered—

HB 581, pp. 711, 885, 993, 1233, 1252, 1276

HB 704, pp. 924, 1033, 1189, 1423, 1428, 1485

## Brewton, city of, dedication of land to, annuled—

HB 582, pp. 712, 885, 993, 1233, 1252, 1276

## Commissioner of education, office abolished—

HB 393, pp. 299, 394, 433, 637, 645, 691

## Superintendent of education, office re-established—

HB 393, pp. 299, 394, 433, 637, 645, 691

## ESTATES

See also: EXECUTORS AND ADMINISTRATORS; WILLS AND  
ADMINISTRATIONAppraisers appointed to appraise estate of decedent, compensa—  
tion—

HB 259, pp. 134, 253, 530

## Fiduciaries, registration and transfer of securities by—

HB 449, pp. 426, 600, 1551

## Wills, time limit for probate of—

SB 86, pp. 141, 390, 2466, 2519

## ESTRAYS

## Animals found running at large, seizure, holding, and sale of—

HB 236, pp. 124, 255, 534, 1350, 1419

## ETOWAH COUNTY

Ad valorem taxes for public school purposes, constitutional amend—  
ment authorizing—

HB 872, pp. 1291, 1942

## ETOWAH COUNTY—Continued

- Altoona, town of, boundaries altered—  
HB 350, pp. 261, 293, 413, 637, 645, 691
- Board of equalization, organization, operation, and clerical assistance—  
HB 1071, pp. 1732, 1847, 2083, 2371, 2391, 2547
- Circuit court, compensation of special bailiffs—  
HB 1070, pp. 1732, 1942, 2096, 2454, 2461, 2548
- Elections to authorize special school tax, validation of—  
HB 778, p. 1038
- Etowah Stadium Association, Inc., relief of—  
HB 315, pp. 205, 256, 311, 442, 461, 545
- Gadsden, city of, boundaries altered—  
HB 638, pp. 779, 882, 977, 1228, 1255, 1276
- Law library fund, abolished—  
HB 1088, pp. 1856, 1943, 2117, 2506, 2530, 2549
- Rainbow City, town of, boundaries altered—  
HB 253, pp. 132, 179, 215, 441, 460, 545

## ETOWAH STADIUM ASSOCIATION, INC.

- Relief of—  
HB 315, pp. 205, 256, 311, 442, 461, 545

## EUTAW, CITY OF

- Boundaries altered—  
HB 944, pp. 1468, 1499, 1567, 2284, 2317, 2361

## EVIDENCE

- Communications between ministers and certain persons, privileged—  
HB 39, pp. 19, 130, 198, 369, 451
- Depositions upon oral examination for use as evidence—  
HB 862, pp. 1182, 1448, 1784, 1794, 1803
- Federal liquor revenue stamps, owning or possessing made prima facie evidence of violation of prohibition laws—  
HB 511, pp. 608, 1692, 1980
- Hospital records, admissibility in evidence of reproductions of—  
HB 141, p. 90  
HB 433, pp. 399, 597
- Hospital records, introduction of certified copies authorized—  
HB 776, pp. 1037, 1280
- Judicial notice by the courts of this state of the law of other states—  
SB 55, p. 147  
HB 60, p. 58
- Laws of other states, manner of proving, in Alabama courts—  
HB 147, pp. 91, 115, 193, 639, 647, 691

## EVIDENCE—Continued

Market value, method for establishing—  
HB 869, p. 1288

## EXAMINERS OF PUBLIC ACCOUNTS, STATE DEPARTMENT OF

Chief examiner, appointment—  
HB 624, pp. 745, 1141, 1794, 1804

Duties of state auditor transferred to—  
HB 569, p. 702

Examiners of public accounts, committee of, election of members  
of—  
HR 15, pp. 109, 142

## EXECUTORS AND ADMINISTRATORS

See also: ESTATES; WILLS AND ADMINISTRATION

Appraisers appointed to appraise estate of decedent, compensa-  
tion—  
HB 259, pp. 134, 253, 530

Fiduciaries, registration and transfer of securities by—  
HB 449, pp. 426, 600, 1551

Wills, time limit for probate of—  
SB 86, pp. 141, 390, 2466, 2519

## FACSIMILE SIGNATURES

Authorized to be used on bonds, notes, warrants—  
HB 591, pp. 723, 879, 1011, 1350, 1351, 1419

County officers, bonds—  
HB 592, pp. 723, 879, 1011, 1018, 1350, 1351, 1419

## FALSE IMPERSONATION

Impersonator of law enforcement officer, penalty for making ar-  
rest or search—  
HB 198, pp. 104, 391

## “FARM-TO-MARKET ROAD ACT OF 1943”

Regulating financing and construction of roads and bridges under—  
HB 424, pp. 397, 1286, 1700, 2506, 2532, 2549

## FARMERS' MARKETS, STATE

Establishment of—  
HB 840, pp. 1154, 1498

## FAUBUS, GOVERNOR ORVAL E.

Address by—  
pp. 475-490

Committee to escort—  
SJR 14, p. 464

Expressing appreciation to, for address to legislature—  
HJR 51, pp. 597, 613, 619, 620

## FAUBUS, GOVERNOR ORVAL E.—Continued

Invited to address legislature—  
HJR 6, pp. 47, 54, 114

## FAYETTE, CITY OF

Boundaries altered—  
HB 535, pp. 661, 696, 964  
SB 305, pp. 1021, 1106, 1215, 1273

## FAYETTE COUNTY

County court, judge of probate designated as ex officio judge of—  
HB 41, pp. 20, 47, 111

Court of county commissioners, expense allowance for members—  
SB 103, pp. 247, 258, 317, 379

Fayette, city of, boundaries altered—  
SB 305, pp. 1021, 1106, 1215, 1273  
HB 535, pp. 661, 696, 964

Glen Allen, town of, boundaries altered—  
HB 814, pp. 1115, 1144, 1325, 1806, 1841, 1926

Judge of probate designated as ex officio judge of county court—  
HB 41, pp. 20, 47, 111

Justices of the peace and notaries public ex officio justices of the  
peace, jurisdiction of—  
HB 42, pp. 21, 47, 112

Public hospitals, insuring property of, regulated—  
HB 639, pp. 780, 882, 981, 1227, 1257, 1276

Sheriff, compensation of deputies—  
SB 306, p. 903

## FEDERAL SAVINGS AND LOAN ASSOCIATION

Covered under certain statutes regulating savings and loan associa-  
tions incorporated in Alabama—  
HB 242, pp. 130, 391, 1417, 1419  
SB 149, pp. 1022, 2108, 2492, 2520

## FERTILIZER

Regulating shipments of—  
SB 172, pp. 642, 1031, 2328, 2378  
HB 354, p. 264

## FIDUCIARIES

Retirement trusts created by self-employed person, authorized and  
regulated—  
HB 451, pp. 426, 599, 1551, 1552

Securities, registration and transfer of—  
HB 449, pp. 426, 600, 1551

Trust created by employer for benefit of employees, accumulation  
of income by—  
HB 451, pp. 426, 599, 1551, 1552



## FIDUCIARIES—Continued

Trust created by employer for benefit of employees, designation of beneficiaries of—  
HB 450, pp. 426, 599, 1551

## FIFTEENTH JUDICIAL CIRCUIT

Judges, numbering and designation of—  
SB 292, pp. 836, 913, 1070, 1098

## FIFTH JUDICIAL CIRCUIT

Circuit solicitor, appointment of stenographic secretary—  
HB 627, pp. 748, 1102, 1477, 1533, 2370, 2383, 2546

Circuit solicitor, duties of stenographic secretary—  
HB 962, pp. 1474, 1691, 1782

Court reporters, expense allowance for—  
HB 799, pp. 1047, 1690, 2027, 2028, 2370, 2384, 2546

## FINANCE, STATE DEPARTMENT OF

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Director, compensation—  
HB 618, pp. 743, 1725, 1793, 1797, 2154, 2158

Director, election and compensation—  
HB 927, p. 1371

Deputy director, budget officer designated as—  
HB 660, pp. 870, 1725, 1793, 1797, 2157, 2159

## FINANCIAL INSTITUTIONS

See: BANKS AND BANKING

## FINE AND FORFEITURES

Mobile County, distribution of—  
HB 1118, pp. 1956, 2109, 2261, 2501, 2531, 2549

Shelby County, fine and forfeiture fund abolished—  
HB 747, p. 954  
HB 988, pp. 1575, 1632, 1770, 2366, 2390, 2547

State required to reimburse the counties for certain claims paid in criminal cases—  
HB 959, p. 1474

## FIRE ANT

Appropriation, eradication of—  
HB 515, p. 627

## FIRE INSURANCE

Policies or contracts of, regulating issuance of—  
SB 85, p. 378

## FIREARMS

Loaded, penalty for transporting in motor vehicles—  
HB 165, pp. 94, 178, 373

Pistol permit, fee for issuance of—  
HB 333, pp. 212, 253, 530

## FIREMEN

Anniston, city of, benefits for members and widows of retired members under retirement system—  
HB 478, pp. 500, 600, 683, 838, 890, 1016

Cities over 15,000 population, working hours of—  
HB 789, pp. 1042, 1105

Cities 250,000 or more population, retirement system established—  
HB 994, pp. 1586, 1634, 1778, 2405, 2439, 2547

Income tax, deduction of cost of uniforms in computing—  
HB 135, p. 89

Tuscaloosa, city of, pension and relief fund created—  
HB 854, pp. 1163, 1284, 1392, 1808, 1854, 1926

## FIREWORKS

Regulating sale of—  
HB 907, pp. 1355, 1725

## FISHING

See also: GAME AND FISH; CONSERVATION; CONSERVATION, STATE DEPARTMENT OF

Commercial fishing in public impounded waters, prohibited—  
HB 294, p. 180

Commercial fishing operations, prohibiting use of gill nets and trammel nets in—  
HB 329, p. 212  
HB 330, p. 212

Elmore and Tallapoosa Counties, regulated—  
HB 580, pp. 709, 885, 991, 1232, 1252, 1276

Geneva County, regulated—  
HB 44, pp. 22, 47, 112

Limestone County, regulated—  
HB 541, pp. 666, 696, 967, 1231, 1250, 1275

Menhaden and trash fish, certain devices prohibited in taking from certain tide-water—  
HB 847, pp. 1157, 1281

Oyster reefs, preventing poaching on—  
HB 464, pp. 470, 1142, 1703, 1708, 2509, 2535, 2549

Oyster reefs, private, sale of oysters from—  
HB 467, pp. 470, 1142, 1703, 1707, 2509, 2535, 2549

Oyster reefs and beds, replanting of—  
HB 918, p. 1362

## FISHING—Continued

Oysters, regulating use of devices to cultivate and harvest or remove—

HB 466, pp. 470, 1142, 1703, 1707, 2513, 2539, 2550

Pickens County, regulated—

HB 112, pp. 79, 118, 157, 854, 887, 1016

Seafoods fund, regulating expenditures out of—

HB 465, pp. 470, 1142, 1703, 1708, 2509, 2535, 2549

Shrimp, license fee for catching—

HB 468, pp. 470, 1142, 1703, 1705

Shrimp, license fee for use of trawls—

HB 469, pp. 471, 1142, 1703

Talladega County, regulated—

HB 134, p. 88

Trawls used in commercial salt water fishing, regulating length of—

HB 463, pp. 470, 1142, 1703, 1710

## FLINT CITY, TOWN OF

Boundaries altered—

HB 95, pp. 74, 118, 187, 407, 418, 462

## FLORENCE, CITY OF

Boundaries altered—

HB 973, pp. 1516, 1631, 2088

HB 997, pp. 1591, 1632, 2089, 2254

SB 429, pp. 2066, 2250, 2322, 2379

Commission form of government for, authorized—

HB 417, pp. 307, 601, 688

Sales and use taxes, rate of, and exemptions from—

HB 974, pp. 1518, 1600, 1761, 2369, 2389, 2547

## FLORENCE STATE COLLEGE

Appropriation—

HB 121, p. 84

Police officers for, appointment of—

HB 290, pp. 180, 392

Scholarship funds, used to match federal funds—

HB 522, pp. 652, 880, 1793, 1796, 2151, 2469, 2475, 2548

Streets and parking areas on campus of, construction and maintenance of—

HB 291, pp. 180, 392, 1793, 1799, 2228, 2247, 2511, 2534, 2549

## FLOWER, STATE

Camellia designated as—

HB 24, pp. 9, 392, 438, 439, 639, 647, 691

## FOOD HANDLERS

Regulating employment of—

HB 375, p. 271

## FOOTBALL

Football game between university of Alabama and Alabama Polytechnic institute, requesting television of—  
HJR 5, pp. 27, 129, 144, 174

## FORT JACKSON

Restoration of—  
HB 689, p. 876

## FORT MORGAN

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## "FORT MORTIMER H. JORDAN"

Certain hospital building in Jefferson County designated as—  
HB 995, pp. 1587, 1635, 1780, 2370, 2390, 2547

## FORT TOULOUSE MEMORIAL PARK ASSOCIATION

Appropriation—  
HB 689, p. 876

## FOURTEENTH JUDICIAL CIRCUIT

Walker County, law enforcement fund created—  
HB 934, p. 1272

## FRANCHISE TAX

Due date of—  
HB 338, pp. 213, 1690

## FRANKLIN COUNTY

County court, re-established—  
HB 1002, pp. 1602, 1720, 1900, 2503, 2527, 2549

Governing body, compensation of members—  
HB 1004, pp. 1612, 1720, 1902, 2503, 2527, 2549

Industrial development of, constitutional amendment—  
HB 706, pp. 926, 1033, 1190, 1806, 1844, 1927

Law and equity court, abolished—  
HB 1002, pp. 1602, 1720, 1900, 2503, 2527, 2549  
HB 1018, pp. 1648, 1722

Law and equity court, compensation of judge, and compensation and duties of solicitor—  
HB 1017, pp. 1646, 1722

Law and equity court, created—  
HB 1018, pp. 1648, 1722

Sales and use taxes, rate of, and exemption from—  
HB 1003, pp. 1604, 1611, 1720, 1900, 2500, 2527, 2549

Sheriff, compensation of deputy—  
HB 1005, pp. 1614, 1720, 1902, 2504, 2527, 2549

## FRATERNITIES

Property, local fraternal use protected from higher affiliate or other authority—  
HB 1129, pp. 1966, 2107, 2303

## FRAUD

Checks or drafts, worthless, for the payment of money, penalty for giving—  
HB 36, pp. 19, 910, 1398, 1399, 2443, 2458, 2548

Checks or drafts, worthless, for the payment of wages or salaries, penalty for giving—  
HB 37, p. 19

Penalty for obtaining telephone or telegraph service through—  
HB 365, pp. 269, 910, 1407, 2364, 2383, 2546

## GADSDEN, CITY OF

Boundaries altered—  
HB 638, pp. 779, 882, 977, 1228, 1255, 1276

Commission form of government, authorized—  
HB 417, pp. 307, 601, 688

Retirement system, policemen and firemen, regulating—  
HB 588, pp. 714, 885, 994, 1233, 1252, 1276

## GAILLARD, SAMUEL PALMER

Joint resolution mourning death of—  
HJR 82, pp. 1683, 1930, 1934, 2086

## GALLALEE, MRS. LUA CAULKINS

Joint resolution mourning death of—  
HJR 34, pp. 309, 369, 381, 384

## GAME AND FISH

See also: CONSERVATION; CONSERVATION, STATE DEPARTMENT OF; FISHING; HUNTING

Commercial fishing in public impounded waters, prohibited—  
HB 294, p. 180

Commercial fishing operations, prohibiting use of gill nets and trammel nets in—  
HB 329, p. 212  
HB 330, p. 212

Counties 50,000 to 54,000 population, fishing regulated—  
HB 971, pp. 1514, 1632, 1767, 1784, 2369, 2389, 2547

Deer, prohibiting the killing or taking of, from vessels in navigable streams—  
SB 36, pp. 1084, 1693, 2478

Deer, regulating hunting of—  
HB 326, pp. 210, 1143

Fur-bearing animals, licenses for capturing and killing—  
HB 552, pp. 674, 881, 1793, 1796, 2152

## GAME AND FISH—Continued

Fur-bearing animals, receiving when not licensed—  
HB 555, pp. 675, 881, 1793, 1796, 2154

Fur-catchers' licenses, fee for issuance of—  
HB 554, pp. 675, 881, 1793, 1796, 2153

Geneva County, fishing regulated—  
HB 44, pp. 22, 47, 112

Hunting licenses, exemption of persons over sixty-five—  
HB 212, p. 120

Hunting of wild turkeys, prohibited—  
HB 326, pp. 210, 1143

Hunting or trapping without permission on lands of another, penalty for—  
HB 197, pp. 104, 392

Limestone County, fishing regulated—  
HB 541, pp. 666, 696, 967, 1231, 1250, 1275

Menhaden and trash fish, certain devices prohibited in taking from certain tide-waters—  
HB 847, pp. 1157, 1281

Oyster reefs, preventing poaching on—  
HB 464, pp. 470, 1142, 1703, 1708, 2509, 2535, 2549

Oyster reefs, private, sale of oysters from—  
HB 467, pp. 470, 1142, 1703, 1707, 2509, 2535, 2549

Oyster reefs and beds, replanting of—  
HB 918, p. 1362

Oysters, regulating use of devices to cultivate and harvest or remove—  
HB 466, pp. 470, 1142, 1703, 1707, 2513, 2539, 2550

Pickens County, fishing regulated—  
HB 112, pp. 79, 118, 157, 854, 887, 1016

Quail, pen-raised, licensing and breeders of—  
SB 187, pp. 641, 881, 2330, 2378  
HB 404, pp. 303, 392

Seafoods fund, regulating expenditures out of—  
HB 465, pp. 470, 1142, 1703, 1708, 2509, 2535, 2549

Shrimp caught for commercial purposes—  
HB 880, p. 1295

Shrimp, license fee for catching—  
HB 468, pp. 470, 1142, 1703, 1705

Shrimp, license fee for use of trawls—  
HB 469, pp. 471, 1142, 1703

Talladega County, fishing regulated—  
HB 134, p. 88

Trawls used in commercial salt water fishing, regulating length of—  
HB 463, pp. 470, 1142, 1703, 1710

## GARAGES

Motor vehicles involved in accidents, garages required to make certain reports concerning—  
HB 163, p. 93

## GARNISHMENT

Employees and officials, public, subject to—  
HB 586, pp. 713, 879

Wages, exempted from—  
HB 587, pp. 714, 879

## GAS HEATERS

Open, penalty for maintaining in hotels—  
HB 146, p. 91

## GAS AND OIL

Interim Committee to investigate monopoly of trade and anti-trust laws — relative to oil and gas—  
SB 39, pp. 846, 1285, 2342, 2377

## GAS PUBLIC UTILITIES

Appeals from orders of public service commission, refund of increase in rates during pendency of—  
HB 385, p. 293

Bonds issued by municipal corporation for financing, execution of—  
HB 287, pp. 141, 178, 369  
SB 153, pp. 247, 256, 369, 404

Water works boards acquiring gas plants permitted to issue bonds—  
HB 855, pp. 1176, 1283, 1700, 2284, 2317, 2361

## GASOLINE TAX

Aviation fuel, refund of portion of tax levied on—  
HB 278, pp. 137, 877

Blount County, exemptions of liquefied petroleum gas from—  
HB 1066, pp. 1728, 1845, 2079, 2487, 2523, 2548

Cherokee County, diesel fuel exempted from—  
HB 870, pp. 1288, 1451, 1536, 2365, 2384, 2546

Cities excluded from distribution of proceeds of, except tax on aviation fuel—  
HB 109, p. 79

Cities exempted from payment of—  
HB 109, p. 79

DeKalb County, governing body authorized to levy—  
SB 358, pp. 1236, 1633, 1774, 1931, 2017, 2314, 2381

Discount for collection of—  
HB 133, pp. 88, 466, 1013, 1484, 1488, 1562

Refund of tax on gas used for agricultural purpose, method for—  
SB 284, pp. 1529, 2249, 2359, 2381  
HB 705, pp. 926, 1141

## GASOLINE TAX—Continued

School buses, exempting gasoline sold to city and county boards of education for use in—  
HB 240, p. 124

## G. E. HILL BRIDGE

Bridge between DeKalb and Cherokee Counties designated as—  
HB 700, pp. 924, 1105, 1409, 1410, 2372, 2383, 2546

## GENEVA COUNTY

Board of school commissioners, compensation—  
HB 1089, pp. 1857, 1943, 2117, 2502, 2530, 2549

Coroner, compensation—  
HB 400, pp. 301, 1283, 1388

Court reporter, compensation—  
HB 986, pp. 1572, 1632, 1769, 2370, 2389, 2547

Fishing regulated—  
HB 44, pp. 22, 47, 112

Included in thirty-third judicial circuit—  
HB 374, p. 271  
HB 445, pp. 425, 1447, 1587, 2453, 2458, 2548

Inferior court, clerical assistance for judge—  
HB 972, pp. 1514, 1631, 1763, 2366, 2389, 2547

Inferior court, designation of register of—  
HB 972, pp. 1514, 1631, 1763, 2366, 2389, 2547

Inferior court, jurisdiction of—  
HB 972, pp. 1514, 1631, 1763, 2366, 2389, 2547

Sheriff, appointment and compensation of additional deputy—  
HB 45, pp. 24, 47, 113, 227, 273, 288

## GEOLOGIST, STATE

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## GIRL SCOUTS OF AMERICA

Taxation, exemption from—  
HB 89, p. 72

## GLENN ALLEN, TOWN OF

Boundaries altered—  
HB 814, pp. 1115, 1144, 1325, 1806, 1841, 1926

## GOLDEN, MRS. E. H.

Relief of—  
HB 784, pp. 1040, 1108, 1225, 1424, 1430, 1486

## GOLDTHWAITE, REPRESENTATIVE ALFRED

Congratulation on birth of son—  
HR 65, p. 1024



## GORGAS MEMORIAL BOARD

## Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## GOVERNOR

## Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## Daylight saving time, establishment of—

HB 431, p. 399

## Duties of secretary of state transferred to—

HB 570, p. 702

## Employees, state, maximum amount of salaries—

HB 976, p. 1523

HB 984, pp. 1526, 1685, 1794, 1802, 2023

## Former governors, monetary allowance for—

HB 811, p. 1060

## Medaris, general John B., invited to introduce as guest speaker—

HJR 27, pp. 201, 275, 384, 622, 628

HJR 53, pp. 623, 627

Address — p. 628

## Menninger, doctor William Claire, invited to hear address by—

HJR 40, pp. 406, 428, 461, 545

## Message from—

p. 27

p. 635

p. 1099

p. 2491

## Officers, public, limitation of power to fill vacancies in—

HB 835, p. 1130

## Offices, public, manner of filling vacancies in—

HB 84, p. 70

## Salary—

HB 1055, p. 1695

## School, public, authorized to be closed under certain conditions—

HB 57, p. 58

HB 668, pp. 872, 1717, 1793, 1795, 2129, 2139, 2140, 2142

## Schools, colleges, universities, and institutions, power to close—

HB 669, pp. 873, 1717, 1793, 1796, 2129, 2145

## “Youth Honor Day”, requested to proclaim—

HR 22, p. 184

## GOVERNOR'S EMERGENCY FUND

## Expenditure of, regulated—

HB 945, p. 1469

## GRAND JURIES

Elections, grand jury in each county required to examine ballot boxes and voting machines used at—  
HB 97, p. 75

Jurors, fees—  
HB 136, p. 89

Obscene literature, required to make periodic investigation relative to—  
HB 100, p. 76

## GRANTS IN AID

For educational purposes, provided for—  
HB 831, pp. 1122, 1692, 1794, 1803, 2021, 2511, 2539, 2550

## GRAYSVILLE, CITY OF

Boundaries altered—  
HB 595, pp. 725, 887, 1008, 1421, 1426, 1485

## GREENE COUNTY

Beer tax, distribution of proceeds—  
HB 483, pp. 505, 600, 684, 838, 890, 1016

Court of county commissioners, compensation—  
HB 589, pp. 721, 885, 995, 1233, 1252, 1276

Eutaw, city of, boundaries altered—  
HB 944, pp. 1468, 1499, 1567, 2284, 2317, 2361

Sales and use taxes, levied—  
HB 707, pp. 926, 1033, 1190, 1436, 1442, 1486

Solicitor, deputy, compensation—  
HB 590, pp. 722, 885, 995, 1233, 1253, 1276

## GREENSBORO, CITY OF

Boundaries altered—  
HB 859, pp. 1179, 1285, 1395, 1808, 1843, 1926

## GULF SHORES, TOWN OF

Boundaries altered—  
HB 1082, pp. 1847, 1943, 2113, 2463, 2468, 2548

## GUNTERSVILLE, CITY OF

Branch banks authorized—  
HB 297, pp. 181, 256, 310, 442, 460, 545

## HAINES, ARTIE

Commended for participating in boys state program—  
HJR 41, pp. 406, 428, 461, 545

## HALE COUNTY

Board of revenue, election of members by district—  
HB 838, pp. 1152, 1283, 1391, 2071, 2113, 2361

Dove shoot at Greensboro, invitation of representatives to attend—  
HB 81, p. 1682

## HALE COUNTY—Continued

Greensboro, city of, boundaries altered—

HB 859, pp. 1179, 1285, 1395, 1808, 1843, 1926

Sales and use taxes levied for schools—

HB 837, pp. 1145, 1283, 1389, 1807, 1843, 1926, 2010, 2375, 2382,  
2546

Voting machines, authorized—

SB 298, pp. 844, 914, 1072, 1098

## HALEYVILLE, CITY OF

Sales and use taxes, collection of—

HB 933, pp. 1376, 1452, 1543, 2366, 2387, 2547

## HALL OF FAME BOAD

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## HANKINS, REPRESENTATIVE JACK

Wished speedy recovery from his illness—

HR 20, p. 128

## HARRIS, LEE OTHER

Relief of—

SB 339, pp. 1242, 1633, 1773, 2017

## HARTSELLE, CITY OF

Boundaries altered—

HB 94, pp. 73, 118, 187, 407, 418, 462

HB 1039, pp. 1678, 1724, 1920, 2371, 2391, 2547

## HEALING ARTS, STATE LICENSING BOARD FOR

Appropriation—

HB 629, p. 748

Created—

HB 150, pp. 91, 254, 445, 634, 638, 646, 691

## HEALTH

See: HOSPITALS; PUBLIC HEALTH

## HEALTH AND ACCIDENT INSURANCE

Policies of, regulating cancellation of—

HB 516, p. 627

## HEALTH DEPARTMENT, STATE

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Appropriation, additional—

SB 308, p. 1352

HB 666, pp. 872, 908

HB 761, pp. 957, 1100, 1101

HB 804, p. 1052

## HEALTH DEPARTMENT, STATE—Continued

Appropriation, dental program—  
SB 296, pp. 1019, 1286, 2475, 2520  
HB 620, pp. 743, 908

Bastard children, report of judge of probate of result of proceedings to legitimate—  
HB 288, pp. 179, 467, 1130, 2542, 2545, 2550

## HEALTH OFFICER, COUNTY

Certificates of death, regulating issuance of—  
HB 425, pp. 397, 598

## HEALTH OFFICER, STATE

Advisory board to, composition of membership of—  
HB 93, p. 72

Birth certificates and other such records, fees for issuing certified copies of—  
HB 336, pp. 213, 420, 1013, 2541, 2543, 2550

Election of—  
HB 746, p. 954

## HELEN KELLER PROPERTY BOARD

Appropriation—  
HB 903, pp. 1314, 1446, 2304

## HENLEY, PROFESSOR J. E.

Joint resolution mourning death of—  
HJR 80, pp. 1682, 1930, 1934, 2086

## HENRY COUNTY

Circuit clerk, clerical assistance—  
HB 485, pp. 508, 601, 685, 838, 891, 1017

Law library, authorizing establishment of—  
HB 1026, pp. 1659, 1722, 1910  
SB 439, pp. 2069, 2250, 2322, 2379

Sheriff, appointment and compensation of additional deputy or clerk—  
HB 484, pp. 507, 601, 685, 838, 1017

Sheriff, expenses—  
HB 486, pp. 509, 601, 686, 838, 891, 1017

## HIGHWAY DEPARTMENT, STATE

Appropriation, relief of Harold Edwards—  
HB 423, p. 397

Appropriation, relief of L. B. Kilpatrick—  
HB 1010, pp. 1630, 1725, 1794, 1803, 2025

Bureau of county aid, status of—  
HB 424, pp. 397, 1286, 1700, 2506, 2532, 2549

## HIGHWAY DEPARTMENT, STATE—Continued

Cherokee County governing body authorized to determine roads and bridges to be built within the county, subject to approval of—

HB 1123, pp. 1961, 2109, 2263

“Cherokee County Memorial Bridge”, designation of—

HB 656, pp. 800, 1105, 1409

Contracts for parking areas along county roads—

HB 734, pp. 940, 1948, 2138

Controlled access facilities, acquisition of property for—

HB 868, p. 1288

Controlled access facilities, regulating location of service stations on right-of-way of—

HB 551, pp. 674, 1102, 1794, 1803

Counties 41,000 to 47,000 population, construction of county roads and bridges—

HB 674, pp. 874, 913, 1065, 1422, 1427, 1485

County roads and bridges, constitutional amendment requiring election to authorize department to construct and maintain—

HB 190, pp. 100, 1143, 1405, 1406, 1411, 2506, 2532, 2550

DeKalb County, construction of roads and bridges—

HB 1016, pp. 1644, 1722, 1908, 2504, 2528, 2549

“The Demopolis Rooster Bridge,” changing name of “The Memorial Bridge” to—

SB 31, pp. 247, 255, 537, 632

“Desota Parkway,” designation of—

HB 701, pp. 924, 1105, 1409, 1410, 2372, 2383, 2546

Director, election, term, and compensation—

HB 928, p. 1371

Engineer, chief, creating office of—

HB 616, pp. 743, 1690, 1787, 1793, 1797, 1984, 2510, 2535, 2550

“G. E. Hill Bridge,” designation of—

HB 700, pp. 924, 1105, 1409, 1410, 2372, 2383, 2546

“The John B. Benson Road,” designation of—

HJR 10, pp. 105, 114, 125, 127

“John Lawson Burnett Bridge”, designation of—

SB 275, pp. 1443, 2320

Land and interests in land, director authorized to acquire—

HB 866, p. 1287

Lands, officials entering upon to make surveys—

HB 867, p. 1288

“Leesburg Memorial Bridge”, designation of—

SB 275, pp. 1443, 2320

Municipal streets, maintenance under certain conditions—

HB 780, p. 1038

## HIGHWAY DEPARTMENT, STATE—Continued

Public utility facilities along federal aid highway projects, relocation of—

HB 509, p. 608

Relief of Chester Wright—

HB 678, p. 875

Relief of Robins Engineering, Inc.—

HB 662, pp. 871, 1726, 1794, 1804, 1986, 2453, 2458, 2548

Sisk and Meade, contractors, appropriation for relief of—

HB 1135, pp. 1978, 2112, 2299

Stuart, M. W., appropriation for relief of—

HB 1063, p. 1696

## HIGHWAY PATROL

See also: PUBLIC SAFETY, STATE DEPARTMENT OF

Annuity or retirement benefits for members of, providing for payment of—

HB 58, p. 58

Motor vehicles involved in accidents, garages, repair shops, and wrecker services required to make certain reports of—

HB 163, p. 93

Property illegally parked or placed on public highway or right of way, removal and disposition of—

HB 164, p. 93

## HIGHWAYS

See also: BRIDGES; HIGHWAY DEPARTMENT, STATE; ROADS AND BRIDGES

Advertising signs on right of way of, regulating placing of—

HB 172, p. 97

HB 709, p. 930

Cemeteries, condemnation of, for highway construction—

HB 865, p. 1287

“Cherokee County Memorial Bridge”, designation of—

HB 656, pp. 800, 1105, 1409

Controlled access facilities, acquisition of property for—

HB 868, p. 1288

Controlled access facilities, regulating location of service stations on right-of-way of—

HB 551, pp. 674, 1102, 1794, 1803

County roads and bridges, constitutional amendment requiring election to authorize highway department to construct and maintain—

HB 190, pp. 100, 1143, 1405, 1406, 1411, 2506, 2532, 2550

“Desota Parkway”, designation of—

HB 701, pp. 924, 1105, 1409, 1410, 2372, 2383, 2546

## HIGHWAYS—Continued

“The Demopolis Rooster Bridge”, changing name of “The Memorial Bridge” to—  
SB 31, pp. 247, 255, 537, 632

Discharge of diesel fumes, regulated—  
HB 961, p. 1474

Dixie Graves Parkway, disposition of certain real property acquired as part of—  
HB 12, p. 7

Driver of vehicle involved in accident required to stop, give name and address, and render aid to injured—  
HB 269, p. 136

Dumping rubbish on, penalty for—  
HB 922, pp. 1364, 1693  
HB 954, pp. 1472, 1693

Eminent domain, powers of county governing bodies relative to—  
HB 867, p. 1288

Engineer, county, state's participation in salary of—  
HB 96, pp. 75, 393, 1085, 2506, 2532, 2549

“Farm-to-Market Road Act of 1943,” regulating financing and construction of roads and bridges under—  
HB 424, pp. 397, 1286, 1700, 2506, 2532, 2549

“G. E. Hill Bridge”, designation of—  
HB 700, pp. 924, 1105, 1409, 1410, 2372, 2383, 2546

Intersection, right-of-way at—  
HB 258, p. 134

“The John B. Benson Road,” designation of—  
HJR 10, pp. 105, 114, 125, 127

“John Lawson Burnett Bridge”, designation of—  
SB 275, pp. 1443, 2320

Lands, highway officials authorized to make surveys of—  
HB 867, p. 1288

“Leesburg Memorial Bridge”, designation of—  
SB 275, pp. 1443, 2320

Motor carriers, road tax imposed on operation of vehicles as—  
HB 335, pp. 213, 908, 1331, 2421, 2441, 2547

Motor vehicle illegally parked or placed on, removal and disposition of—  
HB 164, p. 93

Motor vehicle used in delivering mail, regulation of—  
HB 254, pp. 133, 391, 756, 1531, 1696, 1926  
HB 399, pp. 301, 394, 1533

Motor vehicles, rules of the road relative to operation of—  
HB 167, p. 94

No passing zones and traffic signals, penalty for violating laws, relating to—  
HB 428, p. 398

## HIGHWAYS—Continued

Public utility facilities along federal aid highway projects, relocation of—

HB 509, p. 608

Semi-trailer or loaded pole trailer operating on, penalty for riding on—

HB 166, pp. 94, 178, 374, 455, 758, 1077

Semi-trailer used for transporting livestock, maximum height of—

SB 192, pp. 847, 1104, 2360, 2380

Speed limits of motor vehicles, established—

HB 896, pp. 1312, 1691, 2149

Traffic, motor vehicles and pedestrians, regulation of—

HB 894, p. 1312

Traffic-control devices, uniform arrangement of colors appearing on—

HB 474, p. 471

## HOGS

Diseases, appropriation for prevention and control of—

HB 672, pp. 874, 914, 1080, 1484, 1489, 1562

HB 958, pp. 1474, 1691, 1794, 1802

## HOMESTEADS

Ad valorem tax, exemption from—

HB 209, p. 120

## HOMEWOOD, CITY OF

Boundaries altered—

SB 387, pp. 1433, 1500, 1760, 2017

HB 861, pp. 1180, 1285, 1397, 1805, 1843, 1927

## HORSELESS CARRIAGES

Motor vehicles, antique, licensing and registration of—

HB 306, pp. 184, 467, 2307

## HOSPITAL BOARD

Walker County, created—

HB 807, pp. 1057, 1106, 1214

## HOSPITALIZATION INSURANCE

Attorney fees required to be included in judgment in certain suits on contracts of—

HB 286, p. 141

Policies of, regulating issuance of—

HB 235, pp. 124, 880

## HOSPITALS

Advisory board to state health officer, composition of membership of—

HB 93, p. 72

HB 158, pp. 93, 177, 371, 850, 889, 1016



## HOSPITALS—Continued

- Bryce hospital and Partlow state school, inspection of, by legislature—  
HJR 59, pp. 756, 868, 889, 1016
- Constitutional amendment authorizing special taxes for—  
HB 773, pp. 1037, 1690, 1794, 1802
- Counties 19,200 to 20,200, insuring hospital property of, regulated—  
HB 639, pp. 780, 882, 981, 1227, 1257, 1276
- Counties of 500,000 or more population, public health care authority, authorized—  
HB 996, pp. 1587, 1635, 1781, 2407, 2439, 2547
- Eminent domain powers conferred on certain hospital corporations—  
HB 912, p. 1357
- Jefferson County, certain hospital building designated as "Fort Mortimer H. Jordan"—  
HB 995, pp. 1587, 1635, 1780, 2370, 2390, 2547
- Mental, bond issue authorized for construction of—  
HB 762, pp. 958, 1100, 1101, 1286, 1383, 1385, 1422, 1697, 1926, 2051, 2312, 2350, 2361  
HB 765, pp. 959, 1100, 1101, 1287, 1383, 1385, 1422, 1697, 1698, 1927
- Records, admissibility in evidence of reproductions of—  
HB 141, p. 90  
HB 433, pp. 399, 597
- Talladega County and municipalities within, authorized to make appropriations to—  
HB 891, pp. 1301, 1354, 1483, 2364, 2385, 2546
- Textbooks required to be furnished schools operated by Alabama state hospitals—  
HB 679, pp. 875, 1102, 1554, 2372, 2383, 2546
- Walker County, hospital board created—  
HB 807, pp. 1057, 1106, 1214
- Walker County, Peoples' hospital, appropriation of county funds to—  
HB 806, pp. 1057, 1106, 1212, 1806, 1932, 2086, 2250

## HOTELS

- Open gas heaters, penalty for maintaining—  
HB 146, p. 91
- Operation of, regulated—  
SB 133, pp. 847, 2249, 2343, 2375, 2380  
HB 279, pp. 137, 599

## HOUSE OF REPRESENTATIVES

- Bills in, constitutional amendment relative to reading of—  
HB 98, p. 75
- Clerk of, allowed additional assistants for checking journals and other records—  
SJR 41, pp. 2376, 2457

## HOUSE OF REPRESENTATIVES—Continued

Committee on interstate cooperation, created—  
SB 209, p. 847

Melton, Oakley, Jr., and his staff, expressing appreciation to—  
HR 101, p. 2428

Members, prohibited from doing business with the state or any  
of its officers or agencies—  
SB 177, p. 1436

## HOUSTON COUNTY

Dothan, city of, compensation of personnel director—  
HB 506, pp. 602, 624, 689, 839, 891, 1017

Dothan, city of, definitions under civil service system—  
HB 506, pp. 602, 624, 689, 839, 891, 1017

Dothan, city of, meetings and compensation of citizens supervisory committee—  
HB 506, pp. 602, 624, 689, 839, 891, 1017

Dothan, city of, notice of meetings of personnel board—  
HB 506, pp. 602, 624, 689, 839, 891, 1017

Dothan, city of, recording proceedings of governing body—  
HB 873, pp. 1291, 1941, 2094, 2506, 2532, 2549

Highway department, state, election to authorize construction of  
county roads and bridges by—  
HB 674, pp. 874, 913, 1065, 1422, 1427, 1485

Kinsey, town of, boundaries altered—  
HB 593, pp. 723, 885, 996, 1233, 1253, 1276

Law library, establishment of—  
HB 1026, pp. 1659, 1722, 1910  
SB 439, pp. 2069, 2250, 2322, 2379

Madrid, town of, boundaries altered—  
HB 50, pp. 56, 117, 186, 407, 418, 462

Sheriffs and deputies, education and training—  
SB 412, p. 1809

## HUDSON, R. F., JR.

Mourning death of, joint resolution—  
SJR 26, pp. 1274, 1343

## HUNTING

See also: CONSERVATION; CONSERVATION, STATE DEPARTMENT OF; GAME AND FISH

Bird calls prohibited if recorded or amplified—  
HB 694, pp. 920, 1143

Deer, prohibiting the killing or taking of, from vessels in navigable streams—  
SB 36, pp. 1084, 1693, 2478

Deer, regulated—  
HB 326, pp. 210, 1143

## HUNTING—Continued

Director of conservation authorized to enter into agreements with officials of other states concerning hunting of waterfowl—  
HB 631, pp. 748, 881, 1086, 1096

Hunting or trapping without permission on lands of another, penalty for—  
HB 197, pp. 104, 392

Licenses, exemption of persons over sixty-five—  
HB 212, p. 120

Licenses, exemption of veterans—  
HB 779, p. 1038

Turkeys, wild, prohibited—  
HB 326, pp. 210, 1143

## HUNTSVILLE, CITY OF

Boundaries altered—  
HB 68, pp. 60, 421, 521, 778, 889, 1016

Commission form of government for, authorized—  
HB 417, pp. 307, 601, 688

## HUSBAND AND WIFE

Alimony or allowances for support out of estate of divorced husband, remarriage of wife bars right to—  
HB 344, pp. 259, 391, 1081

Common law marriage, abolished—  
HB 52, p. 57

Divorce cases, trial tax levied in—  
HB 361, p. 267  
HB 455, p. 427

Divorce proceedings, counsel fees for wife in—  
HB 184, pp. 99, 115, 169

Divorce, residence requirement for—  
HB 200, p. 104

Male over eighteen years of age relieved of disability of minority upon marriage—  
HB 149, pp. 91, 115, 168, 1530, 1696, 1926  
HB 185, p. 99

Suits by or against the wife, regulating—  
HB 139, p. 90

## HYDRO-ELECTRIC PUBLIC UTILITIES

Marion County, distribution of proceeds of privilege license tax levied on—  
HB 69, pp. 63, 117, 153

## ILLEGITIMATE PERSONS

Father's obligation to—  
HB 681, p. 875  
HB 732, p. 940

## INCOME TAX

Corporations, rate levied on—  
HB 127, p. 85

Corporations, rate levied on, constitutional amendment—  
HB 124, p. 84  
HB 347, p. 261

Dependents, definition of—  
HB 823, pp. 1120, 1690

Exemptions from—  
HB 128, p. 85

Exemptions from, constitutional amendment—  
HB 126, p. 85

Firemen and policemen permitted to deduct cost of uniforms in computing—  
HB 135, p. 89

Income of one thousand dollars or more, reporting of—  
HB 125, p. 84

Involuntary conversion of property, recognition of loss or gain—  
HB 345, pp. 259, 877, 1010, 1227, 1257, 1276  
SB 225, pp. 641, 877, 2467

Iron ore mines, depreciation and depletion allowance for purposes of—  
HB 203, p. 104

Partnerships, eliminating the requirement of an oath in connection with filing returns by—  
HB 296, pp. 180, 388, 467

Public welfare recipients, agents of department of pensions and security authorized to inspect returns of—  
HB 421, pp. 395, 468, 1404, 1405

Teacher or state employee retirement benefits exempted from—  
HB 222, pp. 121, 253, 457, 638, 646, 691

## INDUSTRIAL DEVELOPMENT

Ad valorem tax, exemption of certain plants, factories, and industries from—  
HB 839, pp. 1154, 1447, 1793, 1796, 2076, 2452, 2459, 2548

Alabama economic development corporation, created—  
HB 99, pp. 76, 468

Cities, authorizing appropriations to chamber of commerce and civic organization for purposes of—  
HB 355, p. 265

Franklin County, constitutional amendment authorizing—  
HB 706, pp. 926, 1033, 1190, 1806, 1844, 1927

Perry County, town of Uniontown, industrial development of—  
HB 613, pp. 741, 886, 1003, 1227, 1257, 1276

## INDUSTRIAL RELATIONS

See also: INDUSTRIAL RELATIONS, STATE DEPARTMENT OF;  
LABOR AND LABOR UNIONS; UNEMPLOYMENT COM-  
PENSATION; WORKMEN'S COMPENSATION

Child labor, regulating employment of—  
HB 382, pp. 272, 879, 1088, 1091, 1097

Employees, assignment to night shift duty—  
HB 462, p. 470

Employees, regulating payment of wages to—  
HB 416, p. 307

Unemployment compensation, amount of weekly benefits under—  
HB 378, pp. 271, 878, 1088, 1089, 1097  
HB 461, p. 470

Unemployment compensation benefits, maximum duration for pay-  
ment of—  
HB 379, pp. 271, 878, 1088, 1090, 1097

Unemployment compensation, duties of director of, in absence of  
director of industrial relations—  
HB 377, pp. 271, 878, 1088, 1097

Unemployment compensation law, amount of contributions by em-  
ployers and employees under—  
HB 384, pp. 272, 879, 1088, 1092, 1097

Unemployment compensation law, disqualification for benefits un-  
der—  
HB 430, pp. 399, 878, 1088

Unemployment compensation law, experience ratings under—  
HB 384, pp. 272, 879, 1088, 1092, 1097

Unemployment compensation law, penalties for violation of laws  
relating to—  
HB 383, pp. 272, 879, 1088, 1092, 1097, 2542, 2544, 2550

Workmen's compensation law, compensation payable under, limita-  
tions on—  
HB 380, pp. 272, 879, 1088, 1090, 1097

Workmen's compensation law, coverage under, election of exempted  
employments to come within—  
HB 795, p. 1046

Workmen's compensation law, definitions under laws regulating—  
HB 794, pp. 1046, 1691

Workmen's compensation law, medical, surgical, and hospital serv-  
ices under—  
HB 793, p. 1046

## INDUSTRIAL RELATIONS, STATE DEPARTMENT OF

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Board of appeals, compensation of members—  
HB 381, pp. 272, 879, 1088, 1091, 1097

## INDUSTRIAL RELATIONS, STATE DEPARTMENT OF—Continued

Child labor, regulating employment of—  
HB 382, pp. 272, 879, 1088, 1091, 1097

Coal mines, definition of terms under laws regulating—  
HB 539, pp. 665, 880  
SB 277, pp. 840, 1102, 1561, 2015

Unemployment compensation, amount of weekly benefits under—  
HB 378, pp. 271, 878, 1088, 1089, 1097

Unemployment compensation, duties of director of, in absence of  
director of industrial relations—  
HB 377, pp. 271, 878, 1088, 1097

Unemployment compensation benefits, maximum duration for pay-  
ment of—  
HB 379, pp. 271, 878, 1088, 1090, 1097

Unemployment compensation law, amount of contributions by em-  
ployers and employees under—  
HB 384, pp. 272, 879, 1088, 1092, 1097

Unemployment compensation law, disqualification for benefits  
under—  
HB 430, pp. 399, 878, 1088

Unemployment compensation law, experience ratings under—  
HB 384, pp. 272, 879, 1088, 1092, 1097

Unemployment compensation law, penalties for violation of laws re-  
lating to—  
HB 383, pp. 272, 879, 1088, 1092, 1097, 2542, 2544, 2550

Workmen's compensation law, compensation payable under, limita-  
tions on—  
HB 380, pp. 272, 879, 1088, 1090, 1097

Workmen's compensation law, coverage under, election of exempted  
employments to come within—  
HB 795, p. 1046

Workmen's compensation law, definitions under laws regulating—  
HB 794, pp. 1046, 1691

Workmen's compensation law, medical, surgical, and hospital serv-  
ices under—  
HB 793, p. 1046

## INFANTS

Adoption proceedings, time limitation for contesting defect or irreg-  
ularity in—  
HB 395, pp. 301, 421, 1398, 2509, 2535, 2549

Bastard children, report of judge of probate of result of proceedings  
to legitimate—  
HB 288, pp. 179, 467, 1130, 2542, 2545, 2550

Child born out of wedlock, obligation of father—  
HB 681, p. 875

Child labor, regulating employment of—  
HB 382, pp. 272, 879, 1088, 1091, 1097

## INFANTS—Continued

Day care facilities for children, licensing and regulation of—  
HB 161, pp. 93, 421, 1793, 1799, 2148

Dependent child living in a suitable home, limiting payment of aid to—  
HB 23, pp. 9, 116, 170, 173

Dependent child of mother able to work and not needed in the home, payment of aid to—  
HB 22, pp. 8, 116, 195, 218, 220, 221, 222, 223, 248, 385

Dependent, neglected, or delinquent child not present in court, jurisdiction of juvenile court over—  
HB 162, pp. 93, 130, 282

Male over eighteen years of age relieved of disability of minority upon marriage—  
HB 149, pp. 91, 115, 168, 1530, 1696, 1926  
HB 185, p. 99

Pro tanto settlements by, provided for—  
HB 261, p. 135

## INFERIOR CIVIL COURT

Mobile County, compensation of clerk—  
HB 791, pp. 1043, 1143, 1323, 1806, 1841, 1926

## INFERIOR COURT

Choctaw County, clerical assistance for judge—  
HB 388, pp. 296, 394, 432, 632, 634, 635

Geneva County, clerical assistance for judge—  
HB 972, pp. 1514, 1631, 1763, 2366, 2389, 2547

Geneva County, designation of—  
HB 972, pp. 1514, 1631, 1763, 2366, 2389, 2547

Geneva County, jurisdiction of—  
HB 972, pp. 1514, 1631, 1763, 2366, 2389, 2547

Jefferson County, Bessemer common claims and criminal court established—  
HB 1137, pp. 1979, 2112, 2282, 2489, 2526, 2549

Jefferson County, intermediate civil court of Bessemer, established—  
HB 1136, pp. 1978, 2112, 2281, 2489, 2526, 2549

St. Clair County, payment of fees of officers and witnesses—  
HB 559, pp. 679, 697, 973, 1232, 1251, 1275, 1385

## INSANE PERSONS

Ad valorem tax exemption for—  
HB 78, pp. 66, 253, 381

Alcoholic beverages, additional tax levied on, for care and treatment of—  
HB 359, p. 266

Beer, additional tax levied on, for care and treatment of—  
HB 360, p. 266

## INSANE PERSONS—Continued

Mount Vernon barracks military reservation, disposition of money paid for lands of—  
HB 758, pp. 956, 1280, 1553, 2372, 2384, 2546

## INSECTICIDES

Motor vehicles used in transporting, exempted from regulation—  
HB 322, pp. 208, 1105

## INSTALLMENT LOANS

Regulated—  
HB 888, pp. 1299, 1449

## INSURANCE

Alabama economic development corporation, insurance companies authorized to become members of—  
HB 99, pp. 76, 468

Annuity contracts or retirement income policies for certain public employees, authorized—  
SB 88, pp. 147, 179, 375, 403  
HB 108, pp. 78, 116, 195, 1083, 1084, 1094

Commissioner of agriculture and industries authorized to contract for policies of, for protection of certain employees—  
HB 252, pp. 132, 255, 536, 2541, 2542, 2550

Companies, regulated—  
HB 46, pp. 42, 50, 54, 1449, 1450

Health and accident insurance policies, regulating cancellation of—  
HB 516, p. 627

Hospitalization or medical expense insurance policies, issuance of—  
HB 235, pp. 124, 880

Hospitalization or medical expense insurance, requiring inclusion of attorney fees in certain suits on contracts of—  
HB 286, p. 141

Laws relating to, revision and compilation of  
HB 46, pp. 42, 50, 54, 1449, 1450

License fees and taxes imposed on companies selling—  
HB 46, pp. 42, 50, 54, 1449, 1450

Motor vehicle collision insurance policy, requiring issuance of liability insurance policy upon issuance or renewal of—  
HB 457, p. 427

Motor vehicle liability insurance, requiring certain coverage under—  
HB 92, p. 72

“Motor Vehicle Safety-Responsibility Act,” increasing limits of liability under—  
HB 273, p. 137  
HB 547, pp. 674, 910, 1412



## INSURANCE—Continued

Policies covering loss or damage to property resulting from fire, windstorm, or lightning, issuance of—  
SB 85, p. 378

Premium tax paid by insurance companies, refund of overpayment of—  
HB 307, pp. 202, 253, 458

Uninsured motorists fund, created—  
HB 91, p. 72

## INSURANCE FUND, STATE

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Property reconveyed to city or county board of education by the state, insured under  
HB 55, pp. 57, 880

## INSURANCE, STATE DEPARTMENT OF

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Director, compensation—  
HB 617, p. 743

Director, election, qualification, and compensation  
HB 930, p. 1371

## INTERMEDIATE CIVIL COURT OF BESSEMER

Established—  
HB 1136, pp. 1978, 2112, 2281, 2489, 2526, 2549

## INTERMEDIATE COURT

Talladega County, jurisdiction—  
SB 22, pp. 227, 247, 256, 315, 379

## INTERSTATE COMPACTS

Parolee supervision, placing territories of the United States and the District of Columbia under compacts for—  
HB 520, pp. 652, 878, 1402, 1403

## INVESTIGATORS

Appropriation and authorization for attorney general to employ—  
HB 887, pp. 1299, 1690, 1794, 1802

## IRONDALE, CITY OF

Boundaries altered—  
HB 1105, pp. 1864, 1947, 2137  
SB 460, pp. 2284, 2319, 2431, 2457

## IRON ORE MINES

Income tax, depreciation and depletion allowance for purposes of—  
HB 203, p. 104

Privilege license tax levied on operation of, manner of computing—  
SB 996, pp. 147, 2249  
HB 205, p. 105

## JACKSON COUNTY

Justices of the peace, criminal jurisdiction abolished except under certain conditions—  
HB 1091, pp. 1858, 1943, 2118, 2454, 2462, 2548

Pisgah high school basketball team commended—  
HR 11, p. 105

Section, town of, boundaries altered  
HB 356, pp. 265, 293, 414, 637, 645, 691

Sheriff, compensation of deputies to—  
HB 353, pp. 263, 293, 413, 420, 637, 645, 691

## JACKSONVILLE STATE COLLEGE

Appropriation  
HB 121, p. 84

Police officers for, appointment of—  
HB 290, pp. 180, 392

Scholarship funds, used to match federal funds—  
HB 522, pp. 652, 880, 1793, 1796, 2151, 2469, 2475, 2548

Streets and parking areas on campus of, construction and maintenance of—  
HB 291, pp. 180, 392, 1793, 1799, 2228, 2247, 2511, 2534, 2549

## JAILERS

Coffee County, sheriff authorized to appoint jailer—  
HB 316, pp. 206, 256, 312, 637, 645, 691

Counties 96,000 to 140,000 population, employment of—  
SB 311, pp. 903, 1035, 1200, 1273

## JAILS

Imprisonment on two or more convictions, good conduct deductions—  
HB 228, pp. 122, 467, 1015

Imprisonment on two or more convictions, manner of serving sentences—  
HB 228, pp. 122, 467, 1015

## JASPER, CITY OF

Boundaries altered—  
HB 281, pp. 138, 179, 216, 408, 420, 462

## JEFFERSON COUNTY

- Automobile for members of governing body, authorized—  
HB 1098, pp. 1862, 1946, 2132, 2488, 2524
- Autopsies, health officer authorized to perform—  
HB 710, pp. 930, 1035, 1200, 1423, 1428, 1485
- Beer tax, levied—  
HB 782, pp. 1039, 1107, 1217, 2247
- Bessemer, city of, boundaries altered—  
HB 401, p. 301
- Bessemer common claims and criminal court, established—  
HB 1137, pp. 1979, 2112, 2282, 2489, 2526, 2549
- Birmingham, city of, boundaries altered  
HB 913, pp. 1357, 1452, 1544  
HB 947, pp. 1470, 1500, 1760, 2370, 2387, 2547  
HB 989, pp. 1577, 1634, 1777, 2403, 2438, 2547  
HB 992, pp. 1581, 1634, 1777, 2404, 2438, 2547  
HB 1072, pp. 1732, 1846, 2083, 2501, 2529, 2549
- Birmingham, city of, chamber of commerce, appropriation—  
HB 323, pp. 208, 390, 440, 850, 889, 1016
- Birmingham, city of, compensation of mayor—  
HB 1100, pp. 1863, 1947, 2135, 2502, 2531, 2549
- Birmingham, city of, composition and election of planning commission—  
HB 982, pp. 1526, 1634, 1876, 2372, 2389, 2547
- Birmingham, city of, firemen and policemen's retirement system for—  
HB 994, pp. 1586, 1634, 1778, 2405, 2439, 2547
- Birmingham, city of, retirement system abolished—  
HB 991, pp. 1581, 1634, 1877, 2503, 2527, 2549
- Birmingham, city of, retirement system, definitions under—  
HB 783, pp. 1039, 1107, 1225, 1421, 1427, 1485
- Birmingham, city of, retirement system for policemen, benefits payable under—  
HB 993, pp. 1584, 1634, 1878, 2506, 2527, 2549
- Birmingham, city of, vacating certain land dedicated for use as a park—  
HB 1094, pp. 1860, 1946, 2130, 2487, 2524, 2548
- Birmingham, city of, zoning board of adjustment, appointment—  
HB 1097, pp. 1862, 1946, 2132, 2486, 2524, 2548
- Board of cosmetological examiners, duties and compensation—  
HB 990, pp. 1580, 1634, 1877, 2502, 2526, 2549
- Board of equalization, regulating appeals from decisions of—  
HB 999, pp. 1594, 1636, 1782, 2409, 2438, 2547
- Braxton, Lula, relief of—  
HB 711, pp. 931, 1035, 1201, 1423, 1428, 1485

## JEFFERSON COUNTY—Continued

Chambliss V., relief of—

HB 781, pp. 1038, 1107, 1216, 1424, 1430, 1486

Camp, John Hollis, relief of—

HB 1095, pp. 1861, 1946, 2131, 2487, 2524, 2548

Chiles, C. D., relief of—

HB 946, pp. 1469, 1500, 1759, 2370, 2387, 2547

Civil service system, city manager included in unclassified service—

HB 1099, pp. 1863, 1946, 2134, 2488, 2524, 2549

Civil service system, regulating dismissals, demotions, and suspensions—

HB 1106, pp. 1866, 1947, 2137

Commission for judicial study, established—

HB 1093, pp. 1859, 1945, 2130, 2487, 2523, 2548

Costs and fees in cases filed in civil court required to be paid into county treasury—

HB 810, pp. 1060, 1108, 1226, 1422, 1427, 1485

Criminal court, annual vacations for judge of—

HB 427, pp. 398, 422, 525, 854, 888, 1016

Daylight saving time, election authorized to determine—

~~HB 1104, pp. 1864, 1947, 2136~~

SB 459, pp. 2286, 2319, 2431, 2456

Election officials, compensation—

HB 1128, pp. 1966, 2112

Employees of, making service awards to—

HB 472, pp. 471, 500, 611, 853, 888, 1016

“Fort Mortimer H. Jordan”, designation of certain hospital as—

HB 995, pp. 1587, 1635, 1780, 2370, 2390, 2547

Golden, Mrs. E. H., relief of—

HB 784, pp. 1040, 1108, 1225, 1424, 1430, 1486

Graysville, city of, boundaries altered—

HB 595, pp. 725, 887, 1008, 1421, 1426, 1485

Homewood, city of, boundaries altered—

SB 387, 1433, 1500, 1760, 2017

HB 861, pp. 1180, 1285, 1397, 1805, 1843, 1927

Intermediate civil court of Bessemer, established—

HB 1136, pp. 1978, 2112, 2281, 2489, 2526, 2549

Irondale, city of, boundaries altered—

HB 1105, pp. 1864, 1947, 2137

SB 460, pp. 2284, 2319, 2431, 2457

Judge of probate and chief clerk of probate court authorized to use certain systems of indexing—

HB 1022, pp. 1656, 1719, 1884, 2505, 2528, 2549

## JEFFERSON COUNTY—Continued

Judge of probate authorized to delegate certain authority to other personnel of the probate court—

HB 1023, pp. 1656, 1719, 1885, 2411, 2440, 2547

Judge of probate authorized to delegate power to enter and sign marginal satisfaction records of mortgages, deeds and other liens—

HB 1019, pp. 1655, 1879, 1882, 2505, 2528, 2549

Judge of probate authorized to dispose of certain documents—

HB 1021, pp. 1656, 1718, 1880, 2497, 2534, 2549

Judge of probate, automobile allowance authorized—

HB 822, pp. 1120, 1145, 1329, 1809, 1841, 1926

Kosher food, penalty for falsely selling or offering for sale—

HB 1101, pp. 1863, 1947

Lands conveyed for a park, vacation of—

HB 1094, pp. 1860, 1946, 2130, 2487, 2524, 2548

Leeds, city of, boundaries altered—

HB 1126, pp. 1965, 2112, 2280, 2502, 2531, 2549

Licenses, disposition of overpayments in sums less than one dollar—

HB 1102, pp. 1863, 1947, 2136, 2502, 2531, 2549

Liquor tax, levied—

HB 782, pp. 1039, 1107, 1217, 2247

Liquor tax levied for indigent sick and injured residents—

HB 1024, pp. 1656, 1719, 1885, 2412, 2440, 2547

Civil service system, certain persons prohibited from holding position under—

SB 461, pp. 2286, 2319, 2432, 2457

Public health care authority, authorized—

HB 996, pp. 1587, 1635, 1781, 2407, 2439, 2547

Reidentification of voters—

HB 1096, pp. 1862, 1946, 2131, 2133, 2142, 2487, 2524, 2548

Sales and use taxes, authorizing levy of—

HB 821, pp. 1119, 1145, 1330, 2246

Sales and use taxes, levied—

HB 1025, pp. 1658, 1719, 1886, 1923, 2363, 2499, 2533, 2549

Tryon, L. L., relief of—

HB 784, pp. 1040, 1108, 1225, 1424, 1430, 1486

Worthless or unpaid checks issued in payment of certain taxes, penalties—

HB 1020, pp. 1656, 1718, 1880, 2505, 2528, 2549

## “THE JOHN B. BENSON ROAD”

Designation of, joint resolution—

HJR 10, pp. 105, 114, 125, 127

## "JOHN LAWSON BURNETT BRIDGE"

Designation of—  
SB 275, pp. 1443, 2320

## JOHNSON, HAROLD

Joint resolution extending thanks to Tom and Harold Johnson for  
entertainment provided—  
SJR 38, pp. 2074, 2314

## JOHNSON, TOM

Joint resolution extending thanks to Tom and Harold Johnson for  
entertainment provided—  
SJR 38, pp. 2074, 2314

## JOINT RESOLUTION

See: RESOLUTIONS

## JONES, REPRESENTATIVE FLETCHER

Congratulated on birth of son—  
HR 32, p. 274

## JUDGE, CIRCUIT

See also: JUDICIAL CIRCUITS; CIRCUIT COURT  
specific judicial circuit

Circuits composed of one county having 94,000 to 134,000 population  
expense allowance—  
HB 138, pp. 89, 118, 853, 887, 1016

Fifteenth judicial circuit, numbering and designation of—  
SB 292, pp. 836, 913, 1070, 1098

Nineteenth judicial circuit, creating additional judgeship—  
SB 287, pp. 1346, 1448, 2122, 2314  
HB 628, pp. 748, 879

Receiver, appeal of order of register appointing—  
HB 264, p. 136

Receivers, appointment of—  
HB 263, p. 136  
HB 265, p. 136

Sixth judicial circuit, additional judgeship created—  
HB 437, pp. 400, 879, 1756, 2470, 2479, 2548

Sixth judicial circuit, designated as ex officio judge of juvenile  
court—  
HB 437, pp. 400, 879, 1756, 2470, 2479, 2548

Thirteenth judicial circuit, additional judge provided—  
HB 952, pp. 1472, 1691, 1794, 1802, 1922, 2443, 2458, 2548

Thirtieth judicial circuit, judge, compensation  
HB 960, p. 1474

## JUDGE, CIRCUIT—Continued

Twenty-fifth judicial circuit, additional expense allowance provided to judge of—

SB 366, pp. 1346, 1633, 1876, 2089, 2352

## JUDGE OF PROBATE

Ad valorem tax, application for exemption of certain mineral leases from—

HB 293, pp. 180, 468

Alcoholic beverages, petitions for “wet” or “dry” referendums—

HB 40, p. 19

Bastard children, required to report result of proceedings to legitimate—

HB 288, pp. 179, 467, 1130, 2542, 2545, 2550

Counties 25,725 to 25,875 population, compensation of chief clerk—

HB 637, pp. 749, 887, 1007, 1422, 1427, 1485

Counties 400,000 or more population, automobile expense allowance—

HB 822, pp. 1120, 1145, 1329, 1809, 1841, 1926

Counties 500,000 or more population, authorized to delegate certain authority to other personnel of the probate court—

HB 1023, pp. 1656, 1719, 1885, 2411, 2440, 2547

Counties 500,000 or more population, authorized to delegate power to enter and sign marginal satisfaction records of mortgages, deeds and other liens—

HB 1019, pp. 1655, 1718, 1879, 1882, 2505, 2528, 2549

Counties 500,000 or more population, authorized to dispose of certain documents—

HB 1021, pp. 1656, 1718, 1880, 2497, 2534, 2549

Counties 500,000 or more population, authorized to use certain systems of indexing—

HB 1022, pp. 1656, 1719, 1884, 2505, 2528, 2549

Cullman County, clerk hire allowance

HB 531, pp. 659, 696, 964, 1350, 1351, 1419

Dallas County, compensation—

SB 59, pp. 149, 179, 217, 273

Elmore County, compensation, constitutional amendment—

HB 193, pp. 102, 119, 164, 837, 890, 1017

Fayette County, designated as ex officio judge of county court—

HB 41, pp. 20, 47, 111

Fees in adoption proceedings—

HB 490, p. 510

Fur catcher licenses, fees retained when issuing—

HB 554, pp. 675, 881, 1793, 1796, 2153

Limestone County, compensation of clerks of—

HB 544, pp. 669, 697, 969, 1232, 1251, 1275

## JUDGE OF PROBATE—Continued

Lists of registered voters, compensation of clerical assistants in making up—  
HB 358, p. 266

Pensions and security, county department of, filing of names and salaries of employees of—  
HB 159, pp. 93, 130, 281

Russell County, compensation, constitutional amendment—  
HB 116, pp. 83, 118, 188, 637, 645, 691

Wills, time limit for probate of—  
SB 86, pp. 141, 390, 2466, 2519

## JUDGMENTS

Execution, extension of time within which execution and levy may be had—  
HB 585, p. 713

Liens for twenty years—  
HB 583, p. 713

Revival of, in favor of assignee  
HB 584, p. 713

## JUDICIAL CIRCUITS

See also: CIRCUIT COURT; specific circuit

Circuits composed of one county and having not less than three nor more than eight judges, compensation of bailiffs—  
HB 226, pp. 122, 130, 214, 2365, 2383, 2546

Circuits composed of one county having 94,000 to 134,000 population expense allowance for judge of—  
HB 138, pp. 89, 118, 276, 853, 887, 1016

Circuits composed of one county having 94,000 to 134,000 population, supplemental salaries of circuit solicitor—  
HB 1108, pp. 1868, 1944, 2119, 2489, 2525, 2549

Fifteenth judicial circuit, numbering and designation of judges—  
SB 292, pp. 836, 913, 1070, 1098

Fifth judicial circuit, appointment of stenographic secretary by circuit solicitor—  
HB 627, pp. 748, 1102, 1477, 1533, 2370, 2383, 2546

Nineteenth judicial circuit, judgeship, additional—  
SB 287, pp. 1346, 1448, 2122, 2314  
HB 628, pp. 748, 879

Ninth judicial circuit, solicitor's fund created  
HB 1068, p. 1730

Sixteenth judicial circuit, compensation of special bailiffs, provided for—  
HB 1070, pp. 1732, 1942, 2096, 2454, 2461, 2548

Sixth judicial circuit, additional judgeship created—  
HB 437, pp. 400, 879, 1756, 2470, 2479, 2548



## JUDICIAL CIRCUITS—Continued

- Sixth judicial circuit, appointment and compensation of deputy circuit solicitor No. 2—  
HB 144, p. 90
- Sixth judicial circuit, bailiffs, appointment, and compensation—  
HB 1110, pp. 1868, 1944, 2120, 2489, 2525, 2549
- Sixth judicial circuit, compensation of stenographic secretary to solicitor of—  
HB 9, p. 7
- Sixth judicial circuit, creating domestic relations division of circuit court—  
HB 437, pp. 400, 879, 1756, 2470, 2479, 2548
- Sixth judicial circuit, judge designated as ex officio judge of juvenile court—  
HB 437, pp. 400, 879, 1756, 2470, 2479, 2548
- Sixth judicial circuit, salary of deputy solicitor fixed—  
HB 1109, p. 1868
- Thirteenth judicial circuit, additional judgeship authorized—  
HB 952, pp. 1472, 1691, 1794, 1802, 1922, 2443, 2458, 2548
- Thirteenth judicial circuit, circuit clerk, compensation and duties of of chief assistant—  
HB 1122, pp. 1960, 2109, 2262, 2503, 2531, 2549
- Thirteenth judicial circuit, fixing compensation of administrative assistant and stenographer to solicitor—  
HB 1113, pp. 1951, 2108, 2259
- Thirtieth judicial circuit, judge, compensation—  
HB 960, p. 1474
- Thirty-third judicial circuit, created—  
HB 374, p. 271  
HB 445, pp. 425, 1447, 1587, 2453, 2458, 2548
- Twentieth judicial circuit, creating law library in each county of the circuit—  
HB 1026, pp. 1659, 1722, 1910  
SB 439, pp. 2069, 2250, 2322, 2379
- Twentieth judicial circuit, office of clerk-secretary established—  
HB 538, pp. 663, 696, 966, 1231, 1250, 1275
- Twentieth judicial circuit, special funds created for law enforcement—  
HB 1026, pp. 1659, 1722, 1910  
SB 439, pp. 2069, 2250, 2322, 2379
- Twenty-ninth judicial circuit, creating fund for use of solicitor—  
HB 409, p. 304
- Twenty-second judicial circuit, regulating expenditures from special fund—  
HB 889, pp. 1300, 1451, 1537, 2367, 2385, 2546

## JUDICIAL CIRCUITS—Continued

Twenty-second judicial circuit, court reporter, compensation—  
HB 986, pp. 1572, 1632, 1769, 2370, 2389, 2547

Twenty-third judicial circuit, compensation of court reporters—  
SB 267, pp. 1495, 1633, 1772, 2018

Twenty-third judicial circuit, compensation of deputy circuit solicitor—  
HB 1632, pp. 1671, 1723, 2091, 2453, 2461, 2548

Twenty-third judicial circuit, register, compensation of chief clerk—  
HB 1035, p. 1675  
HB 1076, pp. 1744, 1845, 2081, 2502, 2530, 2549

Twenty-third judicial circuit, solicitor, compensation of chief clerk—  
HB 603, pp. 736, 886, 1000, 1235, 1253, 1276

## JUDICIAL PROCEDURE—

Alabama public service commission, creating special court to hear applications for injunctions restraining orders of—  
HB 824, p. 1120

Discharge of juror and rendition of verdict by remaining jurors in certain cases, authorized—  
SB 228, p. 848

Evidence, method of establishing market value—  
HB 869, p. 1288

Judicial notice by the courts of this state of the law of other states—  
SB 55, p. 147  
HB 60, p. 58

Laws of other states, manner of proving, in Alabama courts—  
HB 147, pp. 91, 115, 193, 639, 647, 691

Revivor of judgments in favor of assignee—  
HB 584, p. 713

Service of process in civil suits growing out of motor vehicle accidents—  
SB 280, pp. 839, 1280, 2329, 2375, 2380

Witnesses in criminal proceedings, adopting uniform act to secure attendance of—  
HB 30, p. 16

## JUNIOR CHAMBER OF COMMERCE

Ad valorem tax, exempted from  
HB 71, pp. 65, 389, 614

## JURIES

Counties 200,000 to 400,000 population, selection and impaneling of alternate jurors in certain criminal cases—  
HB 73, pp. 65, 912, 1062, 1317, 2073, 2113, 2361

## JURIES—Continued

Counties 200,000 to 400,000 population, selection and impaneling of alternate jurors in civil cases—

HB 72, pp. 65, 912, 1062, 1317, 2072, 2113, 2361

Discharge of juror and rendition of verdict by remaining jurors in certain cases, authorized—

SB 228, p. 848

Grand jury in each county required to examine ballot boxes and voting machines used at elections—

HB 97, p. 75

Grand jury required to make periodic investigation relative to obscene literature—

HB 100, p. 76

Jurors, grounds for challenging—

HB 275, p. 137

Jurors, grand and petit, fees—

HB 136, p. 89

Qualifications of persons on jury rolls—

HB 677, p. 875

Women authorized to serve on juries—

HB 667, pp. 872, 1691, 1794, 1803

## JURORS

Challenge of, age as one of grounds for—

HB 275, p. 137

Counties 200,000 to 400,000 population, selection and impaneling of alternate jurors in certain criminal cases—

HB 73, pp. 65, 912, 1062, 1317, 2073, 2113, 2361

Counties 200,000 to 400,000 population, selection and impaneling of alternate jurors in civil cases—

HB 72, pp. 65, 912, 1062, 1317, 2072, 2113, 2361

Discharge of juror and rendition of verdict by remaining jurors in certain cases, authorized—

SB 228, p. 848

Fees—

HB 136, p. 89

Qualifications of—

HB 677, p. 875

Winston County, disclosure of identity of—

HB 832, pp. 1122, 1144, 1326, 1807, 1841, 1926

Women serving on juries—

HB 667, pp. 872, 1691, 1794, 1803

## JURY BOARD

Covington County, abolished—

HB 886, pp. 1298, 1451, 1537, 2367, 2385, 2546

## JURY COMMISSION

Covington County, created—

HB 886, pp. 1298, 1451, 1537, 2367, 2385, 2546

## JUSTICES OF THE PEACE

Appeals from convictions—

HB 728, p. 939

Chambers County, jurisdiction—

SB 82, pp. 237, 247, 257

Choctaw County, jurisdiction—

HB 640, pp. 781, 882, 977, 1228, 1255, 1276

Counties 38,750 to 39,250 population, jurisdiction—

HB 1091, pp. 1858, 1943, 2118, 2454, 2462, 2548

Fayette County, jurisdiction—

HB 42, pp. 21, 47, 112

Person disqualified from voting on conviction of crime, reporting  
of name of—

SB 49, pp. 167, 1280, 2474, 2519

## JUVENILE AND DOMESTIC RELATIONS COURT

Alabama commission on juvenile court legislation, established—

HJR 13, pp. 106, 1279, 1343, 1347, 1348

Chambers County, abolished

SB 84, pp. 241, 257

Counties 125,000 to 225,000 population, abolished—

SB 312, pp. 1025, 1106, 1182, 1258, 1273

HB 664, pp. 872, 912, 1062, 1182, 1184

Dependent, neglected, or delinquent child not present in court, jur-  
isdiction over—

HB 162, pp. 93, 130, 282

Tuscaloosa County, designating circuit judge as ex officio judge of—

HB 437, pp. 400, 879, 1756, 2470, 2479, 2548

## JUVENILE DELINQUENCY

Alabama commission on juvenile court legislation, established—

HJR 13, pp. 106, 1279, 1343, 1347, 1348

## KELLER, HELEN, PROPERTY BOARD

Appropriation—

HB 903, pp. 1314, 1446, 2304

## KILPATRICK, L. B.

Appropriation, relief of—

HB 1010, pp. 1630, 1725, 1794, 1803, 2025

## KING, J. B.

Mourning death of, joint resolution—

HJR 16, pp. 125, 129, 144, 174

## KINSEY, TOWN OF

Boundaries altered—

HB 593, pp. 723, 885, 996, 1233, 1253, 1276

## KINSTON, TOWN OF

Boundaries altered—

HB 841, pp. 1154, 1451, 1535, 2365, 2384, 2546

## KNIVES

Manufacture and possession prohibited in certain cases—

HB 731, p. 939

## KOSHER FOOD

Counties 500,000 or more population, penalty for falsely selling or offering for sale—

HB 1101, pp. 1863, 1947

## KRAUS, ALBERT

Urged to provide frames for pictures made of legislators—

HR 112, p. 2481

## KREIS, JACOB M. (JAKE)

Joint resolution mourning death of—

HJR 72, pp. 1441, 1485, 1489, 1563

## LABOR AND LABOR UNIONS

Child labor, regulating employment of—

HB 382, pp. 272, 879, 1088, 1091, 1097

Employers, regulating payment of wages by—

HB 416, p. 307

Night shift duty, assignment of employees to—

HB 462, p. 470

Unemployment compensation, amount of weekly benefits under—

HB 378, pp. 271, 878, 1088, 1089, 1097

HB 461, p. 470

Unemployment compensation benefits, maximum duration for payment of—

HB 379, pp. 271, 878, 1088, 1090, 1097

Unemployment compensation, duties of director of, in absence of director of industrial relations—

HB 377, pp. 271, 878, 1088, 1097

Unemployment compensation law, amount of contributions by employees and employer under—

HB 384, pp. 272, 879, 1088, 1092, 1097

Unemployment compensation law, disqualification for benefits under—

HB 430, pp. 399, 878, 1088

Unemployment compensation law, experience ratings under—

HB 384, pp. 272, 879, 1088, 1092, 1097

## LABOR AND LABOR UNIONS—Continued

Unemployment compensation law, penalties for violation of laws relating to—

HB 383, pp. 272, 879, 1088, 1092, 1097, 2542, 2544, 2550

Wages required to be paid on certain projects financed with state funds—

HB 1062, p. 1696

Workmen's compensation law, limitations on compensation payable under—

HB 380, pp. 272, 879, 1088, 1090, 1097

## LABOR, STATE DEPARTMENT OF

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Director of, election and compensation—

HB 1053, p. 1695

Employers, regulating payment of wages by

HB 416, p. 307

## LAGRANGE HISTORICAL COMMISSION

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## LAMAR COUNTY

Millport, town of, boundaries altered—

HB 877, pp. 1292, 1354, 1480, 2370, 2385, 2546

Millport, town of, collection of sales and use taxes—

HB 1074, pp. 1737, 1943, 2120, 2392, 2426, 2547

Sheriff, compensation of deputies—

HB 1014, pp. 1641, 1721, 1905, 2392, 2426, 2547

## LAUDERDALE COUNTY

Barbers, licensing and regulation of—

HB 324, pp. 209, 256, 313, 619, 628, 635

Florence, city of, boundaries altered—

HB 973, pp. 1516, 1631, 2088

HB 997, pp. 1591, 1632, 2089, 2254

SB 429, pp. 2066, 2250, 2322, 2379

Florence, city of, rate of, and exemptions from, sales and use taxes—

HB 974, pp. 1518, 1600, 1761, 2369, 2389, 2547

Law library, public, establishment of—

SB 181, pp. 409, 422, 524, 632

Property, inventory and assessment of—

SB 236, pp. 849, 1724, 2091

HB 438, pp. 400, 421, 539, 1715

## LAUDERDALE COUNTY—Continued

School bus drivers, qualifications and compensation of—  
HB 949, pp. 1471, 1942, 2095, 2255

## LAUNDERERS AND DRY CLEANERS

Regulated—  
HB 753, pp. 955, 2107

## LAW AND EQUITY COURT

Chilton County, established—  
SB 371, pp. 1814, 1944, 2123

Colbert County, compensation of judge—  
HB 1013, pp. 1640, 1721, 1905, 2486, 2522, 2548

Franklin County, abolished—  
HB 1002, pp. 1602, 1720, 1900, 2503, 2527, 2549  
HB 1018, pp. 1648, 1722

Franklin County, compensation of judge, and compensation and  
duties of solicitor—  
HB 1017, pp. 1646, 1722

Franklin County, established—  
HB 1018, pp. 1648, 1722

Shelby County, established—  
HB 1079, pp. 1746, 1846, 2075, 2453, 2462, 2548

Winston County, collection of trial fees—  
HB 963, pp. 1475, 1499, 1565, 1568, 2367, 2388, 2547

Winston County, established—  
HB 932, pp. 1371, 1452, 1542, 2366, 2386, 2547

## LAW ENFORCEMENT

Alabama alcoholic beverage control board, appointment and author-  
ity of inspectors and investigators—  
HB 367, pp. 269, 389, 518

False impersonator of a law enforcement officer, penalty for making  
an arrest or search—  
HB 198, pp. 104, 391

Law enforcement officers, providing annuity or retirement benefits  
for—  
HB 58, p. 58

Motor vehicles involved in accidents, garages, repair shops, and  
wrecker services required to make certain reports of—  
HB 163, p. 93

Uniform law on fresh pursuit, adopted  
HB 31, p. 17

## LAW LIBRARIES

DeKalb County, establishment of—  
HB 477, pp. 472, 500, 610, 840, 892, 1017

## LAW LIBRARIES—Continued

Etowah County, law library fund abolished

HB 1088, pp. 1856, 1943, 2117, 2506, 2530, 2549

Henry County, establishment of—

HB 1026, pp. 1659, 1722, 1910

SB 439, pp. 2069, 2250, 2322, 2379

Houston County, establishment of—

HB 1026, pp. 1659, 1722, 1910

SB 439, pp. 2069, 2250, 2322, 2379

Lauderdale County, establishment of—

SB 181, pp. 409, 422, 524, 632

Morgan County, establishment of—

HB 739, pp. 944, 1034, 1194, 1424, 1429, 1486

Twentieth judicial circuit, establishment of—

HB 1026, pp. 1659, 1722, 1910

SB 439, pp. 2069, 2250, 2322, 2379

Walker County, establishment of—

HB 169, pp. 94, 119, 161, 408, 419, 462

## LAWRENCE COUNTY

Board of education, meetings—

HB 325, pp. 209, 256, 314, 442, 461, 545

Circuit clerk, deputy, compensation—

HB 842, pp. 1156, 1355, 1535, 2366, 2384, 2546

Fishing, regulated—

HB 785, pp. 1041, 1105, 1204, 1424, 1430, 1486

Sales and use taxes, rate of, exemptions from—

HB 1130, pp. 1967, 2110, 2265, 2442, 2460, 2548

Tri-county regional planning commission, created—

HB 923, pp. 1364, 1632, 1765, 2368, 2386, 2547

## LEASES

Ad valorem tax, application for exemption of certain mineral leases from—

HB 293, pp. 180, 468

## LEATHERBURY, FRANK L.

Joint resolution mourning death of—

SJR 1, pp. 46, 54

## LEE COUNTY

Ad valorem tax for educational purposes, constitutional amendment authorizing —

SB 114, pp. 226, 258, 317, 379

HB 188, pp. 100, 119, 163

Alcoholic beverages, authorizing levy of tax on—

HB 597, pp. 726, 885, 996, 1234, 1253, 1276



## LEE COUNTY—Continued

Auburn, city of, boundaries altered  
SB 399, pp. 1493, 1633, 2254, 2352  
HB 878, pp. 1293, 1354, 1480

Auburn, city of, constitutional amendment authorizing ad valorem  
tax for educational purposes—  
SB 56, pp. 226, 293, 416, 428  
HB 61, pp. 58, 117, 152

Court of common pleas, compensation of judge—  
HB 601, pp. 733, 886, 999, 1235, 1253, 1276

Court of common pleas, garnishment proceedings in—  
HB 601, pp. 733, 886, 999, 1235, 1253, 1276

Court of common pleas, time limit for appeals from—  
HB 601, pp. 733, 886, 999, 1235, 1253, 1276

Electors, reidentification of—  
HB 600, pp. 730, 886, 998, 1234, 1253, 1276

Opelika, city of, constitutional amendment authorizing ad valorem  
tax for educational purposes—  
SB 114, pp. 226, 258, 317, 379  
HB 188, pp. 100, 119, 163

Roads and bridges, construction of, by state highway department—  
HB 674, pp. 874, 913, 1065, 1422, 1427, 1485

Sheriff, compensation of deputies—  
HB 598, pp. 728, 886, 997, 1234, 1253, 1276

Solicitor, county compensation—  
HB 599, pp. 729, 886, 998, 1234, 1253, 1276

## LEEDS, CITY OF

Boundaries altered—  
HB 1126, pp. 1965, 2112, 2280, 2502, 2531, 2549

## “LEESBURG MEMORIAL BRIDGE”

Designation of—  
SB 275, pp. 1443, 2320

## LEGAL NOTICES

See: NOTICES

## LEGISLATIVE COMMITTEE ON PERSONNEL

Created—  
HB 318, p. 208

## LEGISLATIVE COUNCIL

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Election of members of—  
HR 15, pp. 109, 142

## LEGISLATIVE COUNCIL—Continued

Members—House—p. 143

Members—Senate—p. 144

Joint resolution directing a study of pay plans relative to compensation of state officers and employees—

HJR 107, pp. 2430, 2455, 2463, 2548

## LEGISLATIVE REFERENCE SERVICE

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Director, compensation—

HB 208, pp. 120, 253, 383, 804, 805, 891, 1017

Joint resolution commending the director and his staff—

HJR 100, pp. 2428, 2455, 2462, 2548

## LEGISLATURE

See also: ACTS OF ALABAMA; HOUSE OF REPRESENTATIVES; RESOLUTIONS; SENATE

Acts of, prescribing number to be printed, bound, and delivered to secretary of state—

SB 111, pp. 147, 908, 2340, 2378

Ad valorem tax, state, constitutional amendment prohibiting levy of—

HB 436, p. 400

Appropriation—

HB 11, pp. 7, 46, 107, 190, 193, 198

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Appropriation, additional—

HB 1116, pp. 1954, 2106, 2248, 2507, 2533, 2549

Bills in each house of, constitutional amendment relative to reading of—

HB 98, p. 75

Building commission, state, election of members of—

HR 15, pp. 109, 142

Capitol, designating certain space in, for use by

HB 521, pp. 652, 878, 1403, 2392, 2425, 2547

Committee on examiners of public accounts, election of members of—

HR 15, pp. 109, 142

Members—pp. 142, 144

Committee on personnel, created—

HB 318, p. 208

Committee on recreation and state parks and beaches, created—

SJR 7, pp. 401, 497, 533, 548, 644

## LEGISLATURE—Continued

Members—p. 644

Committee on traffic safety, created—

HJR 96, p. 2325

Committee to investigate businesses violating monopoly and anti-trust laws, created—

SB 39, pp. 846, 1285, 2342, 2377

Committee to study mental health, continued—

HJR 94, p. 2310

SJR 28, p. 2426

Committee to study mental health,, time for report of—

SJR 21, pp. 895, 1023

Committee to survey relationship between university of Alabama and public health program, created

HJR 93, p. 2309

Committees on interstate cooperation, created—

SB 209, p. 847

Continuity of, in the event of attack—

HB 476, pp. 471, 911, 1555

Corrections, state board of, creating legislative advisory committee for—

HJR 48, p. 493

SJR 12, pp. 439, 499, 639, 644

Health and safety of members while in attendance at sessions—

HB 969, p. 1511

Joint resolution relieving certain employees of certain responsibilities—

HJR 103, pp. 2429, 2455, 2463, 2548

Legislative council, election of members of—

HR 15, pp. 109, 142

Meetings and sessions, constitutional amendment—

HB 1051, pp. 1694, 1845

Members prohibited from doing business with the state or any of its officers or agencies—

SB 177, p. 1436

Menninger, doctor William C., invited to address, joint resolution—

HJR 18, pp. 126, 129, 144, 174

Reapportionment of—

HB 257, pp. 134, 1693

Reapportionment of, constitutional amendment—

HB 27, p. 13

HB 101, pp. 76, 1693

HB 206, p. 105

HB 211, p. 120

HB 250, pp. 132, 1693

HB 432, p. 399

## LEGISLATURE—Continued

HB 815, p. 1117

HB 816, p. 1118

HB 817, p. 1118

Recessing regular session—

HJR 52, pp. 620, 631, 633, 635

Secretary of senate and clerk of house allowed additional assistants for checking journals and other records—

SJR 41, pp. 2376, 2457

Senate, reapportionment of, constitutional amendment

HB 398, p. 301

Senatorial districts composed of two or more counties, rotation of residence of senators from—

SB 159, p. 1084

State employee or agency furnishing information on pending measure required to furnish same information to sponsor of pending measure—

HJR 38, pp. 404, 428, 461, 545, 629, 694

Televising proceedings of—

HR 46, p. 491

## LEROY LACKEY COMPANY, INC.

Appropriation, relief of—

HB 302, pp. 182, 1684, 1726, 2025, 2541, 2542, 2550

## LIABILITY INSURANCE

Motor vehicle collision insurance policy, requiring issuance of liability insurance policy upon issuance or renewal of—

HB 457, p. 427

Motor vehicle liability insurance, requiring certain coverage under—

HB 92, p. 72

“Motor Vehicle Safety-Responsibility Act,” increasing limits of liability under—

HB 273, p. 137

HB 547, pp. 674, 910, 1412

## LIBEL

Defamatory statements published or uttered in or as a part of a television or radio broadcast, regulating actions involving—

HB 220, pp. 121, 467

## LIBRARIES

DeKalb County, establishment of law library—

HB 477, pp. 472, 500, 610, 840, 892, 1017

Etowah County, establishment of law library—

HB 1088, pp. 1856, 1943, 2117, 2506, 2530, 2549

Henry County, establishment of law library—

HB 1026, pp. 1659, 1722, 1910

SB 439, pp. 2069, 2250, 2322, 2379

## LIBRARIES—Continued

- Houston County, establishment of law library—  
HB 1026, pp. 1659, 1722, 1910  
SB 439, pp. 2069, 2250, 2322, 2379
- Lauderdale County, establishment of law library—  
SB 181, pp. 409, 422, 524, 632
- Mobile County, appropriation for support of—  
HB 917, pp. 1361, 1452, 1540, 2367, 2386, 2546
- Morgan County, establishment of law library—  
HB 739, pp. 944, 1034, 1194, 1424, 1429, 1486
- Public library service division, composition of executive board—  
SB 349, pp. 2303, 2320, 2507, 2521
- Public library service division, qualifications of director—  
SB 349, pp. 2303, 2320, 2507, 2521
- Walker County, establishment of law library—  
HB 169, pp. 94, 119, 161, 408, 419, 462

## LICENSES

- Advertising, privilege license tax levied on persons selling—  
HB 321, p. 208
- Attorneys—  
HB 88, pp. 72, 176, 284, 1019, 1078, 1094
- Automobile accessory dealers—  
HB 695, pp. 920, 1102, 1712, 2372, 2383, 2546
- Barbers—  
HB 331, pp. 212, 1103
- Blind persons, exemption from state, county, or municipal privilege licenses—  
HB 978, p. 1523
- Chiropractors—  
HB 150, pp. 91, 254, 445, 634, 638, 646, 691  
HB 151, pp. 91, 254, 445, 634, 638, 646, 691  
HB 152, pp. 92, 254, 445, 447, 634, 638, 646, 691  
HB 153, pp. 92, 254, 445, 447, 634, 638, 646, 691
- Commercial fishing license, prohibiting issuance of, to a non-resident—  
HB 294, p. 180
- Contractors and construction companies—  
HB 129, p. 85
- Contractors, general—  
SB 335, pp. 2303, 2320, 2435, 2455, 2456  
HB 770, pp. 960, 1689, 1794, 1800, 2292, 2296
- Corporations, domestic, permit fees—  
HB 339, pp. 213, 1690

## LICENSES—Continued

Corporations, foreign, permit fees—  
HB 340, pp. 213, 1690

Counties 53,000 to 56,000 population, barbers—  
HB 324, pp. 209, 256, 313, 619, 628, 635

Counties in excess of 500,000 population, disposition of sums in  
overpayment of less than one dollar—  
HB 1102, pp. 1863, 1947, 2136, 2502, 2531, 2549

Day care facilities for children—  
HB 161, pp. 93, 421, 1793, 1799, 2148

Dentistry teaching of, practice of dental hygiene, and operation of  
dental laboratories—  
SB 68, pp. 146, 255, 533, 632  
HB 85, pp. 70, 254, 534

Distillers, vintners, or distributors of spirituous or vinous liquors,  
permit fees imposed on—  
HB 313, p. 204

Drivers, issuance, suspension and revocation of—  
HB 900, p. 1313

Drivers, suspension of—  
SB 124, pp. 226, 253, 459, 496

Drivers, veterans exempted from requirement for—  
HB 352, p. 263

Exemptions, property owned by certain non-profit membership cor-  
porations of retired public school teachers and supervisory staff  
personnel—  
HB 659, pp. 870, 909, 1557, 2392, 2426, 2547

Fur catcher's licenses, exemption of common carriers from penalty  
for transporting furs without a license—  
HB 553, pp. 674, 881, 1793, 1796, 2153

Fur catcher's licenses, fee retained by issuer of—  
HB 554, pp. 675, 881, 1793, 1796, 2153

Horseless carriages—  
HB 306, pp. 184, 467, 2307

Hunting and fishing, veterans exempt under specified conditions—  
HB 779, p. 1038

Hunting, exemption of persons over sixty-five—  
HB 212, p. 120

Insurance companies—  
HB 46, pp. 42, 50, 54, 1449, 1450

Iron ore mine, manner of computing privilege license tax levied on  
operation of—  
SB 96, pp. 147, 2249  
HB 205, p. 105

## LICENSES—Continued

Jefferson County, alcoholic beverages—

HB 1024, pp. 1656, 1719, 1885, 2412, 2440, 2547

Limestone County, barbers—

HB 327, pp. 210, 256, 314, 622, 629, 635

Marion County, electric and hydro-electric public utilities, distribution of proceeds—

HB 69, pp. 63, 117, 153

Milk control board, state, licensing by

HB 860, p. 1180

Mobile County, director of public safety to notify commissioner of licenses upon suspension or revocation of drivers license of county resident—

HB 881, pp. 1295, 1354, 1481, 2367, 2385, 2546

Montgomery County, locksmiths—

HB 497, pp. 513, 601, 687, 838, 891, 1017

Motor vehicles, distributions of proceeds

HB 684, pp. 876, 1101, 1786, 1794, 1800, 2021, 2032, 2234, 2283

HB 827, pp. 1121, 1285, 1794, 1800, 2023, 2508, 2536, 2550

Motor vehicles, issuance of learner permits for operation of—

SB 41, pp. 141, 390, 1559, 1931, 2015

Motor vehicles owned by members of the national guard and air national guard, exemption from license and registration fees—

HB 454, p. 427

Motor vehicles owned by members of the national guard and air national guard, fee for issuance of distinctive license tags—

HB 454, p. 427

SB 235, pp. 847, 1032, 1138, 1260, 1274

Motor vehicles, providing for issuance of single tag for two year periods—

HB 369, pp. 270, 1845, 2030

Motor vehicles, providing for use of license tabs on permanent license plates—

HB 548, p. 674

HB 549, p. 674

HB 550, p. 674

Motorboats and other vessels operating on public waters of the state—

HB 256, pp. 133, 881, 1793, 1798, 1987, 2454, 2461, 2548

Naturopathy, revocation of licenses to practice—

HB 157, pp. 92, 254, 612

Physicians and surgeons—

HB 150, pp. 91, 254, 445, 634, 638, 646, 691

HB 151, pp. 91, 254, 445, 634, 638, 646, 691

HB 153, pp. 92, 254, 445, 447, 634, 638, 646, 691

## LICENSES—Continued

Poultry plants and dealers—  
HB 857, p. 1178

Pyrotechnics, sale of—  
HB 907, pp. 1355, 1725

Quail, pen-raised, breeders of—  
SB 187, pp. 641, 881, 2330, 2378  
HB 404, pp. 303, 392

Seines, trawls, and other devices for catching shrimp—  
HB 469, pp. 471, 1142, 1703

Shooting preserves, privately owned—  
SB 359, p. 2280  
HB 798, p. 1047

Shrimp, license fee for catching  
HB 468, pp. 470, 1142, 1703, 1705

Small loan companies—  
HB 102, pp. 76, 598, 647, 764, 766, 805, 808-24, 825, 826, 832-36,  
894, 1824, 1844, 2032, 2049, 2090, 2317, 2318, 2361  
HB 415, p. 306

Small loan companies, cities authorized to impose privilege license  
tax on—  
SB 92, pp. 166, 469, 1790, 2445  
HB 166, p. 77

Soft drinks, producers, bottlers, and distributors of—  
HB 320, p. 208

Teachers and supervisory staff personnel, retired, exempting cer-  
tain property owned by—  
HB 659, pp. 870, 909, 1557, 2392, 2426, 2547

Trading stamps—  
HB 596, pp. 726, 907, 1131, 1263, 1278

Trading stamps distributed to two or more stores—  
HB 502, p. 518

Trailers and semi-trailers —  
HB 685, pp. 876, 1101, 1786, 1794, 1800, 2021, 2032, 2235, 2283

Trailers, utility, pulled behind passenger motor vehicles—  
HB 17, pp. 8, 1447, 1794, 1801

Vending machines—  
HB 767, pp. 960, 1947

Vending machines vending peanuts and peanut products—  
HB 517, pp. 627, 1948, 2305

Vendors and peddlers, transient—  
HB 289, pp. 180, 907, 1130

Veterans, disabled, special motor vehicle license tags for—  
HB 916, pp. 1361, 1447, 1794, 1802



## LIENS

Judgments and decrees to be for twenty years—  
HB 583, p. 713

Mechanics and materialmen's—  
HB 671, p. 874

Personal property—  
HB 665, pp. 872, 910, 1082

Repairmen's motor vehicles, additional method of enforcement—  
HB 849, p. 1158

Veterinarians' charges, aid in collection of—  
HB 1133, p. 1977

## LIEUTENANT GOVERNOR

Compensation of, constitutional amendment—  
HB 1061, p. 1696

Substituted for state auditor on board of appointment of registrars—  
HB 571, p. 702

## LIMESTONE COUNTY

Barbers, licensing and regulation of—  
HB 327, pp. 210, 256, 314, 622, 629, 635

Branch banks authorized—  
HB 63, pp. 58, 117, 153, 291, 308, 384

Circuit clerk, clerical assistance—  
HB 544, pp. 669, 697, 969, 1232, 1251, 1275

County court, compensation of judge of—  
HB 1029, pp. 1665, 1723, 1911, 2487, 2523, 2548

Fishing, regulated—  
HB 541, pp. 666, 696, 967, 1231, 1250, 1275

Judge of probate, clerical assistance—  
HB 544, pp. 669, 697, 969, 1232, 1251, 1275

Sales and use taxes, rate of, and exemptions from—  
HB 1075, pp. 1739, 1847, 2085, 2452, 2459, 2548

Sheriff and deputies, required to wear uniform and use marked vehicles while engaged in official duties—  
HB 542, pp. 667, 696, 967, 1231, 1250, 1275

Sheriff, appointment and compensation of deputies and jailers—  
HB 1027, pp. 1662, 1722, 1910, 2487, 2522, 2548

Sheriff, appointment of part-time clerk—  
HB 543, pp. 669, 696, 968, 1232, 1250, 1275

Superintendent of education, compensation and duties—  
HB 1028, pp. 1663, 1723, 1911, 2505, 2529, 2549

Tax assessor, clerical assistance—  
HB 544, pp. 669, 697, 969, 1232, 1251, 1275

## LIMESTONE COUNTY—Continued

Tax collector, clerical assistance—

HB 544, pp. 669, 697, 969, 1232, 1251, 1275

Tri-county regional planning commission, created—

HB 923, pp. 1364, 1632, 1765, 2368, 2386, 2547

## LINDEN, CITY OF

Boundaries altered—

HB 1087, pp. 1854, 1943

## LIQUOR

See: ALCOHOLIC BEVERAGES

## LIQUEFIED PETROLEUM GAS COMMISSION

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## LIVESTOCK

See also: NAME OF SPECIFIC ANIMAL

Animals found running at large, seizure, holding, and sale of—

HB 236, pp. 124, 255, 534, 1350, 1419

Cattle and beef industry, promotion of—

HB 825, pp. 1120, 1141

SB 357, pp. 1444, 1497, 2328, 2379

Hogs, appropriation for control of diseases of—

HB 672, pp. 874, 914, 1080, 1484, 1489, 1562

HB 745, pp. 954, 1447, 1793, 1797, 2168, 2544, 2545, 2550

HB 958, pp. 1474, 1691, 1794, 1802

Livestock feed and insecticides, exempting from regulation motor  
vehicles used in transporting—

HB 322, pp. 208, 1105

Livestock markets, injunction to restrain operation of—

HB 237, pp. 124, 255, 535, 1077, 1079, 1094

Livestock markets, regulating sales of livestock at—

HB 673, p. 874

Livestock markets, weighing of livestock at—

HB 238, pp. 124, 255, 536, 1077, 1079, 1094

Semi-trailer used for transporting, maximum height of—

SB 192, pp. 847, 1104, 2360, 2380

## LIVESTOCK MARKETS

Injunction to restrain operation of—

HB 237, pp. 124, 255, 535, 1077, 1079, 1094

Sale of livestock, regulated

HB 673, p. 874

Weighing of livestock at—

HB 238, pp. 124, 255, 536, 1077, 1079, 1094

## LIVINGSTON STATE COLLEGE

Appropriation—

HB 121, p. 84

Police officers for, appointment of—

HB 290, pp. 180, 392

Scholarship funds, used to match federal funds—

HB 522, pp. 652, 880, 1793, 1796, 2151, 2469, 2475, 2548

Streets and parking areas on campus of, construction and maintenance of—

HB 291, pp. 180, 392, 1793, 1799, 2228, 2247, 2511, 2534, 2549

## LOAN COMPANIES

See: BANKS AND BANKING; LOANS; SMALL LOAN COMPANIES

## LOANS

Cities authorized to impose privilege license tax on small loan companies—

SB 92, pp. 166, 469, 1790, 2445

HB 106, p. 77

Installment loans, regulated—

HB 888, pp. 1299, 1449

Small loan companies, penalty for charging in excess of interest rate allowed—

HB 201, pp. 104, 624

Small loan companies, regulated and licensed—

HB 102, pp. 76, 598, 647, 764, 766, 805, 808-24, 825, 826, 832-36, 894, 1824, 1844, 2032, 2049, 2090, 2317, 2318, 2361

HB 415, p. 306

Usury, penalty for—

HB 202, p. 104

HB 888, pp. 1299, 1449

## LOBBYING

Regulated—

HB 396, p. 301

HB 527, p. 656

## LOCKSMITHS

Montgomery County, required to post bond and obtain permits—

HB 497, pp. 513, 601, 687, 838, 891, 1017

## LOSS LEADERS

Penalty for limiting number to be sold to any one customer—

HB 249, p. 131

## LOWNDES COUNTY

Board of education authorized to impose tuition fees—

SB 25, pp. 230, 247, 697, 970, 1024

## LOWNDES COUNTY—Continued

Unemployed citizens, providing for voluntary expatriation of—  
SB 26, pp. 231, 247, 624, 689, 751

## MACHINERY—

“Automotive vehicle,” definition of, for sales tax purposes—  
HB 196, pp. 104, 389, 615, 758

## MACON COUNTY

Board of revenue, compensation of members—  
HB 492, pp. 510, 601, 751, 840, 892, 1017

Cosmetology, regulating practice of—  
HB 65, p. 60  
HB 605, pp. 737, 886, 1000, 2072, 2113, 2361

Fine and forfeiture fund, abolished—  
HB 747, p. 954

## MADDEN, W. C.

Talladega County, relief of—  
SB 218, pp. 443, 469, 527, 633

## MADISON COUNTY

Board of county commissioners, reimbursement of expenses of  
members—  
HB 1034, pp. 1674, 1724, 1917, 2503, 2529, 2549

Cigarette tax, levied—  
HB 1030, pp. 1667, 1723, 1912, 2504, 2529, 2549

Circuit judge, compensation payable by the county—  
HB 1036, pp. 1676, 1724, 1917, 2494, 2533, 2549

Court reporters, compensation—  
SB 267, pp. 1495, 1633, 1772, 2018

Huntsville, city of, boundaries altered—  
HB 68, pp. 60, 421, 521, 778, 889, 1016

Lime water of, resolution relative to unique and mystic qualities  
of—  
HR 61, p. 778

Public records, photographing and microphotographing of—  
HB 1033, pp. 1671, 1723, 1913, 2371, 2390, 2547

Register, compensation of chief clerk—  
HB 1035, p. 1675  
HB 1076, pp. 1744, 1845, 2081, 2502, 2530, 2549

## MADRID, TOWN OF

Boundaries altered—  
HB 50, pp. 56, 117, 186, 407, 418, 462

## MAGAZINES

Grand jury required to make periodic investigation relative to obscene literature—  
HB 100, p. 76

## MAIL CARRIERS

Rural, authorizing use of flashing lights on motor vehicles operated by—  
HB 254, pp. 133, 391, 756, 1531, 1696, 1926  
HB 399, pp. 301, 394, 1533

## MALONE, W. W. (WILL)

Mourning death of—  
HJR 58, pp. 693, 868, 894, 1017

## MARENGO COUNTY

Board of revenue, compensation and expense allowances—  
SB 329, pp. 1025, 1107, 1215, 1273

Bridge connecting Marengo and Sumter Counties redesignated as "The Demopolis Rooster Bridge"—  
SB 31, pp. 247, 255, 537, 632

Linden, city of, boundaries altered—  
HB 1087, pp. 1854, 1943

School busses, regulating use of—  
HB 1086, pp. 1853, 1943, 2115, 2486, 2523, 2548

Taylor, D. M., relief of—  
HB 482, pp. 504, 600, 683, 838, 890, 1016

Voting machines, provided for—  
SB 348, pp. 1240, 1285, 1395, 1431

## MARION COUNTY

Board of revenue, required to publish statements relative to income and expenditures of the county—  
HB 545, pp. 670, 697, 973

Electric and hydro-electric public utilities, distribution of proceeds of privilege license tax levied on—  
HB 69, pp. 63, 117, 153

Glenn Allen, town of, boundaries altered—  
HB 814, pp. 1115, 1144, 1325, 1806, 1841, 1926

Harris, Lee Other, relief of—  
SB 339, pp. 1242, 1633, 1773, 2017

Officers, clerical assistance—  
SB 338, pp. 1241, 1633, 1773, 2017

School bus drivers, minimum age and salary of—  
SB 258, pp. 850, 1633, 1875

Sheriff, appointment and compensation of additional deputy—  
SB 259, pp. 851, 1633, 1772, 2018

## MARION COUNTY—Continued

- Voting machines, required—
  - HB 718, pp. 933, 1033, 1324, 1756
  - HB 1015, pp. 1642, 1721, 1906

## MARITAL RELATIONS

- Alimony or allowances for support out of estate of divorced husband, remarriage of wife bars right to—
  - HB 344, pp. 259, 391, 1081
- Common law marriage, abolished—
  - HB 52, p. 57
- Divorce cases, trial tax levied in—
  - HB 361, p. 267
  - HB 455, p. 427
- Divorce proceedings, counsel fees for wife in—
  - HB 184, pp. 99, 115, 169
- Divorce, residence requirements for—
  - HB 200, p. 104
- Divorce suits, mode of proceeding in—
  - HB 210, pp. 120, 467
- Male over eighteen years of age relieved of disability of minority upon marriage—
  - HB 149, pp. 91, 115, 168, 1530, 1696, 1926
  - HB 185, p. 99
- Wife, regulating suits by or against—
  - HB 139, p. 90

## MARRIAGE

- Common law marriage, abolished—
  - HB 52, p. 57
- Male over eighteen years of age relieved of disability of minority upon marriage—
  - HB 149, pp. 91, 115, 168, 1530, 1696, 1926
  - HB 185, p. 99

## MARSHALL COUNTY

- Deputy county register, compensation—
  - HB 1107, pp. 1866, 1944, 2119, 2489, 2525, 2549
- Guntersville, city of, branch bands authorized—
  - HB 297, pp. 181, 256, 310, 442, 460, 545
- Roads and bridges, construction by state highway department—
  - HB 674, pp. 874, 913, 1065, 1422, 1427, 1485

## MATCHES

- All except safety matches, prohibited—
  - HB 901, pp. 1313, 1448

## MAYOR

Appeals from recorder's court, manner of taking  
HB 494, p. 512

Counties of 600,000 or more, compensation of mayor in cities operating under city-manager plan  
HB 1100, pp. 1863, 1947, 2135, 2502, 2531, 2549

Fines imposed in recorder's court, maximum amount of, and daily amount allowed in working out—  
HB 496, p. 512

## MAYOR-COUNCIL FORM OF GOVERNMENT

Accountant for examination of books and records, appointment of—  
HB 418, pp. 307, 468, 1558

Cities 14,000 to 19,000 population, election and organization of governing body—  
HB 1031, pp. 1669, 1723, 1913, 1920, 2077, 2090, 2495, 2533, 2549

Effective date for change from, to commission form of government—  
SB 94, pp. 166, 178, 375, 456, 494  
HB 103, p. 77

## McCORQUODALE, BETTY

Joint resolution expressing concern over welfare and wishing speedy recovery of—  
HJR 89, pp. 2088, 2364, 2391, 2547

## McCORQUODALE, JOE, JR.

Joint resolution expressing concern over welfare and wishing speedy recovery of—  
HJR. 89, pp. 2088, 2364, 2391, 2547

## McDUFFIE ISLAND

Docks department given control of—  
HB 607, p. 739

Management, control, and ownership of—  
HB 343, pp. 259, 599, 1793, 1799, 2031, 2226, 2228, 2230, 2510, 2535, 2549

## MEAD, MISS LYNDA LEE

Joint resolution honoring "Miss America of 1960" and inviting her to attend a session of the Alabama legislature—  
HJR 64, pp. 902, 1019, 1079, 1094

## MEDARIS, GENERAL JOHN B.

Committee appointed to escort—  
HJR 53, pp. 623, 627

Invited to address legislature—  
HJR 27, pp. 201, 275, 308, 384, 622, 628

## MELTON, OAKLEY, JR.

Expressing appreciation to—  
HR 101, p. 2428

## MELTON, OAKLEY, SR.

Expressing pleasure to, for acting as clerk of house for one day—  
HR 99, p. 2359

## "THE MEMORIAL BRIDGE"

Redesignated "The Demopolis Rooster Bridge"—  
SB 31, pp. 247, 255, 537, 632

## MENNINGER, DOCTOR WILLIAM CLAIRE

Governor John Patterson invited to hear address by—  
HJR 40, pp. 406, 428, 461, 545

Invited to address legislature, joint resolution—  
HJR 18, pp. 126, 129, 144, 174

Rushton, colonel Marion, invited to hear address by—  
HJR 49, pp. 527, 545, 548, 620

Skidmore, E. W., and James K. Williams and doctor Sid Tarwater  
invited to hear address by—  
HJR 21, pp. 184, 191, 196, 198

MENTAL HEALTH

Appropriation for—  
HB 761, pp. 957, 1100, 1101  
HB 766, pp. 959, 1100, 1101

Beer tax levied for support of—  
HB 360, p. 266  
HB 759, pp. 957, 1101

Bonds, for mental health hospital, constitutional amendment authorizing—  
HB 762, pp. 958, 1100, 1101, 1286, 1383, 1385, 1422, 1697, 1926, 2051, 2312, 2350, 2361  
HB 765, pp. 959, 1100, 1101, 1287, 1383, 1385, 1422, 1697, 1698, 1927

Bryce hospital and Partlow state school, inspection of, by legislature—  
HJR 59, pp. 756, 868, 889, 1016

Commendation of superintendents of state mental hospitals—  
SJR 22, pp. 906, 1024

Liquor tax levied for support of—  
HB 760, pp. 957, 1100, 1101, 1286, 1380, 1385, 1698, 1714, 1926

Special committee to study, time to make its report extended—  
SJR 21, pp. 895, 1023

## MENTAL INSTITUTIONS

See: ALABAMA STATE HOSPITALS; HOSPITALS; INSANE PERSONS; PARTLOW STATE SCHOOL



## MERIT SYSTEMS

See: CIVIL SERVICE SYSTEMS; EMPLOYEES, STATE

## MILITARY AND NAVAL AFFAIRS

Government employees, military leave for—  
SB 119, pp. 846, 2108, 2494, 2519

## MILITARY DEPARTMENT, STATE

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Association of commissioned officers and warrant officers of army  
and air national guard, authorizing organization of—  
HB 504, pp. 602, 882, 1793, 1799, 2233, 2283

Uniform allowance for officers of army and air national guard and  
naval militia—  
HB 505, p. 602

## MILK

License fees for producers and distributors of—  
HB 860, p. 1180

## MILK CONTROL BOARD, STATE

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

License fees levied on persons licensed by—  
HB 860, p. 1180

## MILLER, CHARLES

Joint resolution commending—  
HJR 104, pp. 2429, 2455, 2463, 2548

## MILLER, MISS MITTIE

Joint resolution commending—  
HJR 104, pp. 2429, 2455, 2463, 2548

## MILLER'S FERRY

Lock and dam, appropriation for—  
HB 564, p. 681

## MILLPORT, TOWN OF

Boundaries altered—  
HB 877, pp. 1292, 1354, 1480, 2370, 2385, 2546

State department of revenue required to collect sales and use taxes  
levied by—  
HB 1074, pp. 1737, 1943, 2120, 2392, 2426, 2547

## MINERAL DOCUMENTARY TAX

Application for exemption of certain mineral leases from ad valorem  
tax—  
HB 293, pp. 180, 468

## MINES AND MINING

Counties 63,700 to 72,700 population, regulating use of black powder—

HB 171, pp. 97, 119, 162, 623, 629, 635

Definition of terms under laws regulating—

HB 539, pp. 665, 880

SB 277, pp. 840, 1102, 1561, 2015

Iron ore mines, depreciation and depletion allowance for income tax purposes—

HB 203, p. 104

Iron ore mines, manner of computing privilege license tax levied on operation of—

SB 96, pp. 147, 2249

HB 205, p. 105

Reclassification of mines—

HB 539, pp. 665, 880

SB 277, pp. 840, 1102, 1561, 2015

## MINISTERS

Communications between ministers and certain persons, privileged—

HB 39, pp. 19, 130, 198, 369, 451

## MINORS

Adoption proceedings, time limitation for contesting defect or irregularity in—

HB 395, pp. 301, 421, 1398, 2509, 2535, 2549

Alabama commission on juvenile court legislation, established—

HJR 13, pp. 106, 1279, 1343, 1347, 1348

Bastard children, report of judge of probate of result of proceedings to legitimate—

HB 288, pp. 179, 467, 1130, 2542, 2545, 2550

Child labor, regulating employment of—

HB 382, pp. 272, 879, 1088, 1091, 1097

Day care facilities for children, licensing and regulation of—

HB 161, pp. 93, 421, 1793, 1799, 2148

Dependent child living in a suitable home, limiting payment of aid to—

HB 23, pp. 9, 116, 170, 173

Dependent child of mother able to work and not needed in the home, payment of aid to—

HB 22, pp. 8, 116, 195, 218, 220, 221, 222, 223, 248, 385

Dependent, neglected, or delinquent child not present in court, jurisdiction of juvenile court over—

HB 162, pp. 93, 130, 282

Male over eighteen years of age relieved of disability of minority upon marriage—

HB 149, pp. 91, 115, 168, 1530, 1696, 1926

HB 185, p. 99

## MINORS—Continued

Obscene publications, penalty for selling or giving to—  
HB 977, p. 1523

Pro tanto settlements by, provided for—  
HB 261, p. 135

## “MISS AMERICA OF 1960”

Joint resolution honoring and inviting Miss Lynda Lee Mead to  
attend a session of the Alabama legislature—  
HJR 64, pp. 902 1019, 1079, 1094

## MOBILE, CITY OF

Indebtedness, additional, constitutional amendment authorizing—  
HB 495, p. 512

Traffic ordinances, additional procedure for securing appearance for  
trial—  
HB 1120, p. 1959

Urban renewal agency, provided for—  
HB 719, pp. 934, 1942, 2094, 2479, 2521, 2548

## MOBILE COUNTY

Bailiffs, for court of general sessions, appointment and compensa-  
tion—  
HB 921, pp. 1363, 1452, 1541

Bonds for construction of roads and bridges, issuance of—  
HB 1000, pp. 1596, 2108, 2257, 2485, 2522, 2550

Bonds for construction of public school and hospital buildings—  
HB 1001, pp. 1597, 2108, 2257, 2485, 2522, 2550

Chickasaw, city of, boundaries altered—  
HB 1119, pp. 1957, 2109, 2261, 2501, 2531, 2549  
HB 1121, pp. 1959, 2109, 2262, 2503, 2531, 2549

Circuit clerk, compensation and duties of chief assistant—  
HB 1122, pp. 1960, 2109, 2262, 2503, 2531, 2549

Circuit solicitor, positions of administrative assistant and legal  
stenographer, created—  
HB 1113, pp. 1951, 2108, 2259

Civil service system, chief clerk in office of tax assessor included  
in—  
HB 652, pp. 797, 1354, 1478, 2370, 2383, 2546

Commissioner of licenses, appointment, duties, compensation, and  
operation of office of—  
HB 653, pp. 798, 2108, 2255

County commission, compensation and election of members—  
HB 546, p. 671

Director of state department of public safety required to notify  
commissioner of licenses upon suspension or revocation of  
driver license of county resident—  
HB 881, pp. 1295, 1354, 1481, 2367, 2385, 2546

## MOBILE COUNTY—Continued

- Fines and forfeitures, distribution of—  
HB 1118, pp. 1956, 2109, 2261, 2501, 2531, 2549
- Inferior civil court, compensation of clerk—  
HB 791, pp. 1043, 1143, 1323, 1806, 1841, 1926
- Jurors, alternate, in civil cases, selection and impaneling of—  
HB 72, pp. 65, 912, 1062, 1317, 2072, 2113, 2361
- Jurors, alternate, in criminal cases, selection and impaneling of—  
HB 73, pp. 65, 912, 1062, 1317, 2073, 2113, 2361
- McDuffie Island, state docks department given jurisdiction over—  
HB 607, p. 739
- Mobile, city of, constitutional amendment authorizing additional indebtedness—  
HB 495, p. 512
- Mobile, city of, securing appearance of defendant for trial for violation of traffic ordinances—  
HB 1120, p. 1959
- Mobile, city of, urban renewal agency, provided for—  
HB 719, pp. 934, 1942, 2094, 2479, 2521, 2548
- Mount Vernon barracks military reservation, disposition of money paid for lands of—  
HB 758, pp. 956, 1280, 1553, 2372, 2384, 2546
- Personnel director, qualifications, salary, duties, and retirement of—  
HB 1115, pp. 1953, 2109, 2259
- Public libraries, financing of—  
HB 917, pp. 1361, 1452, 1540, 2367, 2386, 2546  
SB 418, pp. 1810, 1945, 2255, 2352
- Recorders, qualifications of—  
HB 1114, p. 1952
- Reidentification of electors, provided for—  
HB 1096, pp. 1862, 1946, 2131, 2133, 2142, 2487, 2524, 2548
- Reimbursement of sums erroneously paid into state treasury—  
SB 378, pp. 2302, 2320  
HB 848, p. 1158
- Retirement or pension systems established in, employment of actuary to make study of—  
HB 363, pp. 267, 650, 752
- Sales tax, municipal, regulating increase in rate of—  
HB 606, p. 738
- Savings and loan associations authorized to establish branch offices—  
HB 80, pp. 66, 500, 609
- School construction program, required—  
HB 792, p. 1044

## MOBILE COUNTY—Continued

Schools, regulating operation of—  
HB 414, p. 305

Secretary of state directed to transmit to commissioner of licenses  
copies of acts of legislature and supplements to Code of Ala-  
bama 1940—  
HB 919, pp. 1362, 1452, 1541, 2367, 2386, 2547

Sheriff, allowance for purchase of uniforms for deputies—  
HB 493, pp. 511, 601, 686, 1019, 1078, 1094

Sheriff, compensation of chief clerk—  
HB 1117, pp. 1954, 2109, 2260, 2488, 2525, 2549

Sheriff, special fund established for use of—  
HB 654, pp. 799, 1105, 1203, 1423, 1427, 1485

Tax assessor, disposition of fees—  
SB 434, pp. 2067, 2111, 2270, 2352  
HB 1044, pp. 1685, 1942, 2255

Tax collector, compensation—  
HB 720, p. 937

Tax collector, disposition of fees—  
SB 434, pp. 2067, 2111, 2270, 2352  
HB 1044, pp. 1685, 1942, 2255

Treasurer, assistant, appointment, duties, and compensation—  
HB 882, pp. 1296, 1354, 1481, 2398, 2438, 2547

Treasurer, compensation—  
HB 883, pp. 1297, 1354, 1482, 2370, 2385, 2546

## MONOPOLIES

Joint legislative committee created to make investigation relative  
to—  
SB 39, pp. 846, 1285, 2342, 2377

## MONROE COUNTY

Judge of probate, compensation of chief clerk—  
HB 637, pp. 749, 887, 1007, 1422, 1427, 1485

Monroeville, city of, boundaries altered—  
HB 82, pp. 67, 117, 154, 407, 418, 462

Sheriff, authorizing additional deputy—  
HB 83, pp. 68, 118, 155, 407, 418, 462

## MONROEVILLE, CITY OF

Boundaries altered—  
HB 82, pp. 67, 117, 154, 407, 418, 462

## MONTGOMERY, CITY OF

Boundaries altered—  
HB 87, pp. 70, 118, 155, 442, 460, 545  
HB 260, pp. 134, 179, 215, 442, 460, 545  
HB 663, pp. 871, 912, 1064, 1229, 1257, 1276

## MONTGOMERY, CITY OF—Continued

HB 987, pp. 1574, 1632, 1770, 2366, 2390, 2547

HB 1037, pp. 1676, 1724, 1918, 2372, 2390, 2547

SB 115, pp. 150, 913, 1066, 1097

SB 294, pp. 841, 914, 1072, 1098

SB 295, pp. 842, 913, 1071, 1098

Governing body, compensation of members—

SB 314, pp. 903, 1107, 1138, 1244, 1274

Museum board, creation authorized—

HB 1038, pp. 1677, 1724, 1919, 2371, 2391, 2547

Recorder, appointment and duties—

SB 293, pp. 841, 913, 1070, 1098

## MONTGOMERY COUNTY

Board of education, power to transfer principals and teachers—

SB 281, pp. 866, 913, 1069, 1099

Cosmetology, regulating practice of—

HB 721, pp. 938, 1103, 1388, 1809, 1840, 1926

Domestic relations division of circuit court, created—

SB 312, pp. 1025, 1106, 1182, 1258, 1273

HB 664, pp. 872, 912, 1062, 1182, 1184

Employee retirement system, established—

SB 272, pp. 856, 913, 1067, 1097

Employee's county retirement system, providing for mandatory contributions by employees—

SB 273, pp. 863, 913, 1068, 1097

Exemptions, certain medical and scientific research activities, from fees, permit, and restrictions—

HB 828, pp. 1121, 1283, 1388, 1807, 1841, 1926

Locksmiths required to post bond and obtain permits—

HB 497, pp. 513, 601, 687, 838, 891, 1017

Montgomery, city of, appointment and duties of recorder—

SB 293, pp. 841, 913, 1070, 1098

Montgomery, city of, boundaries altered—

HB 87, pp. 70, 118, 155, 442, 460, 545

HB 260, pp. 134, 179, 215, 442, 460, 545

HB 663, pp. 871, 912, 1064, 1229, 1257, 1276

HB 987, pp. 1574, 1632, 1770, 2366, 2390, 2547

HB 1037, pp. 1676, 1724, 1918, 2372, 2390, 2547

SB 115, pp. 150, 913, 1066, 1097

SB 294, pp. 841, 914, 1072, 1098

SB 295, pp. 842, 913, 1071, 1098

Montgomery, city of, compensation of members of governing body—

SB 314, pp. 903, 1107, 1138, 1244, 1274

Sheriff, employment of deputies, clerks, wardens, jailers, and other assistants—

SB 311, pp. 903, 1035, 1200, 1273

## MONTGOMERY KIWANIS CLUB

Joint resolution commending, for sponsorship of the sixth annual south Alabama fair—  
HJR 77, pp. 1575, 1929, 1933, 2086

## MOORER, MARGIE P.

Appropriation, relief of—  
HB 64, p. 60

## MORGAN COUNTY

Board of revenue and control, compensation of members—  
HB 738, pp. 943, 1034, 1194, 1423, 1429, 1486

County court, compensation of court reporter—  
HB 736, pp. 941, 1034, 1192, 1423, 1428, 1485

Decatur, city of, boundaries altered—  
HB 507, pp. 606, 624, 690, 839, 891, 1017  
HB 612, pp. 740, 886, 1001, 1235, 1254, 1276  
HB 850, pp. 1158, 1631, 1872, 2398, 2423, 2448, 2469, 2476, 2548

District boundaries, altered—  
HB 742, pp. 950, 1034, 1198, 1424, 1429, 1486

Fishing regulated—  
HB 971, pp. 1514, 1632, 1767, 1784, 2369, 2389, 2547

Flint city, town of, boundaries altered—  
HB 95, pp. 74, 118, 187, 407, 418, 462

Hartselle, city of, boundaries altered—  
HB 94, pp. 73, 118, 187, 407, 418, 462  
HB 1039, pp. 1678, 1724, 1920, 2371, 2391, 2547

Judge of probate, clerk hire allowance—  
HB 737, pp. 942, 1034, 1192, 1423, 1429, 1485

Judge of probate, compensation—  
HB 737, pp. 942, 1034, 1192, 1423, 1429, 1485

Law library, establishment of—  
HB 739, pp. 944, 1034, 1194, 1424, 1429, 1486

Register, compensation—  
HB 740, pp. 947, 1034, 1196, 1424, 1429, 1486

Superintendent of education, expense allowance—  
HB 924, pp. 1370, 1498, 1756, 2368, 2386, 2547

Tax assessor, compensation and duties—  
HB 741, pp. 948, 1034, 1196, 1424, 1429, 1486

Tax collector, compensation, duties, and expenses—  
HB 743, pp. 952, 1034, 1198, 1424, 1429, 1486

Tri-county regional planning commission, created—  
HB 923, pp. 1364, 1632, 1765, 2368, 2386, 2547

Trinity, town of, boundaries altered—  
HB 956, pp. 1472, 1499, 1757, 2368, 2387, 2547

## MORROW, HUGH, SR.

Joint session to hear address by—  
HJR 70, pp. 1353, 1380

## MORTGAGE LOANS

Non-resident lenders, when subject to process but not doing business in Alabama, regulation of—  
SB 427, pp. 2281, 2319, 2434, 2456  
HB 1043, pp. 1685, 1941

## MOTELS

Open gas heaters, penalty for maintaining—  
HB 146, p. 91

Operation of, regulated—  
SB 133, pp. 847, 2249, 2343, 2375, 2380  
HB 279, pp. 137, 599

## “MOTOR CARRIER ACT OF 1939”

Hearings under, provision for—  
HB 532, pp. 661, 1941

## MOTOR CARRIERS

Insecticides and livestock feed, exempting from regulation motor vehicles used in transporting—  
HB 322, pp. 208, 1105

License tax, apportionment of—  
HB 827, pp. 1121, 1285, 1794, 1800, 2023, 2508, 2536, 2550

“Motor Carrier Act of 1939”, provision for hearings under—  
HB 532, pp. 661, 1941

Road tax imposed on operation of vehicles defined as—  
HB 335, pp. 213, 908, 1331, 2421, 2441, 2547

Vehicle operated with diesel fuel, equipment for discharge of fumes of—  
HB 376, p. 271

Vehicle transporting property for hire, excluded from mileage tax—  
HB 683, pp. 875, 1101, 1562, 1786, 1794, 1800, 2021, 2032, 2233, 2283

## “MOTOR VEHICLE SAFETY RESPONSIBILITY ACT”

Appeals from decisions of court regulating—  
HB 898, p. 1312

Limits of liability under—  
HB 273, p. 137  
HB 547, pp. 674, 910, 1412

Proof of financial responsibility—  
HB 788, pp. 1042, 1281

Suspension of licenses under—  
HB 899, p. 1313  
SB 124, pp. 226, 253, 459, 496



## MOTOR VEHICLES

Ad valorem tax assessment, manner of determining valuation of—  
HB 18, p. 8  
SB 3, pp. 840, 1690, 2356, 2357, 2375, 2379

Autauga County, maintenance of—  
HB 692, pp. 917, 1032, 1185, 1422, 1428, 1485

Automobile accessory dealers, privilege license tax—  
HB 695, pp. 920, 1102, 1712, 2372, 2383, 2546

“Automotive vehicle,” definition of, for sales tax purposes—  
HB 196, pp. 104, 389, 615, 758

Brake fluid, regulating sale of—  
SB 40, pp. 142, 176, 284, 291, 309  
HB 179, pp. 98, 177, 285

Collision insurance policy, requiring issuance of liability insurance  
policy upon issuance or renewal of—  
HB 457, p. 427

Common carriers of passengers, apportionment of taxes paid by—  
HB 827, pp. 1121, 1285, 1794, 1800, 2023, 2508, 2536, 2550

Counties 50,000 to 60,000 population, alternative method for regis-  
tration and taxation—  
HB 735, pp. 940, 1033, 1390, 2393, 2437, 2547

Diesel fumes, regulating discharge of—  
HB 376, p. 271  
HB 961, p. 1474

Driver of vehicle involved in accident required to stop, give name  
and address, and render aid to injured—  
HB 269, p. 136  
HB 723, p. 938

Drivers licenses, issuance, suspension, and revocation of—  
HB 900, p. 1313

Drivers licenses, veterans exempted from requirement for—  
HB 352, p. 263

“Emergency vehicle”, defined—  
HB 843, pp. 1157, 1691, 1785

Firearms, loaded, penalty for transporting in—  
HB 165, pp. 94, 178, 373

Garages, repair shops, and wrecker services required to make re-  
ports concerning certain vehicles involved in accidents—  
HB 163, p. 93

Horseless carriages, licensing and registration of certain antique  
motor vehicles as—  
HB 306, pp. 184, 467, 2307

Insecticides and livestock feed, exempting from regulation motor  
vehicles used in transportation of—  
HB 322, pp. 208, 1105

## MOTOR VEHICLES—Continued

Intoxicated person, penalty for letting motor vehicle to—  
HB 233, p. 123

Learner permits for operation of, issuance of—  
SB 41, pp. 141, 390, 1559, 1931, 2015

Liability insurance, requiring certain coverage under—  
HB 92, p. 72

License tags, permanent, provided for—  
HB 548, p. 674  
HB 549, p. 674  
HB 550, p. 674

License tag, single, to be issued for two year periods—  
HB 369, pp. 270, 1845, 2030

License taxes, distribution of proceeds—  
HB 684, pp. 876, 1101, 1786, 1794, 1800, 2021, 2032, 2234, 2283

Licenses of, and of drivers—  
HB 900, p. 1313

Liens, repairmen's additional method of enforcement—  
HB 849, p. 1158

Lights on parked vehicles, color of—  
SB 330, pp. 1029, 1104, 1712, 2017  
HB 680, p. 875

Mail carriers, rural, authorizing use of flashing lights on motor vehicle operated by—  
HB 254, pp. 133, 391, 756, 1531, 1696, 1926  
HB 399, pp. 301, 394, 1533

Mirror, rear view, required to be equipped with—  
HB 234, pp. 123, 178, 373, 1425, 1431, 1486

"Motor Vehicle Safety Responsibility Act", appeals from decisions of court regulating—  
HB 898, p. 1312

"Motor Vehicle Safety Responsibility Act", limits of liability under—  
HB 273, p. 137  
HB 547, pp. 674, 910, 1412

"Motor Vehicle Safety Responsibility Act", proof of financial responsibility—  
HB 788, pp. 1042, 1281

"Motor Vehicle Safety Responsibility Act", suspension of licenses under—  
HB 899, p. 1313  
SB 124, pp. 226, 253, 459, 496

National guard and air national guard, exemption from license and registration fees—  
HB 454, p. 427

## MOTOR VEHICLES—Continued

National guard and air national guard, fee for issuance of distinctive license tags for—

SB 235, pp. 847, 1032, 1138, 1260, 1274

HB 454, p. 427

No passing zones and traffic signals, penalty for violating laws relating to—

HB 428, p. 398

Pick-up trucks, definition of, in determining license and registration fee—

HB 274, pp. 137, 390

Property illegally parked or placed on public highway or right of way, removal and disposition of—

HB 164, p. 93

Right-of-way at intersections—

HB 258, p. 134

HB 895, p. 1312, 1691, 2149

Rules of the road relative to operation of—

HB 167, p. 94

Sales tax, exemption of used vehicle from—

HB 270, p. 136

Sales tax levied on, rate of—

HB 122, p. 84

School bus drivers, examination of, provided for—

HB 902, pp. 1313, 1945

Semi-trailer or loaded pole trailer operating on public road, penalty for riding on—

HB 166, pp. 94, 178, 374, 455, 758, 1077

Semi-trailer used for transporting livestock, maximum height of—

SB 192, pp. 847, 1104, 2360, 2380

Service of process in civil suits growing out of motor vehicle accidents—

SB 280, pp. 839, 1280, 2329, 2375, 2380

Signals on starting, stopping, turning, or backing, giving of—

HB 897, pp. 1312, 1692, 2149, 2150

Speed on highways, regulating—

HB 896, pp. 1312, 1691, 2149

Standard of safety glass required to be used in—

HB 768, p. 960

State-owned, marking of—

HB 180, p. 99

HB 602, p. 736

HB 1045, p. 1687

## MOTOR VEHICLES—Continued

State-owned, regulating use of—

HB 180, p. 99

HB 310, p. 203

HB 397, p. 301

HB 1045, p. 1687

Traffic on highways, regulated—

HB 894, p. 1312

Traffic safety, creating legislative committee on—

HJR 96, p. 2325

Traffic-control devices, requiring uniform arrangement of colors appearing on—

HB 474, p. 471

Trailers, utility, license and registration fee—

HB 17, pp. 8, 1447, 1794, 1801

Uninsured motorists fund, created—

HB 91, p. 72

Use tax, exemption of used vehicles—

HB 271, p. 136

Use tax levied on, rate of—

HB 123, p. 84

Veterans, disabled, special license tags—

HB 916, pp. 1361, 1447, 1794, 1802

## MOTORBOATS

Licensing, registration, and regulation of—

HB 256, pp. 133, 881, 1793, 1798, 1987, 2454, 2461, 2548

## MOUNT VERNON BARRACKS MILITARY RESERVATION—

Lands, disposition of funds received from sale of—

HB 758, pp. 956, 1280, 1553, 2372, 2384, 2546

## MOUNTAIN CREEK CEMETERY

Site converted into confederate memorial park—

HB 443, p. 424

## MOUNTAIN CREEK CONFEDERATE SOLDIER'S HOME

Former site of, converted into confederate memorial park—

HB 443, p. 424

## MULBERRY FORK

Survey to promote connection with Tennessee River—

HB 893, pp. 1311, 1948, 2147, 2511, 2534, 2549

## MUNICIPAL COURT

See: CITIES, GENERAL LAWS; RECORDER'S COURT; name of specific city or town—

## MUNICIPALITIES

See: CITIES, GENERAL LAWS; name of specific city or town—

## MUSEUMS

Cities 75,000 to 125,000 population, creation of board authorized—  
HB 1038, pp. 1677, 1724, 1919, 2371, 2391, 2547

## NATION, HERBERT R.

Commended—  
HJR 102, pp. 2428, 2455, 2462, 2548

## NATIONAL GUARD

Association of commissioned officers and warrant officers, authorizing organization of—  
HB 504, pp. 602, 882, 1793, 1799, 2233, 2283

Government employees, military leave for—  
SB 119, pp. 846, 2108, 2494, 2519

Motor vehicle license tags, distinctive, fee for issuance of—  
SB 235, pp. 847, 1032, 1138, 1260, 1274  
HB 454, p. 427

Motor vehicles owned by all members of, exempted from license and registration fees—  
HB 454, p. 427

Uniform allowance for officers of—  
HB 505, p. 602

## NATUROPATHY

Penalty for practicing—  
HB 157, pp. 92, 254, 612

## NAVAL MILITIA

Uniform allowance for officers of—  
HB 505, p. 602

## NAVIGATION

Pilots, bar, compensation for detention on board ships—  
HB 77, pp. 66, 115, 168, 1804, 1840, 1926

Pilots, compensation—  
HB 75, pp. 66, 115, 167, 1822, 1844, 1927

## NEGLIGENCE

Actions for wrongful act, omission, or negligence causing death, damages recoverable under—  
HB 285, pp. 141, 911  
SB 122, p. 1352

Wrongful act, omission, or negligence causing death, regulating actions for—  
SB 122, p. 1352

## NEGOTIABLE INSTRUMENTS

Counties 500,000 or more population, worthless or unpaid checks issued in payment of certain taxes, penalty for—  
HB 1020, pp. 1656, 1718, 1880, 2505, 2528, 2549

Definition of term "holder"—  
HB 633, pp. 748, 879

## NELSON, MISS MILDRED

Joint resolution congratulating, on having been chosen "Alabama Maid of Cotton for 1960"  
HJR 74, pp. 1442, 1485, 1489, 1563

## NETTLES, SAMUEL CORNELIUS, SR.

Mourning death of—  
HJR 79, pp. 1595, 1929, 1933, 2086

## NEWMAN, ERNEST V.

Appropriation, relief of—  
HB 565, p. 681

## NEWSPAPERS

Advertisements or advertising space, privilege license tax levied on sellers of—  
HB 321, p. 208

Advertising of alcoholic beverages in, prohibited—  
HB 43, pp. 22, 1449

Legal notices, rates for and manner of publication of—  
HB 346, pp. 259, 292, 412, 637, 645, 691

## NINETEENTH JUDICIAL CIRCUIT

Judgeship, additional, provided for—  
HB 628, pp. 748, 879  
SB 287, pp. 1346, 1448, 2122, 2314

## NINTH JUDICIAL CIRCUIT

Solicitors fund, created—  
HB 1068, p. 1730

## NON RESIDENTS

Commercial fishing license, prohibiting issuance to—  
HB 294, p. 180

Mortgage loans, regulating non-resident lenders making and collecting—  
SB 427, pp. 2281, 2319, 2434, 2456  
HB 1043, pp. 1685, 1941

## NOTICES

Legal, rates for and manner of publication of—  
HB 346, pp. 259, 292, 412, 637, 645, 691

## NOTICES—Continued

Municipal ordinances and resolutions, publication of—  
SB 90, pp. 166, 468, 1788, 1931, 2016  
HB 110, p. 79

Tax assessor, tax collector, and boards of equalization authorized to  
send, by certified mail—  
SB 6, pp. 147, 256, 538, 632  
HB 15, p. 7

## NUCLEAR ENERGY

Appropriation, support of regional advisory council on nuclear en-  
ergy—  
HB 3, pp. 5, 202, 250, 367, 385, 597, 618, 620

## NURSES

Training schools operated by cities or counties included in public  
school system—  
HB 410, p. 304

## NURSES EXAMINERS AND REGISTRATION, BOARD OF

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## NURSING HOMES

Advisory board to state health officer, composition of membership  
of—  
HB 93, p. 72  
HB 158, pp. 93, 177, 371, 850, 889, 1016

## OBSCENE LITERATURE

Grand jury required to make periodic investigation relative to—  
HB 100, p. 76

## OFFICERS, COUNTY

Administrative consultant to, provided for—  
HB 787, p. 1042

Compensation when elected or appointed for a fixed term—  
HB 826, p. 1121

Garnishment of compensation—  
HB 586, pp. 713, 879

Vacancies in, manner of filling—  
HB 84, p. 70  
HB 835, p. 1130

## OFFICERS, MUNICIPAL

Compensation when elected or appointed for a fixed term—  
HB 826, p. 1121

Garnishment of compensation—  
HB 586, pp. 713, 879

## OFFICERS, STATE

Administrative consultant to constitutional executive officers, provided for—

HB 890, pp. 1301, 1844

Compensation of, legislative council directed to make study of—  
HJR 107, pp. 2430, 2455, 2463, 2548

Compensation payable every other Friday—  
HB 748, p. 954

Compensation when elected or appointed for a fixed term—  
HB 826, p. 1121

Garnishment of compensation—  
HB 586, pp. 713, 879

Per diem and travel allowances—  
HB 615, pp. 743, 908, 1793, 1797, 2168

Vacancies in, manner of filling—  
HB 84, p. 70  
HB 835, p. 1130

## OIL AND GAS

Ad valorem tax, application for exemption of certain mineral leases from—  
HB 293, pp. 180, 468

Conservation and regulation of production and development of—  
HB 920, pp. 1363, 1408  
HB 953, pp. 1472, 1718

Interim Committee to investigate monopoly of trade and anti-trust laws—relative to oil and gas—  
SB 39, pp. 846, 1285, 2342, 2377

Oil and gas fund, transfer of surplus—  
HB 357, p. 266  
SB 238, pp. 641, 876, 1138, 1259, 1272

“Oil Centennial Year” and “Oil Centennial Month,” designated—  
HJR 47, pp. 492, 548, 618, 620

Severance tax, distribution of proceeds—  
HB 357, p. 266  
SB 238, pp. 641, 876, 1138, 1259, 1272

## OIL AND GAS BOARD, STATE—

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635  
HB 277, pp. 137, 388, 543

Appropriation, construction of building for use of—  
HB 405, p. 303  
SB 67, pp. 641, 876, 1138, 1258, 1272



## OIL CENTENNIAL MONTH

Joint resolution designating—  
HJR 47, pp. 492, 548, 618, 620

## OIL CENTENNIAL YEAR

Joint resolution designating—  
HJR 47, pp. 492, 548, 618, 620

## OLD AGE PENSIONS

Aged persons, counties authorized to provide assistance to—  
HB 609, pp. 740, 1691, 1794, 1802, 2304

Eligibility requirements for—  
HB 241, p. 125  
HB 295, p. 180

Income tax returns of recipients of, agents of department of pensions and security authorized to inspect—  
HB 421, pp. 395, 468, 1404, 1405

Maximum amount of assistance payable for—  
HB 232, pp. 123, 911, 1794, 1801, 2149

## OPELIKA, CITY OF

Ad valorem tax for educational purposes, constitutional amendment authorizing—  
SB 114, pp. 226, 258, 317, 379  
HB 188, pp. 100, 119, 163

## OPTOMETRISTS

Advertising by, regulated—  
HB 510, p. 608

Licensing and regulation of—  
HB 510, p. 608

State board of optometry, compensation of members—  
HB 510, p. 608

## ORDINANCES

Cities, publication and recording of—  
SB 90, pp. 166, 468, 1788, 1931, 2016  
HB 110, p. 79

## ORGANIZATIONS

Appropriation of municipal funds to chambers of commerce and civic organizations, for industrial development purposes—  
HB 355, p. 265

Required to permit examination of records of—  
HB 283, pp. 139, 177, 288

## OYSTERS

Devices to cultivate and harvest or remove, regulating use of—  
HB 466, pp. 470, 1142, 1703, 1707, 2513, 2539, 2550

## OYSTERS—Continued

Oyster reefs and beds, replanting of—

HB 918, p. 1362

Oyster reefs, preventing poaching on—

HB 464, pp. 470, 1142, 1703, 1708, 2509, 2535, 2549

Oyster reefs, private, sale of oysters from—

HB 467, pp. 470, 1142, 1703, 1707, 2509, 2535, 2549

## OZARK, CITY OF

Boundaries altered—

HB 910, pp. 1356, 1452, 1540, 2289, 2318, 2361

## PARDONS AND PAROLE

Parolee having less than three years to serve, supervision of—

HB 140, p. 90

Parolee supervision compacts, placing territories of the United States and the District of Columbia under—

HB 520, pp. 652, 878, 1402, 1403

Person whose death sentence has been commuted, eligibility for pardon or paroles—

HB 351, pp. 263, 391

Probation and suspension of execution of sentence—

HB 148, p. 91

## PARDONS AND PAROLES, BOARD OF

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Compensation of members—

HB 1050, p. 1694

## PARKS AND MONUMENTS

Birmingham and Bessemer, certain land conveyed for a park, vacated—

HB 1094, pp. 1860, 1946, 2130, 2487, 2524, 2548

Cahaba historical commission, appointment of members of board of trustees—

SB 404, pp. 1809, 1944, 2123, 2352

Confederate memorial park, created—

HB 443, p. 424

Helen Keller property board, appropriation—

HB 903, pp. 1314, 1446, 2304

Recreation and state beaches and parks, creating joint committee on—

SJR 7, pp. 401, 497, 533, 548, 644

## PARKS AND MONUMENTS—Continued

Sand and gravel taken from public water bottoms, regulating expenditure of revenue derived from sale of—

HB 5, p. 6

SB 12, pp. 146, 252, 376, 403

Taskigi, Indian town of, restoration of—

HB 689, p. 876

Timber on lands owned by division of state parks, monuments, and historical sites, expenditure of revenue derived from sale of—

HB 6, p. 6

SB 16, pp. 146, 252, 376, 403

## PARTLOW STATE SCHOOL

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Inspection of, by legislature—

HJR 59, pp. 756, 868, 889, 1016

## PARTNERSHIPS

Income tax returns of, eliminating the requirement of an oath—

HB 296, pp. 180, 388, 467

Records of, attorney general authorized to examine—

HB 21, pp. 8, 46, 191, 218, 277, 286, 292

## PEANUTS

Machines vending peanuts and peanut products, privilege license tax on—

HB 517, pp. 627, 1948, 2305

## PEDDLERS, TRANSIENT

Privilege license tax—

HB 289, pp. 180, 907, 1130

## PELL CITY, CITY OF

Boundaries altered—

SB 425, pp. 2059, 2111, 2269, 2430, 2456

HB 1040, pp. 1679, 1724, 1920

## PENITENTIARIES

See: BOARD OF CORRECTION, STATE; PRISONS

## PENSION COMMISSION

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## PENSION AND RELIEF SYSTEMS

See: RETIREMENT SYSTEMS

## PENSIONS AND SECURITY, COUNTY BOARD OF

Name changed to county board of public welfare—  
HB 51, p. 57

## PENSIONS AND SECURITY, COUNTY DEPARTMENT OF

Blind, eligibility requirements for, and amount of, public assistance payable to—  
HB 76, p. 66

Dependent child living in a suitable home, limiting payment of aid to—  
HB 23, pp. 9, 116, 170

Dependent child of mother able to work and not needed in the home, payment of aid to—  
HB 22, pp. 8, 116, 195, 218, 220, 221, 222, 223, 248, 385

Director of, transfer of—  
HB 299, p. 182

Employees of, filing of names and salaries of—  
HB 159, pp. 93, 130, 281

Name changed to county department of public welfare—  
HB 51, p. 57

Old age pensions, eligibility requirements for—  
HB 241, p. 125  
HB 295, p. 180

Public assistance payments, maximum amount of—  
HB 232, pp. 123, 911, 1794, 1801, 2149

Records and cancelled checks in, destruction of—  
HB 160, pp. 93, 130, 281

## PENSIONS AND SECURITY, STATE BOARD OF

Abolished—  
HB 304, pp. 183, 292, 541, 614  
HB 808, pp. 1059, 1143

Name changed to state board of public welfare—  
HB 51, p. 57

## PENSIONS AND SECURITY, STATE DEPARTMENT OF

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Blind, eligibility requirements for, and amount of, public assistance payable to—  
HB 76, p. 66

Board of pensions and security state, abolished—  
HB 304, pp. 183, 292, 541, 614  
HB 808, pp. 1059, 1143

Commissioner, appointment—  
HB 304, pp. 183, 292, 541, 614  
HB 808, pp. 1059, 1143

## PENSIONS AND SECURITY, STATE DEPARTMENT OF—Continued

Commissioner, election, qualifications, and compensation of—  
HB 926, p. 1371

Confederate veterans and their widows, payment of pensions to—  
SB 13, pp. 145, 420, 2337, 2377  
HB 8, pp. 6, 252, 377

Day care facilities for children, licensing and regulation of—  
HB 161, pp. 93, 421, 1793, 1799, 2148

Dependent child living in a suitable home, limiting payment of aid to—  
HB 23, pp. 9, 116, 170

Dependent child of mother able to work and not needed in the home, payment of aid to—  
HB 22, pp. 8, 116, 195, 218, 220, 221, 222, 248, 385

Directors of county departments of pensions and security, transfer of —  
HB 299, p. 182

Income tax returns of public welfare recipients, inspection of—  
HB 421, pp. 395, 468, 1404, 1405

Name changed to state department of public welfare—  
HB 51, p. 57

Old age pensions, eligibility requirements for—  
HB 241, p. 125  
HB 295, p. 180

Pensions, requesting continuation of—  
HJR 17, p. 125  
HJR 25, p. 185

Public assistance payments, maximum amount of—  
HB 232, pp. 123, 911, 1794, 1801, 2149

Records and cancelled checks in county departments of pensions and security, destruction of—  
HB 160, pp. 93, 130, 281

Surplus commodities, destruction of certain records relating to—  
HB 420, pp. 395, 468, 1403, 1404, 2542, 2544, 2550

## PERMITS

See: LICENSES

## PERRY COUNTY

Court of county commissioners, payment of expenses incurred by members—  
HB 556, pp. 675, 697, 969, 1232, 1251, 1275

Sheriff, appointment and compensation of additional deputy—  
HB 557, pp. 676, 697, 970, 1232, 1251, 1275

Uniontown, town of, boundaries altered—  
HB 107, pp. 77, 118, 156, 408, 419, 462

## PERRY COUNTY—Continued

Uniontown, town of, industrial development of—  
HB 613, pp. 741, 886, 1003, 1227, 1257, 1276

Uniontown, town of, providing public clinic in—  
SB 440, pp. 2060, 2111, 2270, 2352  
HB 1077, pp. 1745, 1846, 2081, 2451, 2460, 2548

## PERSONNEL

See: CIVIL SERVICE SYSTEMS; EMPLOYEES, STATE; RETIREMENT SYSTEMS

## PERSONNEL DEPARTMENT, STATE

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Director, compensation—  
HB 955, p. 1472

## PHENIX CITY, CITY OF—

Commission form of government for, authorized—  
HB 417, pp. 307, 601, 688

## PHILLIPS, HUNTER

Certificate of Election—p. 4

Oath of Office—p. 4

## PHYSICIANS AND SURGEONS

Basic sciences, creating the state board of examiners in the—  
HB 151, pp. 91, 254, 445, 634, 638, 646, 691

Certificates of death, regulating issuance of—  
HB 425, pp. 397, 598

Employment of, by municipalities—  
HB 239, pp. 124, 253, 529, 2392, 2425, 2547

Healing arts, creating the state licensing board for the—  
HB 150, pp. 91, 254, 445, 634, 638, 646, 691

Regulation and licensing of—  
HB 150, pp. 91, 254, 445, 634, 638, 646, 691  
HB 151, pp. 91, 254, 445, 634, 638, 646, 691  
HB 153, pp. 92, 254, 445, 447, 634, 638, 646, 691

## PICKENS COUNTY

Fishing regulated—  
HB 112, pp. 79, 118, 157, 854, 887, 1016

Superintendent of education, compensation—  
HB 434, pp. 399, 421, 523

Superintendent of education, election, term, qualifications, and compensation—  
HB 670, pp. 873, 913, 1067, 1230, 1254, 1276

## PICKENS COUNTY—Continued

Wright, Chester, relief of—  
HB 678, p. 875

## PIEDMONT, CITY OF

Boundaries altered—  
HB 998, pp. 1592, 1632, 1771, 2289, 2318, 2361, 2423, 2456, 2462,  
2548

## PIERCE, NED

Commended for participating in boys state program  
HJR 41, pp. 406, 428, 461, 545

## PIKE COUNTY

Purchasing regulated—  
HB 113, pp. 81, 118, 157

Sheriff, compensation of deputy—  
HB 614, pp. 741, 886, 1002, 1228, 1254, 1276

## PILOTS

Bar, compensation for detention on board ships—  
HB 77, pp. 66, 115, 168, 1804, 1840, 1926

Compensation of—  
HB 75, pp. 66, 115, 167, 1822, 1844, 1927

## PISTOLS

Loaded, penalty for transporting in motor vehicles—  
HB 165, pp. 94, 178, 373

Permit for, fee for issuance of—  
HB 333, pp. 212, 253, 530

## PLANNING

Cities 300,000 or more population, composition and election of planning commission—  
HB 982, pp. 1526, 1634, 1876, 2372, 2389, 2547

Municipal corporations, approval of plot—  
HB 982, pp. 1526, 1634, 1876, 2372, 2389, 2547

Municipal planning commissions, territorial jurisdiction of—  
HB 105, p. 77

## PLANNING AND INDUSTRIAL DEVELOPMENT BOARD

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Appropriation, for lock and dam at Miller's Ferry  
HB 564, p. 681

Director, election and compensation—  
HB 1058, p. 1695

## PLASTIC BAGS

Regulating use of, in selling, delivering, or distributing various items—

HB 391, p. 298

## POINT OF PERSONAL PRIVILEGE

By Nettles—p. 49

By Self, Branyon, Camp, Cabiness—on proposed insurance code—  
p. 149-150

## POLICEMEN

Anniston, city of, benefits for members and widows of retired members under retirement system—

HB 478, pp. 500, 600, 683, 838, 890, 1016

Annuity or retirement benefits for, providing for payment of—

HB 58, p. 58

Cities 100,000 or more population, retirement benefits—

HB 993, pp. 1584, 1634, 1878, 2506, 2527, 2549

Cities 250,000 or more population, retirement system established for—

HB 994, pp. 1586, 1634, 1778, 2405, 2439, 2547

Income tax, cost of uniforms deductible in computing—

HB 135, p. 33

Retirement system, employees', definitions under—

HB 475, pp. 471, 877, 1412, 1804, 1840, 1926, 1939, 2312, 2350, 2361

Tuscaloosa, city of, pension and relief fund created for—

HB 854, pp. 1163, 1284, 1392, 1808, 1854, 1926

## POLIOMYELITIS

Requiring polio vaccination for pre-school children—

HB 566, p. 681

HB 879, p. 1295

Requiring polio vaccination for school children—

HB 489, p. 510

## POLITICAL PARTIES

Advertisements or other printed matter relative to an election of any candidate, regulating printing and publication of—

HB 332, p. 212

Candidates, filing of expenditure statements—

HB 729, pp. 939, 1448, 1794, 1804

Candidates for state senator or representative, filing of campaign expenditure statements—

SB 113, pp. 200, 1104, 2341, 2378

Cities and towns, primary elections authorized and regulated in—

HB 755, pp. 956, 1282, 1793, 1798, 2196



## POLITICAL PARTIES—Continued

Electors for president and vice-president, mode of electing candidates for —  
HB 219, pp. 121, 393

Electors for president and vice-president, time for holding primary election to nominate—  
HB 218, pp. 121, 393, 527

## POLL TAX

Penalty for paying tax of another—  
SB 52, p. 176

## POLLUTION

Streams or rivers within the state, penalty for—  
HB 177, p. 98

## POULTRY

Baby chicks, ducklings or other fowl, penalty for selling, displaying, or giving away, as novelties—  
HB 90, pp. 72, 177, 369, 643, 648, 691

Industry regulated and licensed—  
HB 857, pp. 1178

## PRATTVILLE, CITY OF

Boundaries altered—  
HB 772, pp. 1035, 1105, 1204, 1424, 1429, 1486

## PREMIUM TAX

Refund of overpayment of—  
HB 307, pp. 202, 253, 458

## PRESIDENT, UNITED STATES

Electors for, mode of electing candidates for—  
HB 219, pp. 121, 393

Electors for, nomination of—  
HB 733, pp. 940, 1448, 2024, 2509, 2534, 2549

Electors for, time for holding primary election to nominate—  
HB 218, pp. 121, 393, 527

Requesting removal of restrictions to development of the Alabama-Coosa river system—  
HJR 75, pp. 1527, 1930, 1933, 2086

## PRIMARY ELECTIONS

See also: ELECTION; VOTERS; VOTING—

Absentee ballots, appointment and duties of election officials to receive, count, and return—  
HB 267, p. 136

Absentee ballots, time for delivery to election officials—  
HB 268, p. 136

## PRIMARY ELECTIONS—Continued

Absentee ballots, time for receiving, counting, and returning—  
HB 722, pp. 938, 1448, 1795, 1804

Absentee voting limited to servicemen and their wives—  
HB 178, p. 98

Absentee voting limited to servicemen, their wives, and veterans  
confined in certain hospitals—  
SB 53, pp. 1021, 1104, 2332, 2373, 2379  
HB 56, p. 57

Advertisements or other printed matter relative to an election or  
any candidate, regulating printing and publication of—  
HB 332, p. 212

Candidates for state senator and representative, filing of campaign  
expenditure statements—  
SB 113, pp. 200, 1104, 2341, 2378

Cities and towns, authorizing holding of—  
HB 755, pp. 956, 1282, 1793, 1798, 2196

Counties 500,000 or more population, compensation of election of-  
ficials—  
HB 1128, pp. 1966, 2112

Election officials, compensation—  
HB 137, p. 89

Election precincts, districts, and polling places, designation of—  
HB 207, pp. 119, 1103, 1794, 1803  
HB 756, p. 956

Electors for president and vice-president, mode of electing candi-  
dates for—  
HB 219, p. 121, 393

Electors for president and vice-president, time for holding primary  
election to nominate—  
HB 218, pp. 121, 393, 527

Elector's vote, penalty for buying or corruptly influencing—  
SB 46, p. 166

Grand jury in each county required to examine ballot boxes and  
voting machines used at elections—  
HB 97, p. 75

Poll tax of another, penalty for paying—  
SB 52, p. 176

Qualifications for voting—  
HB 266, p. 136  
HB 448, p. 426  
HB 528, p. 656

Residence requirements for voting—  
HB 266, p. 136  
HB 528, p. 656

## PRIMARY ELECTIONS—Continued

Voters at elections where voting machines are used, assistance for—  
SB 123, pp. 847, 1104, 2332, 2378

Voting machines, appropriation for purchase of—  
HB 191, pp. 101, 390

Watchers at polling places, appointment and qualifications of—  
HB 446, pp. 425, 1103, 1398, 1406, 1421

## PRISONERS

See also: BOARD OF CORRECTIONS, STATE; CONVICTS; PRISONERS; PRISONS—

Butler County, preparation of food for—  
HB 965, pp. 1500, 1631, 1762, 2369, 2389, 2547

Capital punishment, execution of, by lethal gas—  
HB 819, p. 1118

Cemeteries, utilization of convicts to work upon, clean, and restore—  
HB 473, pp. 471, 1141, 1397, 2372, 2383, 2546

Convicts, prescribing maximum working day for—  
HB 453, p. 426

Imprisonment on two or more convictions, good conduct deductions—  
HB 228, pp. 122, 467, 1015

Imprisonment on two or more convictions, manner of serving sentences—  
HB 228, pp. 122, 467, 1015

Pardon or parole of person whose death sentence has been commuted, eligibility for—  
HB 351, pp. 263, 391

Parolees having less than three years to serve, supervision of—  
HB 140, p. 90

Probation and suspension of execution of sentence—  
HB 148, p. 91

Removal of prisoner triable in another county—  
HB 884, p. 1297

Russell County, feeding and care of—  
HB 621, pp. 743, 886, 1003, 1227, 1254, 1276

Sentenced to county jail or to hard labor for the county, penalty for escaping—  
SB 106, pp. 145, 147, 254, 532, 632  
HB 47, p. 55

Sheriff, allowance for feeding prisoners—  
HB 49, p. 56

Tubercular, care and treatment of—  
HB 231, p. 123

## PRISONS

Annuity or retirement benefits for prison guards, providing for payment of—  
HB 58, p. 58

Capital punishment, execution of, by lethal gas—  
HB 819, p. 1118

Convict guards, providing for eight hour work day and five day work week for—  
HB 452, p. 426

Convicts, prescribing maximum working day for—  
HB 453, p. 426

Imprisonment of convicts on two or more convictions, good conduct deductions—  
HB 228, pp. 122, 467, 1015

Imprisonment of convicts on two or more convictions, manner of serving sentences—  
HB 228, pp. 122, 467, 1015

Relocation of, joint resolution establishing a legislative and study committee to study—  
SJR 12, pp. 439, 499, 639, 644

Tubercular prisoners, care and treatment of—  
HB 231, p. 123

## PRIVILEGE LICENSES

See: LICENSES

## PRIVILEGED COMMUNICATIONS

Between ministers and certain persons seeking spiritual advice or guidance—  
HB 39, pp. 19, 130, 198, 369, 451

## PROBATE JUDGE

See: JUDGE OF PROBATE

## PROPERTY

See also: REAL PROPERTY

Air-conditioners and television sets used in the home, exempted from ad valorem taxes—  
HB 16, p. 7

Blind persons exempted from ad valorem taxation—  
HB 979, p. 1523

County, payment of insurance premiums on—  
HB 1078, p. 1746

Highway or right of way, removal and disposition of certain property illegally parked or placed on—  
HB 164, p. 93

## PROPERTY—Continued

Insurance policies covering loss or damage to, resulting from fire, windstorm, or lightning, issuance of—  
SB 85, p. 378

Local fraternal use protected from higher or affiliate or other authority—  
HB 1129, pp. 1966, 2107, 2303

Motor vehicles, manner of determining ad valorem tax assessment of—  
HB 18, p. 8  
SB 3, pp. 840, 1690, 2356, 2357, 2375, 2379

School property conveyed to the state by city or county board of education, reconveyance of—  
HB 55, pp. 57, 880

## PROPRIETORSHIPS

Records of, attorney general authorized to examine—  
HB 21, pp. 8, 46, 191, 218, 277, 286, 292

## PRUITT, REPRESENTATIVE IRA D.

Commended for outstanding leadership in legislature—  
HR 110, p. 2447

## PUBLIC ACCOUNTANCY, STATE BOARD OF

Created—  
HB 611, p. 740

## PUBLIC HEALTH

Advisory board to state health officer, composition of membership of—  
HB 93, p. 72  
HB 158, pp. 93, 177, 371, 850, 889, 1016

Appropriation, for mental health purposes—  
HB 761, pp. 957, 1100, 1101

Barber and beauty shop, sanitary and health regulation governing operation of—  
HB 967, p. 1502

Basic sciences, creating state board of examiners in the—  
HB 151, pp. 91, 254, 445, 634, 638, 646, 691

Birth certificates and other such records, fees for issuing certified copies of—  
HB 336, pp. 213, 420, 1013, 2541, 2543, 2550

Blood, regulating labeling of—  
HB 227, pp. 122, 1103

Bryce hospital and Partlow state school, inspection of, by legislators—  
HJR 59, pp. 756, 868, 889, 1016

Certificates of death, regulating issuance of—  
HB 425, pp. 397, 598

## PUBLIC HEALTH—Continued

Chiropractors, regulation and licensing of—

HB 150, pp. 91, 254, 445, 634, 638, 646, 691

HB 151, pp. 91, 254, 445, 634, 638, 646, 691

HB 152, pp. 92, 254, 445, 447, 634, 638, 646, 691

HB 153, pp. 92, 254, 445, 447, 634, 638, 646, 691

Commendation of superintendents of state mental hospitals—

SJR 22, pp. 906, 1024

Commission on education with respect to alcoholism, name changed to commission on alcoholism—

HB 86, pp. 70, 177, 371, 839, 892, 1017

Dead bodies, regulating transportation of—

HB 186, pp. 99, 177, 372, 1425, 1431, 1486

HB 981, pp. 1525, 1692, 1984, 2453, 2461, 2548

Dentistry, teaching of, practice of dental hygiene, and operation of dental laboratories, regulated and licensed—

SB 68, pp. 146, 255, 533, 632

HB 85, pp. 70, 254, 534

Eminent domain powers conferred upon certain hospital corporations—

HB 912, p. 1357

Food handlers, regulating employment of—

HB 375, p. 271

Healing arts, creating the state licensing board for—

HB 150, pp. 91, 254, 445, 634, 638, 646, 691

Mental health, continuing committee created to study—

HJR 94, p. 2310

SJR 28, p. 2426

Mental health, levying beer tax for—

HB 360, p. 266

HB 759, pp. 957, 1101

Mental health, levying liquor tax for—

HB 760, pp. 957, 1100, 1101, 1286, 1380, 1385, 1698, 1714, 1926

Mental health, special joint committee to study, time to make its report extended—

SJR 21, pp. 895, 1023

Mental hospital building, authorizing issuance of bonds for construction of—

HB 762, pp. 958, 1100, 1101, 1286, 1383, 1385, 1422, 1697, 1926, 2051, 2312, 2350, 2361

Mental illness, training students in field of—

HB 766, pp. 959, 1100, 1101

Milk control board, license fees charged by—

HB 860, p. 1180

Mobile County, authorizing issuance of bonds for construction of hospital—

HB 1001, pp. 1597, 2108, 2257, 2485, 2522, 2550

## PUBLIC HEALTH—Continued

Naturopathy, penalty for practicing—  
HB 157, pp. 92, 254, 612

Optometrists, licensing and regulation of—  
HB 510, p. 608

Physicians and surgeons, regulation and licensing of—  
HB 150, pp. 91, 254, 445, 634, 638, 646, 691  
HB 151, pp. 91, 254, 445, 634, 638, 646, 691  
HB 153, pp. 92, 254, 445, 447, 634, 638, 646, 691

Poliomyelitis, requiring vaccination for pre-school children—  
HB 566, p. 681  
HB 879, p. 1295

Poliomyelitis, requiring vaccination for school children—  
HB 489, p. 510

Pollution or contamination of any public waters of the state, penalty for—  
HB 177, p. 98

Quail, pen-raised, licensing and regulating breeders of—  
SB 187, pp. 641, 881, 2330, 2378  
HB 404, pp. 303, 392

Southern regional council on mental health training and research, appropriation—  
HB 4, pp. 6, 202, 250, 367, 385, 597, 618, 620

Tubercular prisoners in custody of board of corrections, care and treatment of—  
HB 231, p. 123

Tuberculosis sanatoriums, joint, prescribing quorum for meetings of boards of trustees—  
HB 498, pp. 515, 599

University of Alabama medical center, authorizing issuance of bonds for construction of mental hospital—  
HB 765, pp. 959, 1100, 1101, 1287, 1383, 1385, 1422, 1697, 1698, 1927

Water resources study commission, created—  
HB 181, pp. 99, 178, 373, 452, 455  
SB 127, pp. 248, 392, 452, 465, 495

## PUBLIC IMPROVEMENTS

Cities 6,000 or less population, construction and financing of streets, sidewalks, and sewers outside corporate limits of—  
SB 91, p. 165  
HB 111, pp. 79, 116, 196, 280, 449, 1490, 1496, 1563

Contracts for public works, defining term "public improvements" as used in—  
HB 368, pp. 270, 389, 518, 520, 545

## PUBLIC LIBRARY SERVICE DIVISION—

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## PUBLIC LIBRARY SERVICE DIVISION—Continued

Director, qualification of—  
SB 349, pp. 2303, 2320, 2507, 2521

Executive board, composition of—  
SB 349, pp. 2303, 2320, 2507, 2521

## PUBLIC SAFETY, STATE DEPARTMENT OF

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Director, election, qualifications, and compensation—  
HB 929, p. 1371

Director required to notify commissioner of licenses of Mobile County upon suspension or revocation of driver's license of county resident—  
HB 881, pp. 1295, 1354, 1481, 2367, 2385, 2546

Motor vehicles involved in accidents, garages, repair shops, and wrecker services required to make certain reports of—  
HB 163, p. 93

Motor vehicles, requiring use of safety glass in—  
HB 768, p. 960

"Motor Vehicle Safety Responsibility Act", appeals from decisions of court regulating—  
HB 898, p. 1312

"Motor Vehicle Safety Responsibility Act", limits of liability under—  
HB 273, p. 137  
HB 547, pp. 674, 910, 1412

"Motor Vehicle Safety Responsibility Act", proof of financial responsibility—  
HB 788, pp. 1042, 1281

"Motor Vehicle Safety Responsibility Act", suspension of licenses under—  
HB 899, p. 1313  
SB 124, pp. 226, 253, 459, 496

Property illegally parked or placed on public highway or right-of-way, removal and disposition of—  
HB 164, p. 93

Traffic-control devices, uniform arrangement of colors appearing on—  
HB 474, p. 471

## PUBLIC UTILITIES

Appeals from orders of public service commission, refund of increase in rates during pendency of—  
HB 385, p. 293

Bonds issued by municipal corporation for financing, execution of—  
HB 287, pp. 141, 178, 369  
SB 153, pp. 247, 256, 369, 404



## PUBLIC UTILITIES—Continued

Cities 6,000 or less population, streets and sewers outside corporate limits of, construction and financing of—

SB 91, p. 165

HB 111, pp. 79, 116, 196, 280, 449, 1490, 1496, 1563

Common carrier, road tax imposed on operation of vehicle as—

HB 335, pp. 213, 908, 1331, 2421, 2441, 2547

Facilities along federal aid highway projects, relocation of—

HB 509, p. 608

Marion County, distribution of proceeds of privilege license tax levied on electric and hydro-electric public utilities—

HB 69, pp. 63, 117, 153

Method of securing adequate telephone service, provided for—

HB 943, p. 1467

Motor carriers, exempting from regulation motor vehicles used in transporting insecticides and livestock feed—

HB 322, pp. 208, 1105

Payment of Costs of Relocation of facilities on Federal-aid Highways—

HB 744, pp. 954, 1102, 1347

Telephone or telegraph service, penalty for obtaining, through use of false credit card or other fraudulent scheme—

HB 365, pp. 269, 910, 1407, 2364, 2383, 2546

Trains, requiring electric marker warning lights on rear of, and electric lights within, cabooses—

HB 479, p. 503

Water and sewer lines, compensation awards in condemnation of lands for rights of way for—

HB 255, p. 133

## PUBLIC WELFARE

Aged, cities and counties authorized to provide assistance for—

HB 609, pp. 740, 1691, 1794, 1802, 2304

Blind, eligibility requirements for, and amount of, public assistance payable to—

HB 76, p. 66

“Blind person,” legislative definition of—

HB 229, p. 122

Day care facilities for children, licensing and regulation of—

HB 161, pp. 93, 421, 1793, 1799, 2148

Dependent child living in a suitable home, limiting payment of aid to—

HB 23, pp. 9, 116, 170

Dependent child of mother able to work and not needed in the home, payment of aid to—

HB 22, pp. 8, 116, 195, 218, 220, 221, 222, 223, 248, 385

## PUBLIC WELFARE—Continued

Income tax returns of recipients of, agents of department of pensions and security authorized to inspect—  
HB 421, pp. 395, 468, 1404, 1405

Names of state and county boards and departments of pensions and security changed to state and county boards and departments of public welfare—  
HB 51, p. 57

Old age pensions, additional tax levied on spirituous and vinous liquor for payment of—  
HB 173, p. 98

Old age pensions, beer tax levied for payment of—  
HB 174, p. 98

Old age pensions, dedicating revenue from advertising signs on highway rights of way to payment of—  
HB 172, p. 97

Old age pensions, eligibility requirements for—  
HB 241, p. 125  
HB 295, p. 180

Public assistance payments, maximum amount of—  
HB 232, pp. 123, 911, 1794, 1801, 2149

Recipients of, continuation of standards for—  
HJR 17, p. 125  
HJR 25, p. 185

Records and cancelled checks in county departments of pensions and security, destruction of—  
HB 160, pp. 93, 130, 281

Records relating to surplus commodities, destruction of—  
HB 420, pp. 395, 468, 1403, 1404, 2542, 2544, 2550

## PUBLIC WELFARE, COUNTY BOARD OF

Name of county board of pensions and security changed to—  
HB 51, p. 57

## PUBLIC WELFARE, COUNTY DEPARTMENT OF

Name of county department of pensions and security changed to—  
HB 51, p. 57

## PUBLIC WELFARE, STATE BOARD OF

Name of state board of pensions and security changed to—  
HB 51, p. 57

## PUBLIC WELFARE, STATE DEPARTMENT OF

Name of state department of pensions and security changed to—  
HB 51, p. 57

## PUBLIC WORKS

Contractors, bonds when contracting for public works—  
HB 676, pp. 875, 910

## PUBLIC WORKS—Continued

Contracts for, defining term “public improvements” as used in—  
HB 368, pp. 270, 389, 518, 520, 545

Professional engineer, required in construction of—  
HB 578, p. 708

Workmen’s wages, prevailing wages required on all construction  
projects where state funds are expended—  
HB 1062, p. 1696

## PUBLICATION

County, requiring publication of financial reports by—  
HB 540, pp. 666, 1107, 1793, 1797, 2158

Legal notices, rates for and manner of publication of—  
HB 346, pp. 259, 292, 412, 637, 645, 691

Making certain publications available to persons under eighteen  
years of age, prohibited—  
HB 977, p. 1523

## PUBLICATIONS ADVISORY COMMITTEE, COUNTY

Provided for—  
HB 977, p. 1523

## PUBLICITY AND INFORMATION, STATE BUREAU OF

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Director, election and compensation of—  
HB 1048, p. 1694

## PURCHASING

Autauga County, regulated—  
HB 690, pp. 914, 1032, 1184, 1438, 1442, 1486

Chambers County, regulated—  
SB 81, pp. 234, 247, 257, 394, 435, 465, 495  
SB 83, 238, 247, 257, 394, 437, 465, 495

Clay County, regulated—  
HB 644, pp. 788, 882, 979

Counties, regulated—  
HB 906, p. 1316

Pike County, regulated—  
HB 113, pp. 81, 118, 157

State, commodities produced or sold in Alabama given preference—  
HB 366, pp. 269, 389, 518

State, regulated—  
HB 217, pp. 121, 253, 460, 528  
HB 366, pp. 269, 389, 518

State, textbooks eliminated from requirements for competitive  
bids—  
HB 366, pp. 269, 389, 518

## PYROTECHNICS

Sale, possession and use of, regulated—  
HB 907, pp. 1355, 1725

## QUAIL

Breeders of pen-raised quail, licensing and regulation of—  
SB 187, pp. 641, 881, 2330, 2378  
HB 404, pp. 303, 392

## RABBITS

Baby rabbits, penalty for selling, displaying, or giving away—  
HB 90, pp. 72, 177, 369, 643, 648, 691

## RADIO

Advertising time, privilege license tax levied on sellers of—  
HB 321, p. 208

Defamatory statements published or uttered in or as a part of a  
radio broadcast, regulating actions involving—  
HB 220, pp. 121, 467

## RAILROADS

Cabooses of trains, requiring electric marker warning lights on  
rear of, and electric lights within—  
HB 479, p. 503

Chilton and Shelby Counties, warning devices required at grade  
crossings—  
HB 970, pp. 1511, 1631, 1871, 1937

Rail track motor cars, requiring certain equipment to be installed  
on—  
HB 314, p. 205

## RAINBOW CITY, TOWN OF

Boundaries altered—  
HB 253, pp. 132, 179, 215, 441, 460, 545

## RANDOLPH COUNTY

Ad valorem tax in school district 2 for educational purposes, con-  
stitutional amendment authorizing—  
HB 114, pp. 82, 118, 158, 619, 628, 635

Board of education, compensation of members—  
HB 276, pp. 137, 179, 276, 277, 442, 460, 545

Sikes, W. E., relief of—  
HB 851, pp. 1162, 1284, 1391, 1805, 1843, 1926

Solicitor, county, compensation—  
HB 115, pp. 82, 118, 158, 407, 419, 462

Voters, reidentification of—  
HB 499, pp. 515, 601, 687, 839, 891, 1017

## REAL ESTATE COMMISSION, STATE

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## REAL PROPERTY

See also: PROPERTY

Ad valorem tax, rate of assessment—

HB 487, p. 509

HB 488 p. 510

Barbour County, recording of conveyances relating to—

HB 1012, pp. 1638, 1721, 1904, 2442, 2458, 2548

Birmingham and Bessemer, certain land conveyed for a park, vacated—

HB 1094, pp. 1860, 1946, 2130, 2487, 2524, 2548

Board of equalization, date for meetings to review assessments—

HB 224, pp. 122, 178, 374, 2541, 2543, 2550

Corporations prohibited from owning or holding in excess of ten thousand acres, in certain cases—

HB 292, p. 180

Counties 53,000 to 56,000 population, inventory and assessment of—

SB 236, pp. 849, 1724, 2091

HB 438, pp. 400, 421, 539, 1715

Dixie Graves Parkway, disposition of certain real property acquired as part of—

HB 12, p. 7

Eminent domain proceedings, penalty for attempting to influence commissioner in—

HB 81, p. 67

Highway director authorized to acquire land and land interests—

HB 866, p. 1287

Highway officials authorized to enter upon land to make surveys—

HB 867, p. 1288

Homestead exemption from ad valorem taxes—

HB 209, p. 120

HB 512, p. 608

Involuntary conversion of property as result of condemnation, recognition of lose or gain for income tax purposes—

HB 345, pp. 259, 877, 1010, 1227, 1257, 1276

SB 225, pp. 641, 877, 2467

Mount Vernon barracks military reservation, disposition of money derived from sale of—

HB 758, pp. 956, 1280, 1553, 2372, 2384, 2546

Municipal ad valorem taxes, date for levy of—

HB 362, pp. 267, 1694

School lands, acquisition of title to, by adverse possession—

SB 101, pp. 198, 1689, 2476

Submerged lands control board, state, created—

HB 458, p. 469

Submerged lands and man-made lands lying under or abutting tidal waters, regulating sale of—

HB 305, p. 184

## REAL PROPERTY—Continued

Tidelands, repealing provisions for acquiring and reclaiming—  
HB 460, p. 469

Veterans, disabled, or their widows, ad valorem tax exemption for—  
HB 199, p. 104

## REAPPORTIONMENT

Legislature—  
HB 257, pp. 134, 1693

Legislature, constitutional amendment—  
HB 27, p. 13  
HB 101, pp. 76, 1693  
HB 206, p. 105  
HB 211, p. 120  
HB 250, pp. 132, 1693  
HB 432, p. 399  
HB 815, p. 1117  
HB 816, p. 1118  
HB 817, p. 1118

Senate, constitutional amendment—  
HB 398, p. 301

## RECEIVERS

Appeal of order of register appointing—  
HB 264, p. 136

Appointment of—  
HB 263, p. 136  
HB 265, p. 136

## RECORDER

Appeals from recorder's court, manner of taking—  
HB 494, p. 512

Appeals from recorder's court, proceedings on judgments of—  
HB 225, p. 122

Appeals from recorder's court, regulated—  
HB 74, pp. 66, 910  
HB 688, p. 876  
SB 355, p. 1929

Cities 75,000 to 125,000 population having a commission form of government, selection of—  
SB 293, pp. 841, 913, 1070, 1098  
HB 610, pp. 740, 886, 1001, 1235, 1254, 1276

Cities 300,000 or more population, power to impose penalties for violation of certain ordinances—  
HB 983, pp. 1526, 1634, 1776, 2401, 2438, 2547

Fines imposed in recorder's court, maximum amount of, and daily amount allowed in working out—  
HB 496, p. 512

Mobile County, additional qualifications prescribed—  
HB 1114, p. 1952

## RECORDER—Continued

Person disqualified from voting on conviction of crime, reporting of name of—  
SB 49, pp. 167, 1280, 2474, 2519

## RECORDS

Attorney general authorized to examine records of corporations, partnerships, proprietorships, and unincorporated associations—  
HB 21, pp. 8, 46, 191, 218, 277, 286, 292

Barbour County, recording of conveyances—  
HB 1012, pp. 1638, 1721, 1904, 2442, 2458, 2548

Birth certificates and other such records, fees for issuing certified copies of—  
HB 336, pp. 213, 420, 1013, 2541, 2543, 2550

Certain organizations required to permit examination of—  
HB 283, pp. 139, 177, 288

Counties 500,000 or more population, judge of probate authorized to delegate power to enter and sign marginal satisfaction records of mortgages, deeds, and other liens—  
HB 1019, pp. 1655, 1718, 1879, 1882, 2505, 2528, 2549

Counties 500,000 or more population, judge of probate authorized to dispose of certain documents—  
HB 1021, pp. 1656, 1718, 1880, 2497, 2534, 2549

Counties 500,000 or more population, judge of probate and chief clerk authorized to use certain systems of indexing—  
HB 1022, pp. 1656, 1719, 1884, 2505, 2528, 2549

County department of pensions and security, destruction of certain records and cancelled checks in—  
HB 160, pp. 93, 130, 281

Hospital, admissibility in evidence of reproductions or certified copies of—  
HB 141, p. 90  
HB 433, pp. 399, 597  
HB 776, pp. 1037, 1280

Income tax returns of public welfare recipients, agents of department of pensions and security authorized to inspect—  
HB 421, pp. 395, 468, 1404, 1405

Madison County, photographing and microphotographing of records authorized—  
HB 1033, pp. 1671, 1723, 1913, 2371, 2390, 2547

Surplus commodities, destruction of certain records relating to—  
HB 420, pp. 395, 468, 1403, 1404, 2542, 2544, 2550

## REGISTER, CIRCUIT COURT

Absentee ballots, time for delivery to election officials—  
HB 268, p. 136

Butler County, compensation—  
HB 309, pp. 202, 292, 412, 681, 749, 1019, 1078, 1094

## REGISTER, CIRCUIT COURT—Continued

Butler County, compensation, constitutional amendment—  
HB 308, pp. 202, 292, 413, 681

Cleburne County, clerical assistance—  
HB 526, pp. 655, 696, 962, 1231, 1250, 1275

Cullman County, compensation of deputy register—  
HB 192, pp. 101, 119, 163, 409, 419, 462  
HB 531, pp. 659, 696, 964, 1350, 1351, 1419

Dallas County, compensation—  
SB 59, pp. 149, 179, 217, 273

Elmore County, compensation, constitutional amendment—  
HB 193, pp. 102, 119, 164, 837, 890, 1017

Fees on appeals to supreme court—  
HB 623, p. 745

Madison County, compensation of chief clerk—  
HB 1035, p. 1675  
HB 1076, pp. 1744, 1845, 2081, 2502, 2530, 2549

Marshall County, compensation of deputy register—  
HB 1107, pp. 1866, 1944, 2119, 2489, 2525, 2549

Receiver, appeal of order appointing—  
HB 264, p. 136

Receiver, appointment of—  
HB 263, p. 136  
HB 265, p. 136

Russell County, compensation, constitutional amendment—  
HB 116, pp. 83, 118, 188, 637, 645, 691

## REGISTRATION OF VOTERS

See also: BOARD OF REGISTRARS: VOTERS

Applicant refused registration, reapplication of—  
HB 853, p. 1163

Board of registrars, additional meetings in even numbered years—  
HB 67, pp. 60, 1103, 1783, 1784, 2453, 2461, 2548

Board of registrars authorized to reserve certain meeting days for  
performance of clerical work—  
HB 66, pp. 60, 1103, 1783, 2453, 2461, 2548

Qualifications for—  
HB 448, p. 426

State board of examiners for voter registration, created—  
HB 447, p. 425

## REIDENTIFICATION OF VOTERS

Butler County, provided for—  
HB 25, pp. 9, 47, 109, 227, 272, 288

Cherokee County, provided for—  
HB 939, pp. 1461, 1499, 1871



## REIDENTIFICATION OF VOTERS—Continued

- Choctaw County, provided for—  
HB 642, pp. 783, 882, 978, 1805, 1840, 1926
- Coffee County, provided for—  
HB 698, pp. 920, 1033, 1185, 1490, 1497, 1563
- Counties 56,500 to 72,500 population, reidentification of voter before clerk of board of registrars—  
HB 168, pp. 94, 119, 160, 408, 419, 462
- Counties 200,000 or more population, provided for—  
HB 1096, pp. 1862, 1946, 2131, 2133, 2142, 2487, 2524, 2548
- Covington County, provided for—  
HB 968, pp. 1502, 1632, 1873, 2400, 2438, 2547
- Crenshaw County, provided for—  
HB 904, pp. 1314, 1451, 1538, 2365, 2386, 2546
- Lee County, provided for—  
HB 600, pp. 730, 886, 998, 1234, 1253, 1276
- Periodic, provided for—  
HB 54, pp. 57, 647  
HB 251, p. 132
- Randolph County, provided for—  
HB 499, pp. 515, 601, 687, 839, 891, 1017
- St. Clair County, provided for—  
HB 558, pp. 677, 697, 974, 1232, 1251, 1275

## RELIEF ACTS, LOCAL

- Butler County, United Telephone & Telegraph Company—  
HB 966, pp. 1501, 1631, 1762, 2369, 2389, 2547
- Etowah County, Etowah Stadium Association, Inc.—  
HB 315, pp. 205, 256, 311, 442, 461, 545
- Jefferson County, C. D. Chiles—  
HB 946, pp. 1469, 1500, 1759, 2370, 2387, 2547
- Jefferson County, John Hollis Camp—  
HB 1095, pp. 1861, 1946, 2131, 2487, 2524, 2548
- Jefferson County, Lula Braxton—  
HB 711, pp. 931, 1035, 1201, 1423, 1428, 1485
- Jefferson County, Mrs. E. H. Golden and L. L. Tryon—  
HB 784, pp. 1040, 1108, 1225, 1424, 1430, 1486
- Jefferson County, V. Chambliss—  
HB 781, pp. 1038, 1107, 1216, 1424, 1430, 1486
- Marengo County, D. M. Taylor—  
HB 482, pp. 504, 600, 683, 838, 890, 1016
- Marion County, Lee Other Harris—  
SB 339, pp. 1242, 1633, 1773, 2017
- Randolph County, W. E. Sikes—  
HB 851, pp. 1162, 1284, 1391, 1805, 1843, 1926

## RELIEF ACTS, LOCAL—Continued

Talladega County, W. C. Madden—  
SB 218, pp. 443, 469, 527, 633

## RELIEF ACTS, STATE

C. & K. Truck Lines—  
HB 282, p. 139  
HB 769, p. 960

Chapman, Hallie S.—  
SB 350, pp. 1529, 2107, 2331, 2378

Coburn, Paul—  
HB 213, pp. 120, 1447, 1595

Coggins, Jack—  
HB 1127, p. 1966

Davis, Barney—  
HB 687, p. 876

Edward, Harold—  
HB 423, p. 397

Kilpatrick, L. B.—  
HB 1010, pp. 1630, 1725, 1794, 1803, 2025

Leroy Lackey Company, Inc.—  
HB 302, pp. 182, 1684, 1726, 2025, 2541, 2542, 2550

Moorer, Margie, P.—  
HB 64, p. 60

Newman, Ernest V.—  
HB 565, p. 681

Robins Engineering, Inc.—  
HB 662, pp. 871, 1726, 1794, 1804, 1986, 2453, 2458, 2548

Sisk and Meade, contractors—  
HB 1135, pp. 1978, 2112, 2299

Stuart, M. W.—  
HB 1063, p. 1696

Wright, Chester—  
HB 678, p. 875

## REPORTS

Report of Interim Committee on Finance and Taxation—p. 622

Report of Interim Committee on Revision of Laws—p. 42

Report on Interstate Conference on Water Problems—p. 385

## RESOLUTIONS

Adams, speaker Charles C., and representatives Virgis M. Ashworth,  
Ira Pruitt, and Joseph Smith, commended for their outstanding  
leadership in legislature—  
HR 110, p. 2447

## RESOLUTIONS—Continued

Adams, speaker Charles C., special fund for purchasing hearing aid for—

HR 8, p. 48

## Adjournment—

HJR 7, p. 48

HJR 19, pp. 126, 127

HJR 23, p. 185

HJR 28, pp. 250, 275

HJR 36, pp. 387, 412

HJR 44, pp. 441, 462

HJR 45, p. 474

HJR 71, pp. 1440, 1485, 1489, 1562

HJR 92, pp. 2309, 2351

HJR 116, p. 2544

SJR 19, pp. 648, 691

Alabama Cattlemen's Association, hosts of September 9, extended thanks, appreciation—

HJR 62, pp. 894, 906, 1023, 1094

Alabama commission on juvenile court legislation, established—

HJR 13, pp. 106, 1279, 1343, 1347, 1348

Alabama-Coosa river system development, congress requested to make funds available—

HJR 75, pp. 1527, 1930, 1933, 2086

Alabama Farm Bureau officers and members commended for decision to hold their annual meeting in Montgomery—

HJR 83, pp. 1683, 1929, 1934, 2086

Allen, commander William Burton, mourning death of—

HJR 42, pp. 427, 461, 496, 545

American legion "governor" Ned Pierce, and "lieutenant governor" Artie Haines commended for participation in boys state—

HJR 41, pp. 406, 428, 461, 545

Andrews, representative George W., commending congress for naming lock and dam for—

HJR 43, pp. 429, 466, 495, 546

Bamberg, R. C. (Red), commended as outstanding cotton farmer—

HJR 98, p. 2353

Barr, captain Norman Lee, commended for contributions to the field of medicine—

HJR 26, pp. 194, 248, 273, 288

Blackmon, Arthur, mourning death of—

SJR 34, pp. 1687, 2016

Board of corrections, legislative advisory and study committee established with—

SJR 12, pp. 439, 499, 639, 644

Brown Printing Company and Herbert R. Nation commended—

HJR 102, pp. 2428, 2455, 2462, 2548

Bryce hospital, legislators urged to inspect—

HJR 59, pp. 756, 868, 889, 1016

## RESOLUTIONS—Continued

- Building commission, state, election of members of—  
HR 15, pp. 109, 142
- Byrd, lieutenant governor Garland T., of Georgia, invited to address legislature—  
HJR 31, pp. 273, 275, 308, 384
- Callahan, William T., mourning death of—  
SJR 34, pp. 1687, 2016
- Chambers, representative Ralph W., requested to speak to house—  
HR 114, p. 2537
- Cheatham, David, commended for rescuing three persons from Black Warrior river—  
HJR 30, pp. 251, 275, 308, 384
- Clerk of the house, additional clerks authorized—  
SJR 41, pp. 2376, 2457
- Clinton, colonel James P., mourning death of—  
HJR 76, pp. 1528, 1930, 1933, 2086
- Coleman, judge Eleanor Montgomery, mourning death of—  
HJR 86, pp. 1924, 1929, 1934, 2087
- Collins, Charles C., mourning death of—  
HJR 54, pp. 633, 639, 647, 691
- Commission on interstate cooperation, members authorized to attend southern regional conference of the council of state governments—  
SJR 15, pp. 466, 496
- Congress memorialized to provide aid to persons desiring to migrate to Republic of Liberia—  
HJR 57, p. 692
- Congress requested to enact legislation providing social security benefits to child eighteen to twenty-two years of age if attending school—  
HJR 37, pp. 404, 428, 461, 545
- Congress urged to continue present federal-aid highway program—  
HJR 4, pp. 25, 250
- Cook, representative Drexel, expressing regret at illness of—  
HR 90, p. 2256
- Corrections, state board of, providing legislative advisory committee for—  
HJR 48, p. 493
- Deese, judge Frank O., mourning death of—  
HJR 78, pp. 1594, 1930, 1933, 2086
- Department of corrections, thanks extended for dove shoot given in honor of members of Legislature—  
HJR 87, pp. 1924, 1931, 1934, 2087
- Designating House Bill 46 as the "Albea, Boyd, Martin, Sullivan, Hardy and Cates" Bill—  
HR 73, p. 1442

## RESOLUTIONS—Continued

- Designating House Bill 102 as the "Gilchrist-Roberts (Madison)" Bill—  
HJR 109, pp. 2447, 2481, 2522, 2548
- Designating House Bills 150, 151, 152, and 153 as the "Bevill, Bailey, Leonard, McLendon and Ray" Bills—  
HJR 55, p. 634
- Designating House Bill 345 as the "Godfrey-Meade Bill"—  
SJR 25, p. 1280
- Designating House Bill 345 as the "Meade, Guthrie, Harris, Ray, Oden, Harvey, Jenkins, Albea, Casey, Solomon, Godfrey and Clark Bill"—  
HJR 106, pp. 2430, 2455, 2463, 2548
- Designating House Bill 533 as the "Hanby-Shelton Bill"—  
HJR 91, pp. 2295, 2364, 2392, 2547
- Designating House Bill 700 as the "Godfrey, Meade and Harris Bill"—  
SJR 46, p. 2507
- Designating House Bill 700 as the "Harris, Godfrey and Meade Bill"—  
HJR 115, pp. 2541, 2545, 2546, 2550
- Designating House Bill 1042 as the "Smith (St. Clair)-Wyatt Bill"—  
HJR 108, pp. 2444, 2451, 2463, 2548
- Designating House Joint Resolution 42 as the "Ingram and Gaither Resolution"—  
SJR 10, pp. 429, 496
- Designating Senate Bill 53 as the "Andrews, Britton, Casey, and Phillips Bill"—  
SJR 40, pp. 2377, 2457
- Directing the legislative council to make a study of pay plans relative to compensation of state officers and employees—  
HJR 107, pp. 2430, 2455, 2463, 2548
- Eddington, judge David H., mourning death of—  
SJR 30, pp. 1545, 2016
- Examiners of public accounts, committee of, election of members of—  
HR 15, pp. 109, 142
- Faubus, governor Orval E., address by—  
SJR 14, p. 464
- Faubus, governor Orval E., expressing appreciation to, for address to legislature—  
HJR 51, pp. 597, 613, 619, 620
- Faubus, governor Orval E., invited to address legislature—  
HJR 6, pp. 47, 54, 114
- Five year calendar, purchase of—  
HR 88, p. 1925

## RESOLUTIONS—Continued

- Football game between University of Alabama and Alabama Polytechnic Institute, requesting television of—  
HJR 5, pp. 27, 129, 144, 174
- Gallalee, Mrs. Lua Caulkins, mourning death of—  
HJR 34, pp. 309, 369, 381, 384
- Gaillard, Samuel Palmer, mourning death of—  
HJR 82, pp. 1683, 1930, 1934, 2086
- “Golden Age Sunday”, designation of—  
HJR 95, p. 2321
- Goldthwaite, representative Alfred, congratulated on birth of son—  
HR 65, p. 1024
- Governor notified legislature is in session—  
HJR 2, pp. 5, 25
- Greensboro, invitation of representatives to attend dove shoot at—  
HR 81, p. 1682
- Hankins, representative Jack, wished speedy recovery from his illness—  
HR 20, p. 128
- Henley, professor J. E., mourning death of—  
HJR 80, pp. 1682, 1930, 1934, 2086
- House Special Order—  
HJR 23, pp. 250, 1491  
HR 60, p. 764  
HR 67, p. 1138  
HR 84, pp. 1793, 1795
- Hudson, R. F., Jr., mourning death of—  
SJR 26, pp. 1274, 1343
- Insurance code, reading of—  
HR 9, p. 49
- “John B. Benson Road”, designation of—  
HJR 10, pp. 105, 114, 125, 127
- Johnson, Tom and Harold, thanks extended for entertainment provided—  
SJR 38, pp. 2074, 2314
- Jones, representative Fletcher, congratulated on birth of son—  
HR 32, p. 274
- King, J. B., mourning death of—  
HJR 16, pp. 125, 129, 144, 174
- Kraus, Albert, urged to provide frames for pictures made of legislators—  
HR 112, p. 2481
- Kreis, Jacob M. (Jake), mourning death of—  
HJR 72, pp. 1441, 1485, 1489, 1563
- Leatherbury, Frank L., mourning death of—  
SJR 1, pp. 46, 54

## RESOLUTIONS—Continued

- Legislative council, election of members of—  
HR 15, pp. 109, 142
- Legislative reference service, director and staff commended—  
HJR 100, pp. 2428, 2455, 2462, 2548
- Legislature, recessing regular session—  
HJR 52, pp. 620, 631, 633, 635
- Legislature, state employee of agency furnishing information on pending measure required to furnish same information to sponsor of pending measure—  
HJR 38, pp. 404, 428, 461, 545, 629, 694
- Madison County, unique and mystic qualities of lime water of—  
HR 61, p. 778
- Malone, W. W. (Will), mourning death of—  
HJR 58, pp. 693, 868, 894, 1017
- McCorquodale, Joe, Jr. and wife, Betty, expressing concern over welfare and wishing speedy recovery of—  
HJR 89, pp. 2088, 2364, 2391, 2547
- Medaris, general John Bruce, governor John Patterson invited to introduce, at joint session—  
HJR 53, pp. 623, 627
- Medaris, major general John Bruce, invited to address legislature—  
HJR 27, pp. 201, 275, 308, 384, 622, 628
- Melton, Oakley, Jr., and his staff, expressing appreciation to—  
HR 101, p. 2428
- Melton, Oakley, Sr., expressing pleasure to, for acting as clerk of house for one day—  
HR 99, p. 2359
- Menninger, doctor William C., invited to address legislature—  
HJR 18, pp. 126, 129, 144, 174
- Menninger, doctor William C., inviting doctor Sid Tarwater, former senator E. W. Skidmore, and James K. Williams to be guests of legislature to hear speech by—  
HJR 21, pp. 184, 191, 196, 198
- Mental health, continuing committee created to study—  
HJR 94, p. 2310  
SJR 28, p. 2426
- Mental health, joint committee to study, extending time for report of—  
SJR 21, pp. 895, 1023
- Mental hospitals, state, commending superintendents of—  
SJR 22, pp. 906, 1024
- Military retirement pay, congress requested to eliminate discrimination against certain persons in regard to—  
HJR 39, pp. 405, 428, 461, 545, 1097
- Miller, Mittie, and Charles Miller, commended—  
HJR 104, pp. 2429, 2455, 2463, 2548

## RESOLUTIONS—Continued

Miss America of 1960 honored and invited to attend a session of legislature—

HJR 64, pp. 902, 1019, 1079, 1094

Mobile County land condemnation case, requesting legislature to obtain public report of—

HR 12, p. 106

Montgomery Kiwanis Club commended for sponsorship of the sixth annual South Alabama fair—

HJR 77, pp. 1575, 1929, 1933, 2086

Morrow, Hugh, Sr., joint session to hear address by—

HJR 70, pp. 1353, 1380

Nelson, Miss Mildred, congratulated on having been chosen "Alabama Maid of Cotton for 1960"—

HJR 74, pp. 1442, 1485, 1489, 1563

Nettles, Samuel Cornelius, Sr., mourning death of—

HJR 79, pp. 1595, 1929, 1933, 2086

"Oil Centennial Month" and "Oil Centennial Year" designated—

HJR 47, pp. 492, 548, 618, 620

Oregon legislative assembly, expressing thanks to, for invitation to centennial celebration—

SJR 8, p. 387

Partlow state school, legislators urged to inspect—

HJR 59, pp. 756, 868, 889, 1016

Patterson, governor John, invited to hear address by doctor William Claire Menninger—

HJR 40, pp. 406, 428, 461, 545

Patterson, governor John, joint session to receive message of—

HJR 3, pp. 5, 25

Pensions and security, state department of, requested to continue same standards for recipients of pensions—

HJR 17, p. 125

HJR 25, p. 185

Pisgah high school basketball team commended—

HR 11, p. 105

Recreation and state beaches and parks, creating joint committee on—

SJR 7, pp. 401, 497, 533, 548, 644

Relieving the secretary of state, and certain employees of the legislature, of certain responsibilities—

HJR 103, pp. 2429, 2455, 2463, 2548

Requesting Alabama congressional delegation to oppose sale of government-owned cotton during harvesting and marketing—

SJR 18, pp. 649, 751

Rushton, colonel Marion, invited to hear address by doctor William Claire Menninger—

HJR 49, pp. 527, 545, 548, 620



## RESOLUTIONS—Continued

- Salter, Mrs. Wiley, mourning death of—  
HJR 66, pp. 1096, 1101, 1140, 1275
- Secretary of senate, additional clerks authorized—  
SJR 41, pp. 2376, 2457
- Senate notified house in session—  
HR 1, p. 4
- Simmons, Bill, invited to present TV Citizens Council Forum of America to joint meeting—  
SJR 23, pp. 1031, 1098
- Sixth legislative council, biennial report accepted by the legislature—  
HJR 63, pp. 897, 1019, 1079, 1094
- Southern Bell Telephone and Telegraph Company, expressing appreciation to, for preparation and publication of telephone directory for members of legislature—  
HJR 33, pp. 274, 288, 308, 384
- Stewart, judge Winston, and association of county commissioners, expressing appreciation to, for professional cards furnished members of legislature—  
HJR 24, pp. 185, 200, 213, 248
- Supreme court, requesting advisory opinion of—  
HR 14, p. 108  
HR 68, pp. 1278, 2247  
HR 69, pp. 1278, 2246  
HR 85, pp. 1923, 2363
- Taff, Milton, commended on being candidate for president of United States Junior Chamber of Commerce—  
HJR 35, pp. 310, 369, 381, 384
- Taylor, Fred, expressing regret at his departure from legislative scene and wishing him success—  
HJR 113, pp. 2493, 2508, 2536, 2550
- Telephone operators, expressing appreciation to—  
HR 105, p. 2429
- Televising proceedings of legislature—  
HR 46, p. 491
- Thanks given hosts of previous Monday evening for enjoyed occasion—  
HJR 56, pp. 648, 693, 763
- Traffic safety, creating committee on—  
HJR 96, p. 2325
- Underwood, Kenneth, expressing appreciation to, for preparation and publication of telephone directory for members of legislature—  
HJR 33, pp. 274, 288, 308, 384
- University of Alabama medical college and public health program, creating committee to survey relationship between—  
HJR 93, p. 2309

## RESOLUTIONS—Continued

Valley-Central high school football game, declaring winner number one team—  
HR 97, p. 2345

Valley High football team, extending congratulations to—  
HR 111, p. 2474

Walton, judge William Ora, mourning death of—  
SJR 29, pp. 1426, 2019  
SJR 37, pp. 2019, 2314

“Youth Honor Day”, governor requested to proclaim—  
HR 22, p. 184

## REST HOMES

Advisory board to state health officer, composition of membership of—  
HB 93, p. 72  
HB 158, pp. 93, 177, 371, 850, 889, 1016

## RETIREMENT SYSTEMS

Alabama vocational school for girls, provided for certain teachers—  
HB 1073, pp. 1737, 1845, 2308

Annuity contracts or retirement income policies for certain public employees, authorized—  
SB 88, pp. 147, 179, 375, 403  
HB 108, pp. 78, 116, 195, 1083, 1084, 1094

Calhoun County, City of Anniston, benefits for members and widows of retired members—  
HB 478, pp. 500, 600, 683, 838, 890, 1016

Cities 20,000 to 23,000 population, establishment of—  
HB 577, pp. 707, 884, 989, 1229, 1255, 1276

Cities 100,000 or more population, policemen, benefits payable under—  
HB 993, pp. 1584, 1634, 1878, 2506, 2527, 2549

Cities 250,000 or more population, definitions under—  
HB 783, pp. 1039, 1107, 1225, 1421, 1427, 1485

Cities 250,000 or more population, firemen and policemen, established—  
HB 994, pp. 1586, 1634, 1778, 2405, 2439, 2547

Cities 300,000 or more population, abolished—  
HB 991, pp. 1581, 1634, 1877, 2503, 2527, 2549

Court reporters, retirement of—  
HB 408, p. 304

Employees', additional benefits and coverage—  
HB 537, pp. 662, 907, 1414, 1805, 1840, 1926, 1935, 2313, 2350, 2361

Employees', benefits exempted from income tax—  
HB 222, pp. 121, 253, 457, 638, 646, 691

## RETIREMENT SYSTEMS—Continued

- Employees', definition of term "policeman"—  
HB 475, pp. 471, 877, 1412, 1804, 1840, 1926, 1939, 2312, 2350, 2361
- Gadsden, city of, firemen and policemen, created—  
HB 588, pp. 714, 885, 994, 1233, 1252, 1276
- Mobile County, employment of actuary to make study of—  
HB 363, pp. 267, 650, 752
- Montgomery County, created for certain employees of—  
SB 272, pp. 856, 913, 1067, 1097
- Retirement trusts created by self-employed persons, authorized and regulated—  
HB 451, pp. 426, 599, 1551, 1552
- Teachers', appropriation—  
HB 121, p. 84
- Teachers', assistance for certain retired teachers not eligible for benefits under—  
HB 143, p. 90
- Teachers', assistance for disabled teachers not receiving benefits under—  
HB 142, p. 90
- Teachers', benefits exempted from income tax—  
HB 222, pp. 121, 253, 457, 638, 646, 691
- Teachers', membership and creditable service under—  
HB 675, p. 875
- Teachers', supplemental benefits for teachers retired under—  
HB 143, p. 90
- Tuscaloosa, city of, creating firemen's and policemen's pension and relief fund—  
HB 854, pp. 1163, 1284, 1392, 1808, 1854, 1926

## REVENUE, STATE DEPARTMENT OF

- Ad valorem taxes, limiting power of department to revalue and equalize assessments for—  
HB 19, pp. 8, 51
- Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635
- Board of equalization, limiting power of agents of department to advise with—  
HB 20, pp. 8, 51
- Commissioner of, compensation—  
HB 1054, p. 1695

## RICHMOND PEARSON HOBSON MEMORIAL BOARD

- Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## RIFLES

Loaded, penalty for transporting in motor vehicles—  
HB 165, pp. 94, 178, 373

## RIGHT-OF-WAY

Advertising on highway right-of-way, regulated—  
HB 709, p. 930  
HB 172, p. 97

Controlled access facilities, acquisition of property for—  
HB 868, p. 1288

Controlled access facilities, regulating location of service stations  
on right-of-way of—  
HB 551, pp. 674, 1102, 1794, 1803

Property illegally parked or placed on public highway or right of  
way, removal and disposition of—  
HB 164, p. 93

## ROADS AND BRIDGES

See also: BRIDGES, HIGHWAY DEPARTMENT, STATE, HIGH-  
WAYS

Advertising signs on rights-of-way of, regulating placing of—  
HB 172, p. 97  
HB 709, p. 930

Autauga County, maintenance of—  
HB 692, pp. 917, 1032, 1185, 1422, 1428, 1485

Cemeteries, condemnation of, for road construction—  
HB 865, p. 1287

Cherokee County, construction and maintenance returned to the  
county—  
SB 409, pp. 1812, 2321, 2433

Cherokee County, determination of location of—  
HB 1123, pp. 1961, 2109, 2263

“Cherokee County Memorial Bridge”, designation of—  
HB 656, pp. 800, 1105, 1409

Controlled access facilities, acquisition of property for—  
HB 868, p. 1288

Controlled access facilities, regulating location of service stations  
on right-of-way of—  
HB 551, pp. 674, 1102, 1794, 1803

Counties 41,000 to 47,000 population, construction of—  
HB 674, pp. 874, 913, 1065, 1422, 1427, 1485

County, constitutional amendment requiring election to authorize  
highway department to construct and maintain—  
HB 190, pp. 100, 1143, 1405, 1406, 1411, 2506, 2532, 2550

County governing bodies, powers of—  
HB 867, p. 1288

## ROADS AND BRIDGES—Continued

DeKalb County, maintenance of roads and bridges by state highway department—

HB 1016, pp. 1644, 1722, 1908, 2504, 2528, 2549

“DeSota Parkway”, designation of—

HB 701, pp. 924, 1105, 1409, 1410, 2372, 2383, 2546

“The Demopolis Rooster Bridge”, changing name of “The Memorial Bridge” to—

SB 31, pp. 247, 255, 537, 632

Driver of vehicle involved in accident required to stop, give name and address, and render aid to injured—

HB 269, p. 136

Engineer, county, state's participation in salary of—

HB 96, pp. 75, 393, 1085, 2506, 2532, 2549

“Farm-to-Market Road Act of 1943,” regulating financing and construction of roads and bridges under—

HB 424, pp. 397, 1286, 1700, 2506, 2532, 2549

“G. E. Hill Bridge”, designation of—

HB 700, pp. 924, 1105, 1409, 1410, 2372, 2383, 2546

Intersections, right-of-way at—

HB 258, p. 134

“The John B. Benson Road”, designation of—

HJR 10, pp. 105, 114, 125, 127

“John Lawson Burnett Bridge”, designation of—

SB 275, pp. 1443, 2320

“Leesburg Memorial Bridge”, designation of—

SB 275, pp. 1443, 2320

Motor carriers, road tax imposed on operation of vehicles as—

HB 335, pp. 213, 908, 1331, 2421, 2441, 2547

Motor vehicles illegally parked or placed on, removal and disposition of—

HB 164, p. 93

Motor vehicles, rules of the road relative to operation of—

HB 167, p. 94

Motor vehicles used in delivering mail, stopping on main traveled portion of—

HB 254, pp. 133, 391, 756, 1531, 1696, 1926

HB 399, pp. 301, 394, 1533

Naming certain bridges by the state highway department, provided for—

HB 656, pp. 800, 1105, 1409

No passing zones and traffic signals, penalty for violating laws relating to—

HB 428, p. 398

Parking areas to be constructed on county roads—

HB 734, pp. 940, 1948, 2138

## ROADS AND BRIDGES—Continued

Public utility facilities along federal aid highway projects, relocation of—  
HB 509, p. 608

Right-of-way at intersections—  
HB 258, p. 134  
HB 895, pp. 1312, 1691, 2149

Semi-trailer or loaded pole trailer operating on public road, penalty for riding on—  
HB 166, pp. 94, 178, 374, 455, 758, 1077

Semi-trailer used for transporting livestock, maximum height of—  
SB 192, pp. 847, 1104, 2360, 2380

Traffic-control devices, requiring uniform arrangement of colors appearing on—  
HB 474, p. 471

## ROBINS ENGINEERING, INC.

Appropriation, relief of—  
HB 662, pp. 871, 1726, 1794, 1804, 1986, 2453, 2458, 2548

## RUSSELL COUNTY

Judge of probate, sheriff, circuit clerk, tax assessor, tax collector, and register, compensation, constitutional amendment—  
HB 116, pp. 83, 118, 188, 637, 645, 691

## RUSSELL COUNTY

Prisoners, feeding and care of—  
HB 621, pp. 743, 886, 1003, 1227, 1254, 1276

## RUSSELL, SENATOR RICHARD

Requested to schedule committee hearings on bills to equalize pay of military retirees—  
HJR 39, pp. 405, 428, 461, 545, 1097

## RUSHTON, COLONEL MARION

Invited to hear address by doctor William Claire Menninger—  
HJR 49, pp. 527, 545, 548, 620

## SALES TAX

“Automotive vehicle”, definition of—  
HB 196, pp. 104, 389, 615, 758

Bibb County, rate of, and exemptions from—  
HB 937, pp. 1454, 1498, 1566, 2368, 2388, 2547

Blind persons operating small stores exemption from—  
HB 79, p. 66

Blind persons, sales of certain small stores operated by, exempted from—  
HB 533, pp. 661, 908, 1338, 2271, 2282, 2361

Blount County, exemption of liquefied petroleum gas—  
HB 1066, pp. 1728, 1845, 2079, 2487, 2523, 2548

## SALES TAX—Continued

Chilton County, levied—

HB 812, pp. 1108, 1143, 1323, 1806, 1841, 1926, 2014, 2253, 2338, 2373, 2382, 2546

Containers and labels sold by wholesaler to manufacturer—

HB 196, pp. 104, 389, 615, 758

Exempting certain sales of less than fifteen cents—

HB 403, p. 303

Franklin County, rate of, and exemption from—

HB 1003, pp. 1604, 1611, 1720, 1900, 2500, 2527, 2549

Greene County, levied—

HB 707, pp. 926, 1033, 1190, 1436, 1442, 1486

Hale County, levied—

HB 837, pp. 1145, 1283, 1389, 1807, 1843, 1926, 2010, 2375, 2382, 2546

Jefferson County, levied—

HB 1025, pp. 1658, 1719, 1886, 1923, 2363, 2499, 2533, 2549

Lamar County, town of Millport, collection of—

HB 1074, pp. 1737, 1943, 2120, 2392, 2426, 2547

Lauderdale County, city of Florence rate of, and exemptions from—

HB 974, pp. 1518, 1600, 1761, 2369, 2389, 2547

Lawrence County, rate of, and exemptions from—

HB 1130, pp. 1967, 2110, 2265, 2442, 2460, 2548

Limestone County, rate of, and exemptions from—

HB 1075, pp. 1739, 1847, 2085, 2452, 2459, 2548

Mental health purposes, levied on liquor for—

HB 760, pp. 957, 1100, 1101, 1286, 1380, 1385, 1698, 1714, 1926

Mobile County, increase in rate of sales tax levied by cities within—

HB 606, p. 738

Motor vehicles and trailers, used, exempted from—

HB 270, p. 136

Motor vehicles, truck trailers, and semi-trailers, rate levied on—

HB 122, p. 84

Peanuts or peanut products sold in packages, exemption from—

HB 594, pp. 724, 877, 1139, 1260, 1262, 1444, 1488, 1562

School lunches, exempted from—

HB 975, pp. 1522, 1585, 1586, 1598, 1941, 2018, 2361

Trade-in value allowed in purchase of other property exempted from—

HB 175, p. 98

Tuscaloosa County, rate of, and exemptions from—

HB 803, pp. 1048, 1106, 1206, 1425, 1430, 1486, 1588, 1930, 1933, 2086

“Wholesale sale” or “sale at wholesale”, defined—

HB 154, pp. 92, 253, 382, 638, 646, 691

HB 196, pp. 104, 389, 615, 758

## SALES TAX—Continued

Wholesaler, tax levied on—  
HB 176, p. 98

## SALTER, MRS. WILEY

Joint resolution mourning death of—  
HJR 66, pp. 1096, 1101, 1140, 1275

## SANATORIA, TUBERCULOSIS

Advisory board to state health officer, composition of membership of—  
HB 93, p. 72  
HB 158, pp. 93, 177, 371, 850, 889, 1016

## SAVINGS AND LOAN ASSOCIATION

Accounts of deceased persons, payment of—  
HB 245, pp. 131, 391, 1417  
SB 145, pp. 1022, 2108, 2492, 2520

Cities and counties authorized to deposit certain obligations for safekeeping with—  
HB 247, p. 131  
SB 147, p. 247

County depository, selection as—  
HB 244, p. 131  
HB 246, p. 131

Federal savings and loan association covered under certain statutes regulating—  
HB 242, pp. 130, 391, 1417, 1419  
SB 149, pp. 1022, 2108, 2492, 2520

Mobile County, authorized to establish branch offices—  
HB 80, pp. 66, 500, 609

Sinking funds provided for the retirement of certain municipal bonds, authorizing investment in—  
HB 243, p. 131

## SCHOLARSHIPS

American legion, certain institutions made eligible for—  
HB 183, pp. 99, 177, 373, 2540, 2543, 2550  
HB 844, p. 1157

Medical, qualifications for, and amount, number, and repayment of—  
SB 61, pp. 849, 909, 1086, 1099  
HB 156, p. 92

University of Alabama, regulated—  
HB 727, pp. 939, 1448, 1794, 1804

## SCHOOL BUSES

Counties 53,000 to 56,000 population, qualifications and compensation of drivers of—  
HB 949, pp. 1471, 1942, 2095, 2255

Gasoline for use in, exempted from tax levied on—  
HB 240, p. 124



## SCHOOL BUSES—Continued

Marengo County, regulating use of—

HB 1086, pp. 1853, 1943, 2115, 2486, 2523, 2548

Marion County, minimum age and salary of drivers of—

SB 258, pp. 850, 1633, 1875

Salary, minimum, prescribed—

HB 845, p. 1157

## SCHOOL DISTRICTS

Independent, organization and establishment of—

SB 27, p. 623

HB 53, p. 57

Randolph County, school district 2, constitutional amendment authorizing ad valorem tax for educational purposes—

HB 114, pp. 82, 118, 158, 619, 628, 635

## SCHOOLS

See also: BOARDS OF EDUCATION; EDUCATION; SUPERINTENDENTS OF EDUCATION; TEACHERS; VOCATIONAL EDUCATION—

Adverse possession, acquisition of title to school lands by—

SB 101, pp. 198, 1689, 2476

Alabama vocational school for girls, appropriation—

HB 118, p. 83

Alcoholic beverages, additional tax levied on, for educational purposes—

HB 419, p. 307

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Board of education, state, election of members—

HB 751, pp. 955, 1285

Board of education, state, election of members, constitutional amendment—

HB 750, pp. 955, 1285

Boards of education, county and city, to provide assistance for instruction at private institution—

HB 563, pp. 681, 880, 1558, 2512, 2539, 2550

Bonds for school building purposes, issuance authorized—

HB 349, p. 261

Bonds for school building purposes, issuance authorized, constitutional amendment—

HB 348, p. 261

Bus drivers, examination of, provided for—

HB 902, pp. 1313, 1945

Bus drivers, minimum salary prescribed—

HB 845, p. 1157

## SCHOOLS—Continued

- Committee on courses of study, provided for—  
HB 931, pp. 1371, 1692, 1793, 1797, 2055, 2453, 2459, 2548
- Education appropriation bill—  
HB 121, p. 84
- Educational institutions authorized to invest certain endowment and other funds—  
HB 802, pp. 1048, 1690, 1794, 1802, 2054, 2510, 2534, 2549
- Educational institutions authorized to pledge certain revenue for capital improvements—  
HB 801, pp. 1047, 1690, 1794, 1802, 2054
- Elections for extension of taxes, validated—  
HB 813, pp. 1115, 1144, 1324, 2540, 2543, 2550
- Gasoline for use in school buses, exempted from tax levied on—  
HB 240, p. 124
- Governor authorized to close—  
HB 668, pp. 872, 1717, 1793, 1795, 2129, 2139, 2140, 2142  
HB 669, pp. 873, 1717, 1793, 1796, 2129, 2145  
HB 57, p. 58
- Grants in aid, provided for—  
HB 831, pp. 1122, 1692, 1794, 1803, 2021, 2511, 2539, 2550
- Independent school districts, organization and establishment of—  
SB 27, p. 623  
HB 53, p. 57
- Institutions of higher learning, construction and maintenance of streets and parking areas on campus of—  
HB 291, pp. 180, 392, 1793, 1799, 2228, 2247, 2511, 2534, 2549
- Institutions of higher learning publishing material relating to racial matters, expenditure of state funds by—  
HB 501, p. 518
- Medical scholarships, qualifications for, and amount, number, and repayment of—  
SB 61, pp. 849, 909, 1086, 1099  
HB 156, p. 92
- Minimum program fund, issuance of interest-bearing warrants to pay state appropriations upon proration against—  
HB 35, p. 19
- Minimum school program, funds available for—  
HB 562, p. 681  
HB 682, p. 875
- Nurses training schools operated by cities or counties, included in public school system—  
HB 410, p. 304
- Polio vaccination for school children, required—  
HB 489, p. 510
- Polio vaccination for pre-school children, required—  
HB 566, p. 681  
HB 879, p. 1295

## SCHOOLS—Continued

- Principals or supervisors, tenure of—  
HB 182, p. 99
- Property conveyed to the state by city or county board of education, reconveyance of—  
HB 55, pp. 57, 880
- Sale of alcoholic beverages and intoxicating liquors in vicinity of, prohibited—  
HB 915, p. 1361
- Sales tax, exemption of school lunches—  
HB 975, pp. 1522, 1585, 1586, 1598, 1941, 2018, 2361
- Scholarship funds, used to match federal funds—  
HB 522, pp. 652, 880, 1793, 1796, 2151, 2469, 2475, 2548
- School buildings, regulating construction of—  
HB 439, p. 401
- Soft drinks, regulating sale of, in public school building or on public school grounds—  
HB 130, p. 85
- Southern industrial institute, appropriation—  
HB 119, p. 84
- State commission to determine appeal cases under teacher tenure law, provided for—  
SB 414, pp. 1928, 2107, 2483, 2521
- State textbook committee, composition of, and compensation of members—  
HB 372, pp. 270, 392, 1793, 1796, 2057, 2453, 2458, 2548
- Superintendent of education, state, appointment of—  
HB 749, pp. 954, 1285
- Superintendent of education, state, appointment of, constitutional amendment—  
HB 750, pp. 955, 1285
- Superintendents of education, county, nomination, election, and qualifications—  
HB 32, pp. 17, 391, 532, 754, 1484, 1488, 1562
- Tax collector, reports and remittances of school funds placed in county depositories—  
HB 13, p. 7
- Teacher certificates, requiring examination of applicants for—  
HB 429, p. 398
- Teacher disabled and not receiving benefits from retirement system, assistance for—  
HB 142, p. 90
- Teacher tenure commission, created—  
SB 414, p. 1928, 2107, 2483, 2521
- Teacher tenure law, defining term "teacher" as used in—  
HB 182, p. 99

## SCHOOLS—Continued

Teacher tenure law, repealed—  
HB 333, pp. 212, 253, 530

Teachers colleges, appointment of police officers for—  
HB 290, pp. 180, 392

Teachers, providing paid vacations for—  
HB 371, p. 270

Teachers, retired, and not eligible for retirement benefits, assistance for—  
HB 143, p. 90

Teachers, retired, supplemental retirement benefits for—  
HB 143, p. 90

Teachers' retirement system, appropriation—  
HB 121, p. 84

Textbooks eliminated from requirements for competitive bids in purchase of—  
HB 366, pp. 269, 389, 518

Textbooks, purchase and adoption of—  
HB 372, pp. 270, 392, 1793, 1796, 2057, 2453, 2458, 2548

Textbooks required to be furnished to schools operated by Alabama state hospitals—  
HB 679, pp. 875, 1102, 1554, 2372, 2383, 2546

Tuition fees for attendance of children at school, regulating charging of—  
HB 702, p. 924

Warrants, tax anticipation, city and county boards of education authorized to issue—  
HB 189, p. 100

## SCOTTSBORO, CITY OF

Chief of police, election of—  
HB 715, pp. 932, 1033, 1191, 1193

## SEALS

County officers, execution of bonds—  
HB 592, pp. 723, 879, 1011, 1018, 1350, 1351, 1419

Facsimile signatures authorized to be used on notes, bonds, and warrants—  
HB 591, pp. 723, 879, 1011, 1350, 1351, 1419

## SECRETARY OF STATE

Acts of legislature to be printed, bound, and delivered to, prescribing number of—  
SB 111, pp. 147, 908, 2340, 2378

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Joint resolution relieving, of certain responsibilities—  
HJR 103, pp. 2429, 2455, 2463, 2548

## SECRETARY OF STATE—Continued

Office abolished—

HB 569, p. 702

HB 570, p. 702

Office abolished, constitutional amendment—

HB 572, p. 702

Trading stamps, registration of company with—

HB 596, pp. 726, 907, 1131, 1263, 1278

## SECTION, TOWN OF

Boundaries altered—

HB 356, pp. 265, 293, 414, 637, 645, 691

## SECURITIES

Assistant securities commissioner, appointment of—

HB 394, pp. 300, 388, 543

Commissioner of, appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Fiduciaries, registration and transfer of securities by—

HB 449, pp. 426, 600, 1551

Registration and sale of—

SB 282, pp. 1529, 1717, 2326, 2374, 2380

HB 534, pp. 661, 909, 1338

## SEED

Sale, labeling, and distribution of, regulated—

HB 818, pp. 1118, 1353, 1422

## SELMA, CITY OF

Retirement system, establishment of—

HB 577, pp. 707, 884, 989, 1229, 1255, 1276

## SENATE

Bills in, constitutional amendment relative to reading of—

HB 98, p. 75

Committee on local legislation requested to act on certain bills—

HR 50, p. 548

Members prohibited from doing business with the state or any of its officers or agencies—

SB 177, p. 1436

Reapportionment of, constitutional amendment—

HB 398, p. 301

Secretary of, allowed additional assistants for checking journals and other records—

SJR 41, pp. 2376, 2457

Senatorial districts composed of two or more counties, rotation of residence of senators from—

SB 159, p. 1084

## SEVERANCE TAX

- Oil and gas, distribution of proceeds—
  - HB 357, p. 266
  - SB 238, pp. 641, 876, 1138, 1259, 1272
- Oil and gas fund, transfer of surplus—
  - HB 357, p. 266
  - SB 238, p. 641, 876, 1138, 1259, 1272

## SEWER SYSTEMS

- Bonds issued by municipal corporation for financing, execution of—
  - HB 287, pp. 141, 178, 369
  - SB 153, pp. 247, 256, 369, 404
- Cities 6,000 or less population, sewer improvements outside corporate limits of, construction and financing of—
  - SB 91, p. 165
  - HB 111, pp. 79, 116, 196, 280, 449, 1490, 1496, 1563
- Sewer lines, compensation awards in condemnation of lands for rights-of-way for—
  - HB 255, p. 133

## SHELBY COUNTY

- Board of revenue and control, nomination, election, and qualification of members of—
  - HB 131, pp. 85, 118, 159, 408, 419, 462
- Costs and charges of courts and compensation of officers, constitutional amendment—
  - HB 622, pp. 745, 887, 1004, 1422, 1430, 1486
- County court, abolished—
  - HB 1079, pp. 1746, 1846, 2075, 2453, 2462, 2548
- Fine and forfeiture fund, abolished—
  - HB 747, p. 954
  - HB 988, pp. 1575, 1632, 1770, 2366, 2390, 2547
- Law and equity court, established—
  - HB 1079, pp. 1746, 1846, 2075, 2453, 2462, 2548
- Railroads, warning devices required at grade crossings—
  - HB 970, pp. 1511, 1631, 1871, 1937
- Vincent, town of, branch banks authorized—
  - HB 132, pp. 86, 118, 160, 408, 419, 462

## SHERIFF

- Allowance for feeding prisoners—
  - HB 49, p. 56
- Annuity or retirement benefits for, providing for payment of—
  - HB 58, p. 58
- Baldwin County, appointment and compensation—
  - HB 1112, pp. 1949, 2108, 2258, 2452, 2460, 2548
- Baldwin County, regulating payment of compensation of deputies—
  - HB 1011, pp. 1636, 1721, 1903, 2451, 2459, 2548

## SHERIFF—Continued

- Barbour County, designation of deputies as traffic control officers—  
HB 936, pp. 1453, 1498, 1565, 2365, 2387, 2547
- Bullock County, compensation and duties—  
SB 389, pp. 1491, 1631, 1763, 2018
- Chilton County, compensation of deputies—  
HB 523, pp. 652, 697, 971, 1231, 1249, 1275
- Clarke County, office of second special deputy, created—  
HB 941, pp. 1465, 1632, 1766, 2289, 2318, 2361
- Clarke County, special deputy, compensation—  
HB 942, pp. 1466, 1632, 1766, 2289, 2318, 2361
- Coffee County, appointment and compensation of deputy—  
HB 317, pp. 207, 256, 313, 637, 645, 691
- Coffee County, appointment and compensation of jailer—  
HB 316, pp. 206, 256, 312, 637, 645, 691
- Conecuh County, designation of deputies as traffic control officers—  
HB 1125, pp. 1964, 2110, 2264, 2503, 2531, 2549
- Coosa County, appointment and compensation of deputy—  
HB 311, pp. 203, 256, 311, 442, 460, 545
- Counties 11,800 or less, designation of deputies as traffic control officers—  
HB 836, pp. 1145, 1354, 1479, 2365, 2384, 2546
- Counties 18,700 to 19,000 population, designation of deputies as traffic control officers—  
HB 777, pp. 1037, 1143, 1322, 2365, 2384, 2546
- Counties 96,000 to 140,000 population, appointment and compensation of deputies, clerks, wardens, jailers, and other assistants—  
SB 311, pp. 903, 1035, 1200, 1273
- Cullman County, compensation of clerk—  
HB 192, pp. 101, 119, 163, 409, 419, 462
- Dale County, designation of deputies as traffic control officers—  
HB 575, pp. 705, 883, 988, 1234, 1251, 1275
- Dallas County, compensation—  
SB 59, pp. 149, 179, 217, 273
- Elmore County, compensation, constitutional amendment—  
HB 193, pp. 102, 119, 164, 837, 890, 1017
- Fayette County, compensation of deputies—  
SB 306, p. 903
- Franklin County, compensation—  
HB 1005, pp. 1614, 1720, 1902, 2504, 2527, 2549
- Geneva County, appointment and compensation of additional deputy  
HB 45, pp. 24, 47, 113, 227, 273, 288
- Henry County, appointment and compensation of additional deputy or clerk—  
HB 484, pp. 507, 601, 685, 838, 1017

## SHERIFF—Continued

Henry County, expenses—

HB 486, pp. 509, 601, 686, 838, 891, 1017

Houston County, education and training—

SB 412, p. 1809

Jackson County, compensation of deputies—

HB 353, pp. 263, 293, 413, 420, 637, 645, 691

Lamar County, compensation—

HB 1014, pp. 1641, 1721, 1905, 2392, 2426, 2547

Lee County, appointment and compensation of deputies—

HB 598, pp. 728, 886, 997, 1234, 1253, 1276

Limestone County, appointment and compensation of deputies—

HB 1027, pp. 1662, 1722, 1910, 2487, 2522, 2548

Limestone County, appointment of part-time clerk—

HB 543, pp. 669, 696, 968, 1232, 1250, 1275

Limestone County, required to wear uniform and to use marked vehicles while engaged in official duties—

HB 542, pp. 667, 696, 967, 1231, 1250, 1275

Marion County, appointment and compensation of additional deputy

SB 259, pp. 851, 1633, 1772, 2018

Mobile County, allowance for purchase of uniforms for deputies—

HB 493, pp. 511, 601, 686, 1019, 1078, 1094

Mobile County, compensation of chief clerk—

HB 1117, pp. 1954, 2109, 2260, 2488, 2525, 2549

Mobile County, creating special fund for use of—

HB 654, pp. 799, 1105, 1203, 1423, 1427, 1485

Monroe County, appointment and compensation of additional deputy—

HB 83, pp. 68, 118, 155, 407, 418, 462

Perry County, appointment and compensation of additional deputy—

HB 557, pp. 676, 697, 970, 1232, 1251, 1275

Pike County, compensation of deputies—

HB 614, pp. 741, 886, 1002, 1228, 1254, 1276

Pistol permit, fee for issuance of—

HB 333, pp. 212, 253, 530

Russell County, compensation, constitutional amendment—

HB 116, pp. 83, 118, 188, 637, 645, 691

Russell County, duties in regard to prisoners—

HB 621, pp. 743, 886, 1003, 1227, 1254, 1276

St. Clair County, appointment of certain assistants—

SB 318, pp. 904, 1724, 2430

Talladega County, annual allowance for equipment and uniforms authorized—

SB 398, pp. 1492, 1631, 1764, 2018



## SHOTGUNS

Loaded, penalty for transporting in motor vehicles—  
HB 165, pp. 94, 178, 373

## SHRIMP

License fee for catching—  
HB 468, pp. 470, 1142, 1703, 1705

Trawls, license fee for use of—  
HB 469, pp. 471, 1142, 1703

## SIDEWALKS

Cities 6,000 or less population, sidewalks outside corporate limits of,  
construction and financing of—  
SB 91, p. 165  
HB 111, pp. 79, 116, 196, 280, 449, 1490, 1496, 1563

## SIKES, W. E.

Randolph County, relief of—  
HB 851, pp. 1162, 1284, 1391, 1805, 1843, 1926

## SIMMONS, BILL

Invited to present TV citizens council forum of America to joint  
meeting—  
SJR 23, pp. 1031, 1098

## SISK AND MEADE, CONTRACTORS

Appropriation, relief of—  
HB 1135, pp. 1978, 2112, 2299

## SIXTH JUDICIAL CIRCUIT

Bailiffs, appointment and compensation—  
HB 1110, pp. 1868, 1944, 2120, 2489, 2525, 2549

Bailiffs, special, compensation—  
HB 1070, pp. 1732, 1942, 2096, 2454, 2461, 2548

Domestic relations division of circuit court, created—  
HB 437, pp. 400, 879, 1756, 2470, 2479, 2548

Judge, expense allowance—  
HB 138, pp. 89, 118, 276, 853, 887, 1016

Judgeship, additional, created—  
HB 437, pp. 400, 879, 1756, 2470, 2479, 2548

Solicitor, compensation—  
HB 1108, pp. 1868, 1944, 2119, 2489, 2525, 2549  
HB 9, p. 7  
HB 655, pp. 800, 883, 985

Solicitor, deputy, appointment and compensation—  
HB 144, p. 90

Solicitor, deputy, salary—  
HB 1109, p. 1868

## SIXTH LEGISLATIVE COUNCIL

Joint resolution accepting biennial report of—  
HJR 63, pp. 897, 1019, 1079, 1094

SKIDMORE, E. W.

Invited to hear address by doctor William Claire Menninger—  
HJR 21, pp. 184, 191, 196, 198

## SLANDER

Defamatory statements published or uttered in or as a part of a  
television or radio broadcast, regulating actions involving—  
HB 220, pp. 121, 467

## SMALL LOAN COMPANIES

Cities authorized to impose privilege license tax on—  
SB 92, pp. 166, 469, 1790, 2445  
HB 106, p. 77

Fees assessed for examination of, disposition of—  
HB 10, pp. 7, 252, 379, 839, 891, 1017

Installment loans, regulated—  
HB 888, pp. 1299, 1449

Interest rate allowed, penalty for charging in excess of—  
HB 201, pp. 104, 624

Regulated—  
HB 102, pp. 76, 598, 647, 764, 766, 805, 808-24, 825, 826, 832-36,  
894, 1824, 1844, 2032, 2049, 2090, 2317, 2318, 2361  
HB 415, p. 306

SMITH, ROBERT

Appointment as Assistant Sergeant at Arms—p. 310

SMITH, REPRESENTATIVE JOSEPH W.

Commended for outstanding leadership in legislature—  
HR 110, p. 2447

## SOCIAL SECURITY

Benefits to child eighteen to twenty-two years of age if attending  
school, congress requested to enact legislation providing—  
HJR 37, pp. 404, 428, 461, 545

## SOFT DRINKS

Privilege license tax levied on producers, bottlers, and distributors of  
HB 320, p. 208

Sale of, in public school building or on public school grounds—  
HB 130, p. 85

## SOIL CONSERVATION COMMITTEE

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

## SOLICITOR, CIRCUIT

Contraband or forfeited property, stenographic assistance for, in handling sale of—  
HB 491, p. 510

Fifth judicial circuit, appointment of stenographic secretary—  
HB 627, pp. 748, 1102, 1477, 1533, 2370, 2383, 2546  
HB 962, pp. 1474, 1691, 1782

Fourteenth judicial circuit, creating law enforcement fund for—  
HB 934, p. 1379

Sixth judicial circuit, appointment and compensation of deputy circuit solicitor No. 2—  
HB 144, p. 90

Sixth judicial circuit, compensation—  
HB 1108, pp. 1868, 1944, 2119, 2489, 2525, 2549

Sixth judicial circuit, deputy, compensation—  
HB 1109, p. 1868

Sixth judicial circuit, compensation of stenographic secretary to—  
HB 9, p. 7  
HB 655, pp. 800, 883, 985

Supernumerary circuit solicitors, provided for—  
HB 328, pp. 212, 389, 758, 1073

Supernumerary circuit solicitors, qualifications for—  
SB 128, pp. 848, 909, 1138, 1247, 1272

Thirteenth judicial circuit, appointment and compensation of deputy solicitor—  
HB 459, pp. 469, 878, 975, 1805, 1840, 1926

Twentieth judicial circuit, creating fund for use of—  
HB 1026, pp. 1659, 1722, 1910  
SB 439, pp. 2069, 2250, 2322, 2379

Twenty-ninth judicial circuit, creating fund for use of—  
HB 409, p. 304

Twenty-second judicial circuit, regulating expenditures from special fund created for use of—  
HB 889, pp. 1300, 1451, 1537, 2367, 2385, 2546

Twenty-third judicial circuit, clerical assistance—  
HB 603, pp. 736, 886, 1000, 1235, 1253, 1276

Twenty-third judicial circuit, compensation of deputy solicitor—  
HB 1032, pp. 1671, 1723, 2091, 2453, 2461, 2548

## SOLICITOR, COUNTY

Actions to prohibit issuance of bonds by political subdivisions—  
HB 373, pp. 270, 391, 1786, 2508, 2536, 2550

Autauga County, compensation—  
HB 691, pp. 916, 1032, 1184, 1422, 1428, 1485

Blount County, clerical assistance—  
HB 1084, pp. 1850, 1943, 2114, 2486, 2523, 2548

## SOLICITOR, COUNTY—Continued

Choctaw County, clerical assistance—

HB 386, pp. 293, 393, 431, 631, 634, 635

Clay County, office created—

HB 573, pp. 702, 883, 986, 1234, 1251, 1276

Cleburne County, office created—

HB 389, pp. 297, 394, 432

Contraband or forfeited property, stenographic assistance for, in handling sale of—

HB 491, p. 510

Counties 18,700 to 19,000 population, expense allowance—

HB 905, pp. 1316, 1451, 1538, 2365, 2386, 2546

Counties 20,500 to 20,830 population, compensation—

HB 1132, pp. 1976, 2111, 2267, 2502, 2532, 2549

Franklin County, law and equity court, compensation—

HB 1017, pp. 1646, 1722

Lee County, compensation—

HB 599, pp. 729, 886, 998, 1234, 1253, 1276

Randolph County, compensation—

HB 115, pp. 82, 118, 158, 407, 419, 462

Sumter County, compensation—

SB 327, pp. 1026, 1144, 1478, 2015

Walker County, office abolished—

HB 643, pp. 786, 882, 979, 1227, 1257, 1276

## SOLICITOR, DEPUTY

Actions to prohibit issuance of bonds by political subdivision, duties with reference to—

HB 373, pp. 270, 391, 1786, 2508, 2536, 2550

Chambers County, compensation—

HB 658, pp. 869, 912, 1062

Clay County, office abolished—

HB 573, pp. 702, 883, 986, 1234, 1251, 1276

Cleburne County, office abolished—

HB 389, pp. 297, 394, 432

Contraband or forfeited property, stenographic assistance for, in handling sale of—

HB 491, p. 510

Counties 18,700 to 19,000 population, expense allowance—

HB 905, pp. 1316, 1451, 1538, 2365, 2386, 2546

Counties 20,500 to 20,830 population, compensation—

HB 1132, pp. 1976, 2111, 2267, 2502, 2532, 2549

Greene County, compensation—

HB 590, pp. 722, 885, 995, 1233, 1253, 1276

## SOLICITORS, SUPERNUMERARY

Provided for—

HB 328, pp. 212, 389, 758, 1073

Qualifications of—

SB 128, pp. 848, 909, 1138, 1247, 1272

## SOUTH ALABAMA FAIR

Joint resolution commending the Montgomery Kiwanis Club for sponsorship of—

HJR 77, pp. 1575, 1929, 1933, 2086

## SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY

Expressing appreciation to, for preparation and publication of directory for members of legislature—

HJR 33, pp. 274, 288, 308, 384

## SOUTHERN INDUSTRIAL INSTITUTE

Appropriation—

HB 119, p. 84

## SOUTHERN REGIONAL CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS

Members of the commission on interstate cooperation authorized to attend—

SJR 15, pp. 466, 496

## SOUTHERN REGIONAL COUNCIL ON MENTAL HEALTH TRAINING AND RESEARCH

Appropriation—

HB 4, pp. 6, 202, 250, 367, 385, 597, 618, 620

## SPRINGVILLE, TOWN OF

Boundaries altered—

HB 1081, pp. 1754, 1846, 2082

## ST. CLAIR COUNTY

Circuit clerk, register, judge of probate, sheriffs, tax assessor, and tax collector, compensation and clerical assistance—

HB 1041, pp. 1680, 1724, 1921, 2371, 2391, 2547

Constitutional amendment relative to costs and charges of courts and compensation of certain officers of—

HB 1042, pp. 1681, 1724, 1922, 2371, 2391, 2547

Coroner, compensation—

SB 268, pp. 854, 913, 1066, 1097

Court of county commissioners, compensation of members—

SB 269, pp. 855, 1144, 1328, 1351

Court of county commissioners, powers and duties, compensation, and election by districts—

HB 646, pp. 791, 883, 982, 1228, 1256, 1276

Inferior court, payment of fees of officers and witnesses in criminal cases in—

HB 559, pp. 679, 697, 973, 1232, 1251, 1275, 1385

## ST. CLAIR COUNTY—Continued

Judge, circuit, supplemental salary—  
HB 960, p. 1474

Leeds, city of, boundaries altered—  
HB 1126, pp. 1965, 2112, 2280, 2502, 2531, 2549

Pell City, city of, boundaries altered—  
SB 425, pp. 2059, 2111, 2269, 2430, 2456  
HB 1040, pp. 1679, 1724, 1920

Sheriff, appointment and compensation of assistants—  
SB 318, pp. 904, 1724, 2430

Springville, town of, boundaries altered—  
HB 1081, pp. 1754, 1846, 2082

Superintendent of education, compensation and expense allowance—  
HB 303, pp. 182, 393, 430, 631, 634, 635

Voters, reidentification of—  
HB 558, pp. 677, 697, 974, 1232, 1251, 1275

## STATE AGENCIES

Annuity contracts or retirement income policies for certain employees authorized—  
SB 88, pp. 147, 179, 375, 403  
HB 108, pp. 78, 116, 195, 1083, 1084, 1094

Department or agency furnishing information on pending measure required to furnish same information to sponsor of pending measure—  
HJR 38, pp. 404, 428, 461, 545, 629, 694

Engineering firms doing business with, regulating ownership of—  
HB 216, p. 121

Purchase of certain real property by, regulated—  
HB 217, pp. 121, 253, 460, 528

## STATE FLOWER

Camellia designated as—  
HB 24, pp. 9, 392, 438, 439, 639, 647, 691

## STATE LANDS AND PROPERTY

Capitol building, appropriation for providing restaurant facilities and correcting electrical system in—  
SB 197, pp. 849, 1948, 2346, 2481, 2508, 2518

Constitution, state, compilation, publication, sale, and distribution of copies of—  
HB 402, pp. 303, 467

Dixie Graves Parkway, disposition of certain real property acquired as part of—  
HB 12, p. 7

Fort Toulouse, acquisition and disposition of lands near—  
HB 689, p. 876

## STATE LANDS AND PROPERTY—Continued

McDuffie Island, management, control, and ownership of—

HB 343, pp. 259, 599, 1793, 1799, 2031, 2226, 2228, 2230, 2510,  
2535, 2549

HB 607, p. 739

Motor vehicles, state-owned, marking of—

HB 602, p. 736

Motor vehicles, state-owned, regulating use of—

HB 310, p. 203

HB 397, p. 301

Motor vehicles, state-owned, regulating use of, and requiring marking of—

HB 180, p. 99

Mount Vernon barracks military reservation, disposition of money paid for lands of—

HB 758, pp. 956, 1280, 1553, 2372, 2384, 2546

Purchase of certain real property by state boards, commissions, or other state agencies, regulated—

HB 217, pp. 121, 253, 460, 528

Purchasing, regulated further—

HB 366, pp. 269, 389, 518

Recreation and state beaches and parks, creating joint committee on—

SJR 7, pp. 401, 497, 533, 548, 644

Sand and gravel taken from public water bottoms, regulating expenditure of revenue derived from sale of—

HB 5, p. 6

SB 12, pp. 146, 252, 376, 403

State submerged lands control board, creating—

HB 458, p. 469

Submerged lands and man-made lands lying under or abutting tidal waters, regulating sale of—

HB 305, p. 184

Tidelands, repealing provision for acquiring and reclaiming of—

HB 460, p. 469

Timber on lands owned by division of state parks, monuments and historical sites, expenditure of revenue derived from sale of—

HB 6, p. 6

SB 16, pp. 146, 252, 376, 403

## STATE SERVICE COMMISSIONER

Election and compensation—

HB 1049, p. 1694

## STATE TRAINING SCHOOL FOR GIRLS

Appropriation—

HB 121, p. 84

## STEWART, JUDGE WINSTON

Expressing appreciation to, for professional cards furnished members of legislature—  
HJR 24, pp. 185, 200, 213, 248

## STREETS

Cities 6,000 or less population, streets outside corporate limits of, construction and financing of—  
SB 91, p. 165

HB 111, pp. 79, 116, 196, 280, 449, 1490, 1496, 1563

Institutions of higher learning, construction and maintenance of streets and parking areas on campus of—  
HB 291, pp. 180, 392, 1793, 1799, 2228, 2247, 2511, 2534, 2549

Intersections, right-of-way at—  
HB 258, p. 134

Maintenance by state highway department under certain conditions  
HB 780, p. 1038

## STUART, M. W.

Appropriation, relief of—  
HB 1063, p. 1696

## SUITS

See also: ACTIONS, CIVIL REMEDIES AND PROCEDURE;  
JUDICIAL PROCEDURE, PRACTICE AND PROCEDURE

Action for wrongful act, omission, or negligence causing death, damages recoverable under—  
HB 285, pp. 141, 911  
SB 122, p. 1352

Action for wrongful death in certain cases, provide for joinder of action for damages to personal property with—  
HB 262, p. 135

Action to prohibit issuance of bonds by political subdivisions, duties of county or deputy solicitor with reference to—  
HB 373, pp. 270, 391, 1786, 2508, 2536, 2550

Adoption proceedings, time limitation for contesting defect or irregularity in—  
HB 395, pp. 301, 421, 1398, 2509, 2535, 2549

Alimony or allowances for support out of estate of divorced husband, remarriage of wife bars right to—  
HB 344, pp. 259, 391, 1081

Appeals, waiver of notice of, if adverse party fails to raise question of notice—  
HB 406, pp. 303, 391, 757

Checks or drafts, worthless, for the payment of money, actions on—  
HB 38, pp. 19, 911, 1398, 1402, 2443, 2458, 2548

Costs in certain cases where issuance of execution as to judgment is stayed, issuance of execution for—  
HB 471, pp. 471, 598, 1794, 1804



## SUITS—Continued

Declaratory judgments, attorney general entitled to be heard in certain actions for—  
HB 407, pp. 303, 391, 757

Defamatory statements published or uttered in or as a part of a radio or television broadcast, regulating actions involving—  
HB 220, pp. 121, 467

Discharge of juror and rendition of verdict by remaining jurors in certain cases, authorized—  
SB 228, p. 848

Divorce cases, trial tax levied in—  
HB 361, p. 267  
HB 455, p. 427

Divorce, mode of proceeding in—  
HB 210, pp. 120, 467

Divorce proceedings, counsel fees for wife in—  
HB 184, pp. 99, 115, 169

Divorce suits, residence requirements in—  
HB 200, p. 104

Evidence, method of proving market value—  
HB 869, p. 1288

Hospital records, admissibility in evidence of reproductions of—  
HB 141, p. 90  
HB 433, pp. 399, 597

Hospitalization and medical expense insurance, attorney fees in certain suits on—  
HB 286, p. 141

Laws of other states, manner of proving, in Alabama courts—  
HB 147, pp. 91, 115, 193, 639, 647, 691

Pro tanto settlements by infants, provided for—  
HB 261, p. 135

Receiver, appeal of order of register appointing—  
HB 264, p. 136

Receivers, appointment of—  
HB 263, p. 136  
HB 265, p. 136

Service of process in civil suits growing out of motor vehicle accidents—  
SB 280, pp. 839, 1280, 2329, 2375, 2380

Suits against the state or any officer or agency thereof, penalty for failure to disclose contribution of funds or services in aid of instituting or maintaining—  
SB 28, pp. 642, 878, 2468, 2518

Time for filing statements relative to materialman's liens—  
HB 671, p. 874

Wife, regulating suits by or against—  
HB 139, p. 90

## SUMTER COUNTY

Bridge connecting Sumter and Marengo Counties redesignated as  
"The Demopolis Rooster Bridge"—  
SB 31, pp. 247, 255, 537, 632

Solicitor, compensation—  
SB 327, pp. 1026, 1144, 1478, 2015

Tax assessor, chief clerk provided—  
SB 343, pp. 1027, 1355, 1534, 2015

York, town of, bundaries altered—  
SB 299, pp. 845, 914, 1073, 1098

## SUPERINTENDENT OF BANKS, STATE

Alabama economic development corporation created under super-  
vision and control of—  
HB 99, pp. 76, 468

Election and compensation—  
HB 1060, p. 1695

Fees assessed for examination of banks, credit unions, and small  
loan companies, disposition of—  
HB 10, pp. 7, 252, 379, 839, 891, 1017

## SUPERINTENDENT OF EDUCATION, COUNTY

Choctaw County, compensation—  
HB 387, pp. 294, 393, 431, 619, 628, 635

Compensation—  
HB 950, pp. 1472, 1500

Conecuh County, compensation and allowances—  
HB 1111, pp. 1868, 1944, 2122, 2488, 2525, 2549

Counties 50,000 to 54,000 population, office expenses—  
HB 924, pp. 1370, 1498, 1756, 2368, 2386, 2547

Escambia County, office re-established—  
HB 393, pp. 299, 394, 433, 637, 645, 691

Limestone County, compensation and duties—  
HB 1028, pp. 1663, 1723, 1911, 2505, 2529, 2549

Nomination, election, and qualifications—  
HB 32, pp. 17, 391, 532, 754, 1484, 1488, 1562

Pickens County, election of—  
HB 670, pp. 873, 913, 1067, 1230, 1254, 1276

Pickens County, compensation—  
HB 434, pp. 399, 421, 523

St. Clair County, compensation and expense allowance—  
HB 303, pp. 182, 393, 430, 631, 634, 635

Walker County, expense allowance—  
HB 411, pp. 304, 394, 434, 631, 634, 635

## SUPERINTENDENT OF EDUCATION, STATE

Appointment of—  
HB 749, pp. 954, 1285

## SUPERINTENDENT OF EDUCATION, STATE—Continued

Appointment of, constitutional amendment—  
HB 750, pp. 955, 1285

Appropriation, for contracting with Tuskegee Institute to teach  
certain courses to Alabama residents—  
HB 117, p. 83

Property conveyed to the state by city or county board of educa-  
tion, reconveyance of—  
HB 55, pp. 57, 880

School buildings, regulating construction of—  
HB 439, p. 401

## SUPERIOR COURT

DeKalb County, compensation of court reporter—  
HB 33, pp. 17, 117, 151, 407, 418, 462

## SUPERNUMERARY JUDGES

Appropriation, compensation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

## SUPERNUMERARY SOLICITORS

See: SOLICITOR, SUPERNUMERARY

## SUPREME COURT

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622,  
628, 635

Advisory opinion, requested—  
HR 14, p. 108  
HR 68, pp. 1278, 2247  
HR 69, pp. 1278, 2246  
HR 85, pp. 1923, 2363

Judges, compensation—  
HB 846, p. 1157

Law clerks for justices of, compensation—  
HB 301, pp. 182, 877  
SB 175, pp. 1443, 1691, 2477, 2520

## SYLAGAUGA, CITY OF

Boundaries, altered—  
HB 625, pp. 745, 887, 1005, 1490, 1497, 1563  
HB 626, pp. 746, 887, 1006, 1490, 1497, 1563

Civil service system, provided for—  
HB 892, p. 1303

County governing body authorized to establish branch county  
offices in—  
SB 379, pp. 1432, 1499, 1759, 2017

## TAFF, MILTON

Commended on being candidate for president of United States  
junior chamber of commerce—  
HJR 35, pp. 310, 369, 381, 384

## TALLADEGA COUNTY

Branch banks authorized—  
HB 280, p. 137

County or municipalities authorized to make appropriations to  
public hospital corporations—  
HB 891, pp. 1301, 1354, 1483, 2364, 2385, 2546

Fishing regulated—  
HB 134, p. 88

Intermediate court, jurisdiction—  
SB 22, pp. 227, 247, 256, 315, 379

Madden, W. C., relief of—  
SB 218, pp. 443, 469, 527, 633

Sheriff, allowance for equipment and uniforms—  
SB 398, pp. 1492, 1631, 1764, 2018

Sylacauga, city of, branch county offices authorized to be estab-  
lished in—  
SB 379, pp. 1432, 1499, 1759, 2017

Sylacauga, city of, boundaries altered—  
HB 625, pp. 745, 887, 1005, 1490, 1497, 1563  
HB 626, pp. 746, 887, 1006, 1490, 1497, 1563

Tax assessor, retention of fees and commissions for assessing  
municipal ad valorem taxes—  
SB 23, pp. 229, 247, 257, 316, 379

Tax collector, retention of fees and commissions for collecting  
municipal ad valorem taxes—  
SB 23, pp. 229, 247, 257, 316, 379

## TALLAPOOSA COUNTY

Alexander City, boundaries altered—  
HB 980, pp. 1523, 1632, 1768  
SB 428, pp. 2063, 2111, 2269, 2352

Costs and charges of courts and compensation of officers of,  
constitutional amendment—  
HB 1007, pp. 1619, 1949

County court, abolished—  
HB 1009, p. 1620

Court of common pleas, established—  
HB 1009, p. 1620

Court of county commissioners, duties and compensation—  
HB 1006, pp. 1617, 1949, 2138, 2503, 2528, 2549

Dadeville, town of, boundaries altered—  
HB 1134, pp. 1977, 2111, 2268, 2442, 2458, 2548

## TALLAPOOSA COUNTY—Continued

Fishing regulated—

HB 580, pp. 709, 885, 991, 1232, 1252, 1276

## TARWATER, DR. SID

Invited to be guest of legislature to hear speech by doctor William Menninger—

HJR 21, pp. 184, 191, 196, 198

## TASKIGI

Restoration of Indian town of—

HB 689, p. 876

## TAX ASSESSOR

Ad valorem tax, application for exemption of certain mineral leases from—

HB 293, pp. 180, 468

Ad valorem taxes, limiting power of department of revenue to revalue and equalize assessments for—

HB 19, pp. 8, 51

Autauga County, clerical assistance—

HB 647, pp. 793, 883, 983, 1228, 1256, 1276

Choctaw County, clerical assistance—

HB 444, pp. 424, 469, 526, 854, 888, 1016

Counties 47,000 to 51,000 population, clerical assistance—

HB 935, pp. 1379, 1452, 1543, 2367, 2387, 2547

Dallas County, compensation—

SB 59, pp. 149, 179, 217, 273

Elmore County, compensation, constitutional amendment—

HB 193, pp. 102, 119, 164, 837, 890, 1017

Equalization of tax assessments, duties relative to—

HB 20, pp. 8, 51

Limestone County, clerical assistance—

HB 544, pp. 669, 697, 969, 1232, 1251, 1275

Mobile County, fees and compensation required to be paid into the county treasury—

SB 434, pp. 2067, 2111, 2270, 2352

HB 1044, pp. 1685, 1942, 2255

Notices by certified mail, authorized—

SB 6, pp. 147, 256, 538, 632

HB 15, p. 7

Russell County, compensation, constitutional amendment—

HB 116, pp. 83, 118, 188, 637, 645, 691

Sumter County, chief clerk authorized—

SB 343, pp. 1027, 1355, 1534, 2015

Talladega County, retention of fees and commissions for assessing municipal ad valorem taxes—

SB 23, pp. 229, 247, 257, 316, 379

## TAX COLLECTOR

Autauga County, clerical assistance—

HB 647, pp. 793, 883, 983, 1228, 1256, 1276

Choctaw County, clerical assistance—

HB 444, pp. 424, 469, 526, 854, 888, 1016

Counties 47,000 to 51,000 population, clerical assistance—

HB 935, pp. 1379, 1452, 1543, 2367, 2387, 2547

Dallas County, compensation—

SB 59, pp. 149, 179, 217, 273

Depository, county, reports and remittances of funds placed in—

HB 13, p. 7

SB 4, pp. 146, 256, 538, 632, 895, 1023

Elmore County, compensation, constitutional amendment—

HB 193, pp. 102, 119, 164, 837, 890, 1017

Limestone County, clerical assistance—

HB 544, pp. 669, 697, 969, 1232, 1251, 1275

Mobile County, compensation—

HB 720, p. 937

Mobile County, fees and compensation required to be paid into the county treasury—

SB 434, pp. 2067, 2111, 2270, 2352

HB 1044, pp. 1685, 1942, 2255

Morgan County, compensation, duties, and expense allowance—

HB 743, pp. 952, 1034, 1198, 1424, 1429, 1486

Notices by certified mail, authorized

SB 6, pp. 147, 256, 538, 632

HB 15, p. 7

Report of amount of taxes collected rendered to state comptroller and county governing body—

SB 5, pp. 146, 468, 2356, 2379

HB 14, p. 7

Russell County, compensation, constitutional amendment—

HB 116, pp. 83, 118, 188, 637, 645, 691

Talladega County, retention of fees and commissions for collecting municipal ad valorem taxes—

SB 23, pp. 229, 247, 257, 316, 379

## TAXATION

See also: LICENSES, TAX ASSESSOR, TAX COLLECTOR, name of specific tax

Ad valorem tax, air conditioners and television sets used in the home, exempted from—

HB 16, p. 7

Ad valorem tax, application for exemption of certain mineral leases from—

HB 293, pp. 180, 468

## TAXATION—Continued

- Ad valorem tax, county, constitutional amendment authorizing levy of—  
HB 436, p. 400
- Ad valorem tax, exempting Alabama junior chamber of commerce—  
HB 71, pp. 65, 389, 614
- Ad valorem tax, exemption for certain disabled veterans or their widows—  
HB 199, p. 104
- Ad valorem tax, exemption of blind persons from—  
HB 979, p. 1523
- Ad valorem tax, exemption of deaf mutes, blind, and insane persons—  
HB 78, pp. 66, 253, 381
- Ad valorem tax, exemption of factories, industries, and plants from—  
HB 839, pp. 1154, 1447, 1793, 1796, 2076, 2452, 2459, 2548
- Ad valorem tax, homestead exemption from—  
HB 209, p. 120  
HB 512, p. 608
- Ad valorem tax, limiting power of agents of department of revenue to advise with board of equalization in making assessments for—  
HB 20, pp. 8, 51
- Ad valorem tax, limiting power of department of revenue to revalue and equalize assessments for—  
HB 19, pp. 8, 51
- Ad valorem tax, manner of determining valuation of assessment of motor vehicles for purposes of—  
HB 18, p. 8  
SB 3, pp. 840, 1690, 2356, 2357, 2375, 2379
- Ad valorem tax, municipal, date for levy of—  
HB 362, pp. 267, 1694
- Ad valorem tax, rate of assessment—  
HB 487, p. 509  
HB 488, p. 510
- Ad valorem tax, state, constitutional amendment prohibiting levy of—  
HB 436, p. 400
- Ad valorem taxes, validation of certain elections to extend—  
HB 813, pp. 1115, 1144, 1324, 2540, 2543, 2550
- Advertising, privilege license tax levied on persons selling—  
HB 321, p. 208
- Alcoholic beverages, additional tax levied on, for care and treatment of mentally ill—  
HB 359, p. 266

## TAXATION—Continued

- Alcoholic beverages, additional tax levied on, for educational purposes—  
HB 419, p. 307
- Alcoholic beverages, additional tax levied on, for old age pensions—  
HB 173, p. 98
- Attorneys, amount of privilege license tax—  
HB 88, pp. 72, 176, 284, 1019, 1078, 1094
- Beer tax, county, repealed—  
HB 508, p. 608
- Beer tax, levied—  
HB 604, p. 737
- Beer tax, levied for care and treatment of mentally ill—  
HB 360, p. 266  
HB 759, p. 957, 1101
- Beer tax, levied for payment of old age pensions—  
HB 174, p. 98
- Beer tax, state, making uniform—  
HB 508, p. 608
- Bibb County, rate of, and exemptions from, sales and use taxes—  
HB 937, pp. 1454, 1498, 1566, 2368, 2388, 2547
- Blind persons, exemption from state, county, or municipal privilege licenses—  
HB 978, p. 1523
- Blount County, exemption of liquefied petroleum gas from sales tax—  
HB 1066, pp. 1728, 1845, 2079, 2487, 2523, 2548
- Cherokee County, diesel fuel exempted from gasoline tax—  
HB 870, pp. 1288, 1451, 1536, 2365, 2384, 2546
- Chilton County, sales and use taxes levied—  
HB 812, pp. 1108, 1143, 1323, 1806, 1841, 1926, 2014, 2253, 2338, 2373, 2382, 2546
- Colbert County, levy, collection, and enforcement of tobacco tax—  
HB 1131, pp. 1973, 2111, 2267, 2504, 2532, 2549
- Contractors and construction companies, privilege license tax—  
HB 129, p. 85
- Coosa County, ad valorem tax for school purposes, constitutional amendment authorizing—  
HB 909, pp. 1356, 1451, 1539, 2365, 2386, 2547
- Counties 500,000 or more population, liquor and beer taxes levied—  
HB 782, pp. 1039, 1107, 1217, 2247
- County mineral documentary tax, application for exemption of certain leases from ad valorem tax—  
HB 293, pp. 180, 468



## TAXATION—Continued

DeKalb County, ad valorem tax for educational purposes, constitutional amendment authorizing—  
HB 214, pp. 120, 130, 190, 1229, 1257, 1276

DeKalb County, governing body authorized to impose gasoline tax—  
SB 358, pp. 1236, 1633, 1774, 1931, 2017, 2314, 2381

Dale County, city of Ozark, exemption from ad valorem taxes—  
HB 910, pp. 1356, 1452, 1540, 2289, 2318, 2361

Etowah County, constitutional amendment authorizing ad valorem tax for school purposes—  
HB 872, pp. 1291, 1942

Franchise tax, due date of—  
HB 338, pp. 213, 1690

Franklin County, rate of, and exemptions from, sales and uses taxes—  
HB 1003, pp. 1604, 1611, 1720, 1900, 2500, 2527, 2549

Gasoline tax, cities excluded from distribution of certain proceeds of—  
HB 109, p. 79

Gasoline tax, cities exempted from payment of—  
HB 109, p. 79

Gasoline tax, discount for collection of—  
HB 133, pp. 88, 466, 1013, 1484, 1488, 1562

Gasoline tax, exempting gasoline sold to city and county boards of education for use in school buses—  
HB 240, p. 124

Gasoline tax levied on aviation fuel, refund of portion of—  
HB 278, pp. 137, 877

Gasoline used for agricultural purposes, method for refunding tax on—  
SB 284, pp. 1529, 2249, 2359, 2381  
HB 705, pp. 926, 1141

Girl Scouts of America, exemption from—  
HB 89, p. 72

Greene County, distribution of proceeds of beer tax—  
HB 483, pp. 505, 600, 684, 838, 890, 1016

Hale County, sales and use taxes levied—  
HB 837, pp. 1145, 1283, 1389, 1807, 1843, 1926, 2010, 2375, 2382, 2546

Horseless carriages, licensing and registration of certain antique motor vehicles as—  
HB 306, pp. 184, 467, 2307

Hospital purposes, authorizing special taxes for—  
HB 773, pp. 1037, 1690, 1794, 1802

## TAXATION—Continued

Income tax, definition of dependents—  
HB 823, pp. 1120, 1690

Income tax, depreciation and depletion allowance of iron ore mines  
for purposes of—  
HB 203, p. 104

Income tax, eliminating the requirement of an oath in connection  
with filing returns of partnerships  
HB 296, pp. 180, 388, 467

Income tax, firemen and policemen permitted to deduct cost of  
uniforms in computing—  
HB 135, p. 89

Income tax levied on corporations, rate of—  
HB 127, p. 85

Income tax levied on corporations, rate of, constitutional amend-  
ment—  
HB 124, p. 84  
HB 347, p. 261

Income tax levied on individuals, exemptions from—  
HB 128, p. 85

Income tax levied on individuals, exemptions from, constitutional  
amendment—  
HB 126, p. 85

Income tax on involuntary conversion of property, recognition of  
loss or gain—  
HB 345, pp. 259, 877, 1010, 1227, 1257, 1276  
SB 225, pp. 641, 877, 2467

Income tax, reporting of taxable income of one thousand dollars  
or more—  
HB 125, p. 84

Income tax, teacher or state employee retirement benefit exempted  
from—  
HB 222, pp. 121, 253, 457, 638, 646, 691

Insurance companies, privilege licenses and taxes imposed on—  
HB 46, pp. 42, 50, 54, 1449, 1450

Iron ore mine, manner of computing privilege license tax levied  
on operation of—  
HB 205, p. 105  
SB 96, pp. 147, 2249

Jefferson County, levying beer and liquor taxes—  
HB 1024, pp. 1656, 1719, 1885, 2412, 2440, 2547

Jefferson County, levying sales and use taxes—  
HB 1025, pp. 1658, 1719, 1886, 1923, 2363, 2499, 2533, 2549

## TAXATION—Continued

Lamar County, town of Millport, collection of sales and use taxes—  
HB 1074, pp. 1737, 1943, 2120, 2392, 2426, 2547

Lauderdale County, city of Florence, rate of, and exemptions from, sales and use taxes—  
HB 974, pp. 1518, 1600, 1761, 2369, 2389, 2547

Lawrence County, rate of, and exemptions from, sales and use taxes—  
HB 1130, pp. 1967, 2110, 2265, 2442, 2460, 2548

Lee County, beer tax authorized—  
HB 597, pp. 726, 885, 996, 1234, 1253, 1276

Lee County, city of Auburn, constitutional amendment authorizing ad valorem tax for educational purposes—  
SB 56, pp. 226, 293, 416, 428  
HB 61, pp. 58, 117, 152

Lee County, city of Opelika, constitutional amendment authorizing ad valorem tax for educational purposes—  
SB 114, pp. 226, 258, 317, 379  
HB 188, pp. 100, 119, 163

Lee County, constitutional amendment authorizing ad valorem tax for educational purposes—  
SB 114, pp. 226, 258, 317, 379  
HB 188, pp. 100, 119, 163

Limestone County, rate of, and exemptions from, sales and use taxes—  
HB 1075, pp. 1739, 1847, 2085, 2452, 2459, 2548

Liquor tax levied for mental health purposes—  
HB 760, pp. 957, 1100, 1101, 1286, 1380, 1385, 1698, 1714, 1926

Madison County, cigarette tax levied—  
HB 1030, pp. 1667, 1723, 1912, 2504, 2529, 2549

Motor carrier, road tax imposed on operation of vehicle as—  
HB 335, pp. 213, 908, 1331, 2421, 2441, 2547  
HB 683, pp. 875, 1101, 1562, 1786, 1794, 1800, 2021, 2032, 2233, 2283

Notices by certified mail, tax assessor, tax collector, and board of equalization authorized to send—  
SB 6, p. 147, 256, 538, 632  
HB 15, p. 7

Oil and gas severance tax, distribution of proceeds—  
HB 357, p. 266  
SB 238, pp. 641, 876, 1138, 1259, 1272

Poll tax of another, penalty for paying—  
SB 52, p. 176

## TAXATION—Continued

Premium tax paid by insurance companies, refund of overpayment of—  
HB 307, pp. 202, 253, 458

Randolph County, school district 2, constitutional amendment authorizing ad valorem tax for educational purposes—  
HB 114, pp. 82, 118, 158, 619, 628, 635

Sales tax, "automotive vehicle" defined—  
HB 196, pp. 104, 389, 615, 758

Sales tax, containers and labels sold by wholesaler to manufacturer—  
HB 196, pp. 104, 389, 615, 758

Sales tax, defining "wholesale sale" or "sale at wholesale"—  
HB 154, pp. 92, 253, 382, 638, 646, 691  
HB 196, pp. 104, 389, 615, 758

Sales tax, exempting sales of less than fifteen cents—  
HB 403, p. 303

Sales tax, exempting school lunches—  
HB 975, pp. 1522, 1585, 1586, 1598, 1941, 2018, 2361

Sales tax, exempting trade-in value allowed in purchase of other property—  
HB 175, p. 98

Sales tax, exemption of used motor vehicles and trailers from—  
HB 270, p. 136

Sales tax levied on wholesaler—  
HB 176, p. 98

Sales tax, peanuts or peanut products sold in packages, exemption from sales taxes—  
HB 594, pp. 724, 877, 1139, 1260, 1262, 1444, 1488, 1562

Sales tax, rate levied on sales of motor vehicles, truck trailers, and semi-trailers—  
HB 122, p. 84

Sales tax, stores or vending machines operated by blind persons exempt from—  
HB 79, p. 66  
HB 533, pp. 661, 908, 1338, 2271, 2282, 2361

Soft drinks, producers, bottlers, and distributors of—  
HB 320, p. 208

Tax collector, reports required to be rendered to state comptroller and county governing body—  
SB 5, pp. 146, 468, 2356, 2379  
HB 14, p. 7

Teachers and staff personnel, retired, exempting certain property owned by—  
HB 659, pp. 870, 909, 1557, 2392, 2426, 2547

## TAXATION—Continued

Tobacco tax, liability for collection and payment of—  
HB 786, pp. 1042, 1102, 1556, 2541, 2544, 2550

Trailers, utility, pulled behind passenger motor vehicles, privilege  
license tax—  
HB 17, pp. 8, 1447, 1794, 1801

Tuscaloosa County, rate of, and exemptions from, sales and use  
taxes—  
HB 803, pp. 1048, 1106, 1206, 1425, 1430, 1486, 1588, 1930, 1933,  
2086

Use tax, defining “wholesale sale” or “sale at wholesale”—  
HB 155, pp. 92, 253, 382, 638, 646, 691  
HB 195, pp. 104, 390, 615, 1702

Use tax, exempting trade—in value allowed in purchase of other  
property—  
HB 175, p. 98

Use tax, exemption of used motor vehicles from—  
HB 271, p. 136

Use tax, rate levied on use of motor vehicles, truck trailers, and  
semi-trailers—  
HB 123, p. 84

Vendors and peddlers, transient, privilege license tax—  
HB 289, pp. 180, 907, 1130

Walker County, cigarette tax levied—  
HB 805, pp. 1053, 1106, 1212, 1806, 1932, 2086, 2252

Winston County, city of Double Springs, collection of sales and  
use taxes—  
HB 833, pp. 1123, 1144, 1326, 1807, 1842, 1926, 2012, 2376, 2382,  
2546

Winston County, city of Haleyville, collection of sales and use  
taxes—  
HB 933, pp. 1376, 1452, 1543, 2366, 2387, 2547

Winston County, constitutional amendment authorizing special tax  
for school purposes—  
SB 342, pp. 1025, 1144, 1328, 1352

## TAYLOR, D. M.

Marengo County, relief of—  
HB 482, pp. 504, 600, 683, 838, 890, 1016

## TAYLOR, FRED

Joint resolution expressing regret at departure from legislative  
scene and wishing him success—  
HJR 113, pp. 2493, 2508, 2536, 2550

## TEACHERS

Alabama vocational school for girls, retirement pensions for certain teachers—

HB 1073, pp. 1737, 1845, 2308

Certificates, requiring examination of applicants for—

HB 429, p. 398

Income tax, retirement benefits exempted from—

HB 222, pp. 121, 253, 457, 638, 646, 691

Retired, exemption of certain property owned by—

HB 659, pp. 870, 909, 1557, 2392, 2426, 2547

Retirement system, membership and creditable service under—

HB 675, p. 875

Teacher, retired, and not eligible for retirement benefits, assistance for—

HB 143, p. 90

Teachers disabled and not receiving benefits from retirement system, assistance for—

HB 142, p. 90

Teachers, retired, supplemental benefits for—

HB 143, p. 90

Tenure law, creating commission to hear appeal cases under—

SB 414, pp. 1928, 2107, 2483, 2521

Tenure law, defining term "teacher" as used in—

HB 182, p. 99

Vacations for—

HB 371, p. 270

## TEACHERS COLLEGES

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Police officers for, appointment of—

HB 290, pp. 180, 392

Scholarship funds, used to match federal funds—

HB 522, pp. 652, 880, 1793, 1796, 2151, 2469, 2475, 2548

## TEACHERS' RETIREMENT SYSTEM

Appropriation—

HB 121, p. 84

Benefits payable under, exempted from state income tax—

HB 222, pp. 121, 253, 457, 638, 646, 691

Membership and creditable service under—

HB 675, p. 875

## TEACHERS' RETIREMENT SYSTEM—Continued

Teacher disabled and not receiving benefits from, assistance for—  
HB 142, p. 90

Teachers, retired, and not eligible for benefits under, assistance for—  
HB 143, p. 90

Teachers, retired, supplemental benefits for—  
HB 143, p. 90

## TELEGRAPH

Appeals from orders of public service commission, refund of increase in rates during pendency of—  
HB 385, p. 293

Public utility facilities along federal aid highway projects, relocation of—  
HB 509, p. 608

Telegraph service, penalty for obtaining, through use of false credit card or other fraudulent scheme—  
HB 365, pp. 269, 910, 1407, 2364, 2383, 2546

## TELEPHONE

Adequate service, method for securing, provided for—  
HB 943, p. 1467

Appeals from orders of public service commission, refund of increase in rates during pendency of—  
HB 385, p. 293

Public utility facilities along federal aid highway projects, relocation of—  
HB 509, p. 608

Telephone service, penalty for obtaining, through use of false credit card or other fraudulent scheme—  
HB 365, pp. 269, 910, 1407, 2364, 2383, 2546

## TELEVISION

Ad valorem tax, television sets used in the home exempted from—  
HB 16, p. 7

Advertising time, privilege license tax levied on sellers of—  
HB 321, p. 208

Alabama educational television commission, appropriation—  
HB 121, p. 84

Defamatory statements published or uttered in or as a part of a television broadcast, regulating actions involving—  
HB 220, pp. 121, 467

## TELEVISION—Continued

Football game between University of Alabama and Alabama Polytechnic institute, requesting television of—  
HJR 5, pp. 27, 129, 144, 174

## TENNESSEE RIVER

Survey to promote connection with Black Warrior river—  
HB 893, pp. 1311, 1948, 2147, 2511, 2534, 2549

## TEXTBOOK COMMITTEE, STATE

Compensation of members—  
HB 372, pp. 270, 392, 1793, 1796, 2057, 2453, 2458, 2548

Composition of—  
HB 372, pp. 270, 392, 1793, 1796, 2057, 2453, 2458, 2548

## TEXTBOOKS

Alabama state hospitals, textbooks required to be furnished to schools operated by—  
HB 679, pp. 875, 1102, 1554, 2372, 2383, 2546

Purchase and adoption of—  
HB 372, pp. 270, 392, 1793, 1796, 2057, 2453, 2458, 2548

Purchase of, eliminated from requirement for competitive bids—  
HB 366, pp. 269, 389, 518

State textbook committee, compensation of members—  
HB 372, pp. 270, 392, 1793, 1796, 2057, 2453, 2458, 2548

State textbook committee, composition of—  
HB 372, pp. 270, 392, 1793, 1796, 2057, 2453, 2458, 2548

## THIRTEENTH JUDICIAL CIRCUIT

Additional judgeship, created—  
HB 952, pp. 1472, 1691, 1794, 1802, 1922, 2443, 2458, 2548

Bailiffs, compensation—  
HB 226, pp. 122, 130, 214, 2365, 2383, 2546

Circuit clerk, compensation and duties of chief assistant—  
HB 1122, pp. 1960, 2109, 2262, 2503, 2531, 2549

Solicitor, circuit, appointment and compensation of administrative assistant and legal stenographer—  
HB 1113, pp. 1951, 2108, 2259

Solicitors, deputy circuit, appointment and compensation of—  
HB 459, pp. 469, 878, 975, 1805, 1840, 1926

## THIRTIETH JUDICIAL CIRCUIT

Judge, supplemental salary—  
HB 960, p. 1474



## THIRTY-THIRD JUDICIAL CIRCUIT

Created—

HB 374, p. 271

HB 445, pp. 425, 1447, 1587, 2453, 2458, 2548

## TIDELANDS

Repealing provision for acquiring and reclaiming—

HB 460, p. 469

## TIME

Daylight saving time, providing for establishment of, during certain periods—

HB 431, p. 399

## TOBACCO TAX

Colbert County, levy, collection, and enforcement of—

HB 1131, pp. 1973, 2111, 2267, 2504, 2532, 2549

Liability for collection and payment of—

HB 786, pp. 1042, 1102, 1556, 2541, 2544, 2550

Madison County, cigarette tax levied—

HB 1030, pp. 1667, 1723, 1912, 2504, 2529, 2549

Walker County, cigarette tax levied—

HB 805, pp. 1053, 1106, 1212, 1806, 1932, 2086, 2252

## TOURIST COURTS

Open gas heaters, penalty for maintaining—

HB 146, p. 91

Operation of, regulated—

SB 133, pp. 847, 2249, 2343, 2375, 2380

HB 279, pp. 137, 599

## TOWNS

See: CITIES, GENERAL LAWS; cities on a population basis;  
name of specific city or town

## TOXICOLOGIST, STATE

Appropriation—

HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Appropriation, constructing and equipping building for use of—

HB 59, pp. 58, 253, 380, 637, 645, 691

## TRADING STAMPS

Distribution of, to two or more stores, licensing and regulation of—

HB 502, p. 518

Sales, issuance, and redemption of, regulated—

HB 596, pp. 726, 907, 1131, 1263, 1278

## TRAFFIC CONTROL OFFICERS

Barbour County, designation of deputy sheriffs as—  
HB 936, pp. 1453, 1498, 1565, 2365, 2387, 2547

Conecuh County designation of deputy sheriffs as—  
HB 1125, pp. 1964, 2110, 2264, 2503, 2531, 2549

Counties 11,800 or less, designation of deputy sheriffs as—  
HB 836, pp. 1145, 1354, 1479, 2365, 2384, 2546

Counties 18,700 to 19,000 population, designation of deputy sheriffs  
as—  
HB 777, pp. 1037 1143, 1322, 2365, 2384, 2546

Dale County, designation of deputy sheriffs as—  
HB 575, pp. 705, 883, 988, 1234, 1251, 1275

## TRAILERS

License tax, rate of—  
HB 685, pp. 876, 1101, 1786, 1794, 1800, 2021, 2032, 2235, 2283

Livestock maximum height for semi-trailer used for transporting—  
SB 192, pp. 847, 1104, 2360, 2380

Sales tax levied on sales of, rate of—  
HB 122, p. 84

Semi-trailer or loaded pole trailer operating on public roads, penalty  
for riding on—  
HB 166, pp. 94, 178, 374, 455, 758, 1077

Trailer, utility, pulled behind passenger motor vehicles, privilege  
license tax—  
HB 17, pp. 8, 1447, 1794, 1801

Truck-trailers and semi-trailers, used, exemption from sales tax—  
HB 270, p. 136

Use tax levied on, rate of—  
HB 123, p. 84

## TRAINS

Cabooses of, requiring electric marker warning lights on rear of,  
and electric lights within—  
HB 479, p. 503

Rail track motor cars, requiring certain equipment to be in-  
stalled on—  
HB 314, p. 205

## TREASURER, STATE

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Appropriation, renovating offices of—  
HB 661, pp. 871, 1948

## TRI-COUNTY REGIONAL PLANNING COMMISSION

Morgan, Lawrence, and Limestone Counties, creating—  
HB 923, pp. 1364, 1632, 1765, 2368, 2386, 2547

## TRINITY, TOWN OF

Boundaries altered—  
HB 956, pp. 1472, 1499, 1757, 2368, 2387, 2547

## TROY STATE COLLEGE

Appropriations—  
HB 121, p. 84

Police officers for, appointment of—  
HB 290, pp. 180, 392

Scholarship funds, used to match federal funds—  
HB 522, pp. 652, 880, 1793, 1796, 2151, 2469, 2475, 2548

Streets and parking areas on campus of, construction and maintenance of—  
HB 291, pp. 180, 392, 1793, 1799, 2228, 2247, 2511, 2534, 2549

## TRUCKS

See also: MOTOR VEHICLES

License, using motor fuel on which tax has been paid—  
HB 686, pp. 876, 1101, 1786, 1794, 1801, 2021, 2032, 2238, 2296, 2299

Pick-up trucks, definition of, in determining license and registration fee—  
HB 274, pp. 137, 390

Sales tax levied on sales of, rate of—  
HB 122, p. 84

Use tax levied on use of, rate of—  
HB 123, p. 84

Used exemption from sales tax—  
HB 270, p. 136

Used exemption from use tax—  
HB 271, p. 136

## TRUSTS

Fiduciaries, registration and transfer of securities by—  
HB 449, pp. 426, 600, 1551

Retirement trusts created by self-employed persons, authorized and regulated—  
HB 451, pp. 426, 599, 1551, 1552

Trust created by employer for benefit of employees, accumulation of income by—  
HB 451, pp. 426, 599, 1551, 1552

## TRUSTS—Continued

Trust created by employer for benefit of employees, designation of beneficiaries of—  
HB 450, pp. 426, 599, 1551

Trust for support of certain relatives, creation of—  
HB 1046, pp. 1687, 1725, 1794, 1803

## TRYON, L. L.

Relief of—  
HB 784, pp. 1040, 1108, 1225, 1424, 1430, 1486

## TUBERCULOSIS

Sanatoria, joint, prescribing quorum for meetings of boards of trustees—  
HB 498, pp. 515, 599

Tubercular prisoners, care and treatment of—  
HB 231, p. 123

## TUBERCULOSIS SANATORIA

Joint, prescribing quorum for meetings of board of trustees—  
HB 498, pp. 515, 599

## TURKEYS

Wild, prohibiting hunting of—  
HB 326, pp. 210, 1143

## TUSCALOOSA, CITY OF

Boundaries altered—  
SB 226, pp. 639, 697, 971, 1024  
SB 433, pp. 2272, 2321, 2433, 2455, 2456

Commission form of government for, authorized—  
HB 417, pp. 307, 601, 688

Firemen's and policemen's pension and relief fund, created—  
HB 854, pp. 1163, 1284, 1392, 1808, 1854, 1926

## TUSCALOOSA COUNTY

Bailiffs, appointment and compensation—  
HB 1110, pp. 1868, 1944, 2120, 2489, 2525, 2549

Board of education, meetings regulated—  
HB 560, p. 680

Cemeteries, regulating operation of—  
HB 145, pp. 90, 119, 189, 408, 419, 462

Circuit solicitor, compensation of stenographic secretary to—  
HB 9, p. 7

Circuit solicitor, supplemental salary of—  
HB 1108, pp. 1868, 1944, 2119, 2489, 2525, 2549

## TUSCALOOSA COUNTY—Continued

Circuit solicitor, deputy, compensation—  
HB 1109, p. 1868

Courthouse building commission, created—  
HB 230, pp. 123, 650, 1317

Courthouse, closing of offices in—  
HB 645, pp. 791, 883, 981, 1806, 1840, 1926

Judge, circuit, expense allowance—  
HB 138, pp. 89, 118, 276, 853, 887, 1016

Juvenile court, designating circuit judge as ex officio judge of—  
HB 437, pp. 400, 879, 1756, 2470, 2479, 2548

Sales and use taxes, rate of, and exemptions from—  
HB 803, pp. 1048, 1106, 1206, 1425, 1430, 1486, 1588, 1930, 1933,  
2086

Tuscaloosa, city of, boundaries altered—  
SB 226, pp. 639, 697, 971, 1024  
SB 433, pp. 2272, 2321, 2433, 2455, 2456

## TUSCUMBIA, CITY OF

Boundaries altered—  
HB 530, pp. 658, 696, 963, 1229, 1254, 1276

## TUSKEGEE INSTITUTE

Appropriation, for teaching certain courses under contract—  
HB 117, p. 83

## TV CITIZENS COUNCIL FORUM OF AMERICA

Bill Simmons invited to present, to joint meeting—  
SJR 23, pp. 1031, 1098

## TWENTIETH JUDICIAL CIRCUIT

Judge, creating office of clerk-secretary to—  
HB 538, pp. 663, 696, 966, 1231, 1250, 1275

Law library in each county of the circuit, created—  
HB 1026, pp. 1659, 1722, 1910  
SB 439, pp. 2069, 2250, 2322, 2379

Solicitor, creating special fund for use of—  
HB 1026, pp. 1659, 1722, 1910  
SB 439, pp. 2069, 2250, 2322, 2379

## TWENTY-FIFTH JUDICIAL CIRCUIT

Judge, expense allowance—  
SB 366, pp. 1346, 1633, 1876, 2089, 2352

## TWENTY-NINTH JUDICIAL CIRCUIT

Solicitor, creating fund for use of—  
HB 409, p. 304

## TWENTY-SECOND JUDICIAL CIRCUIT

Court reporter, compensation—

HB 986, pp. 1572, 1632, 1769, 2370, 2389, 2547

Judge and solicitor, regulating expenditures from special fund created for use of—

HB 889, pp. 1300, 1451, 1537, 2367, 2385, 2546

## TWENTY-THIRD JUDICIAL CIRCUIT

Judge, supplemental compensation—

HB 1036, pp. 1676, 1724, 1917, 2494, 2533, 2549

Court reporters, compensation—

SB 267, pp. 1495, 1633, 1772, 2018

Register, clerical assistance—

HB 1035, p. 1675

HB 1076, pp. 1744, 1845, 2081, 2502, 2530, 2549

Solicitor, clerical assistance—

HB 603, pp. 736, 886, 1000, 1235, 1253, 1276

Solicitor, deputy, compensation—

HB 1032, pp. 1671, 1723, 2091, 2453, 2461, 2548

## UNDERWOOD, KENNETH

Expressing appreciation to, for preparation and publication of telephone directory for members of legislature—

HJR 33, pp. 274, 288, 308, 384

## UNEMPLOYMENT COMPENSATION

Amount of contributions by employees and employers under—

HB 384, pp. 272, 879, 1088, 1092, 1097

Amount of weekly benefits under—

HB 378, pp. 271, 878, 1088, 1089, 1097

HB 461, p. 470

Director of, duties in absence of director of industrial relations—

HB 377, pp. 271, 878, 1088, 1097

Disqualification for benefits under—

HB 430, pp. 399, 878, 1088

Experience ratings under—

HB 384, pp. 272, 879, 1088, 1092, 1097

Maximum duration for payment of benefits—

HB 379, pp. 271, 878, 1088, 1090, 1097

Penalties for violation of laws relating to—

HB 383, pp. 272, 879, 1088, 1092, 1097, 2542, 2544, 2550

## UNIFORM ACT TO SECURE THE ATTENDANCE OF WITNESS

Adopted—

HB 30, p. 16

## UNIFORM LAWS

Judicial notice by the courts of this state of the law of other states—  
SB 55, p. 147  
HB 60, p. 58

Uniform act on fresh pursuit, adopted—  
HB 31, p. 17

Uniform act to secure the attendance of witnesses in criminal proceedings, adopted—  
HB 30, p. 16

Uniform fiduciaries act, registration and transfer of securities by fiduciaries under—  
HB 449, pp. 426, 600, 1551

## UNINSURED MOTORISTS FUND

Created—  
HB 91, p. 72

## UNION SPRINGS, CITY OF

Boundaries altered—  
SB 377, pp. 1434, 1499, 1758, 2017

## UNIONTOWN, TOWN OF

Boundaries altered—  
HB 107, pp. 77, 118, 156, 408, 419, 462

Industrial development of—  
HB 613, pp. 741, 886, 1003, 1227, 1257, 1276

Public clinic, provided for—  
SB 440, pp. 2060, 2111, 2270, 2352  
HB 1077, pp. 1745, 1846, 2081, 2451, 2460, 2548

## UNIVERSITY OF ALABAMA

Appropriation—  
HB 121, p. 84

Appropriation, to construct and equip building for use of state oil and gas board—  
SB 67, pp. 641, 876, 1138, 1258, 1272

Appropriation, additional, for mental health  
HB 763, pp. 958, 1100, 1101, 1446, 1546, 2395, 2437, 2547  
HB 766, pp. 959, 1100, 1101

Bonds for construction of a mental hospital, authorizing issuance of  
HB 765, pp. 959, 1100, 1101, 1287, 1383, 1385, 1422, 1697, 1698, 1927

HB 762, pp. 958, 1100, 1101, 1286, 1383, 1385, 1422, 1697, 1926, 2051, 2312, 2350, 2361

## UNIVERSITY OF ALABAMA—Continued

Football game with Alabama Polytechnic Institute, joint resolution requesting television of—  
HJR 5, pp. 27, 129, 144, 174

Governor authorized to close—  
HB 669, pp. 873, 1717, 1793, 1796, 2129, 2145

Medical college and public health program, creating committee to survey relationship between—  
HJR 93, p. 2309

Medical college, requiring payment of certain funds to—  
HB 800, pp. 1047, 2112

Medical scholarships, qualifications for and amount, number, and repayment of—  
SB 61, pp. 849, 909, 1086, 1099  
HB 156, p. 92

Scholarships, regulating granting of—  
HB 727, pp. 939, 1448, 1794, 1804

Streets and parking areas on campus of, construction and maintenance of—  
HB 291, pp. 180, 392, 1793, 1799, 2228, 2247, 2511, 2534, 2549

## USE TAX

Bibb County, rate of, and exemptions from—  
HB 937, pp. 1454, 1498, 1566, 2368, 2388, 2547

Chilton County, levied—  
HB 812, pp. 1108, 1143, 1323, 1806, 1841, 1926, 2014, 2253, 2338, 2373, 2382, 2546

Franklin County, rate of, and exemptions from—  
HB 1003, pp. 1604, 1611, 1720, 1900, 2500, 2527, 2549

Greene County, levied—  
HB 707, pp. 926, 1033, 1190, 1436, 1442, 1486

Hale County, levied—  
HB 837, pp. 1145, 1283, 1389, 1807, 1843, 1926, 2010, 2375, 2382, 2546

Jefferson County, levied—  
HB 1025, pp. 1658, 1719, 1886, 1923, 2363, 2499, 2533, 2549

Lamar County, town of Millport, collection of—  
HB 1074, pp. 1737, 1943, 2120, 2392, 2426, 2547

Lauderdale County, city of Florence, rate of, and exemptions from—  
HB 974, pp. 1518, 1600, 1761, 2369, 2389, 2547

Lawrence County, rate of, and exemptions from—  
HB 1130, pp. 1967, 2110, 2265, 2442, 2460, 2548



## USE TAX—Continued

Limestone County, rate of, exemptions from—  
HB 1075, pp. 1739, 1847, 2085, 2452, 2459, 2548

Madison County, cigarette tax levied—  
HB 1030, pp. 1667, 1723, 1912, 2504, 2529, 2549

Motor vehicles, truck trailers, and semi-trailers, rate levied—  
HB 123, p. 84

Motor vehicles, used, exempted from—  
HB 271, p. 136

Trade-in value allowed in purchase of other property exempted  
from—  
HB 175, p. 98

Tuscaloosa County, rate of, and exemptions from—  
HB 803, pp. 1048, 1106, 1206, 1425, 1430, 1486, 1588, 1930, 1933,  
2086

“Wholesale sale” or “sale at wholesale,” defined—  
HB 155, pp. 92, 253, 382, 638, 646, 691  
HB 195, pp. 104, 390, 615, 1702

## USURY

Penalty for—  
HB 202, p. 104  
HB 888, pp. 1299, 1449

Small loan companies, penalty for charging in excess of interest  
rate allowed—  
HB 201, pp. 104, 624

Small loan companies, regulated and licensed—  
HB 102, pp. 76, 598, 647, 764, 766, 805, 808-24, 825, 826, 832-36,  
894, 1824, 1844, 2032, 2049, 2090, 2317, 2318, 2361  
HB 415, p. 306

## UTILITIES

See: PUBLIC UTILITIES

## VEHICLES

See: HIGHWAY DEPARTMENT, STATE; HIGHWAYS; MOTOR  
VEHICLES; ROADS AND BRIDGES

## VENDING MACHINES

Peanut and peanut products, privilege license tax on machines  
vending—  
HB 517, pp. 627, 1948, 2305

Privilege license tax—  
HB 767, pp. 960, 1947

## VENDORS, TRANSIENT

Privilege license tax—  
HB 289, pp. 180, 907, 1130

## VETERANS

Ad valorem tax, exemption for certain disabled veterans or their widows—  
HB 199, p. 104

Appropriations to united Spanish war veterans—  
HB 708, pp. 930, 1032

Bar, admission to, without examination—  
HB 514, p. 627

Confederate veterans and their widows, payments of pensions to—  
SB 13, pp. 145, 420, 2337, 2377  
HB 8, pp. 6, 252, 377

Drivers licenses, exemption from requirement of—  
HB 352, p. 263

Hunting and fishing license, exemption from—  
HB 779, p. 1038

Special motor vehicle license tags provided for certain disabled veterans—  
HB 916, pp. 1361, 1447, 1794, 1802

State board of veterans' affairs, Alabama Department of Veterans of World War I, Incorporated, represented on—  
HB 370, pp. 270, 882

## VETERANS AFFAIRS, STATE DEPARTMENT OF

Appropriation—  
HB 1, pp. 5, 201, 250, 318, 368, 385, 549, 613, 615, 620, 622, 628, 635

Service commissioner, election and compensation—  
HB 1049, p. 1694

Service commissioner, issuance of certificate to veterans for admission to state bar—  
HB 514, p. 627

## VETERINARIANS, REGISTERED

Liens to aid in collection of charges, provided for—  
HB 1133, p. 1977

## VINCENT, TOWN OF

Branch banks authorized—  
HB 132, pp. 86, 118, 160, 408, 419, 462

## VINSON, REPRESENTATIVE CARL

Requested to schedule committee hearings on bills to equalize pay of military retirees—  
HJR 39, pp. 405, 428, 461, 545, 1097

## VITAL STATISTICS

Birth certificates and other such records, fees for issuing certified copies of—

HB 336, pp. 213, 420, 1013, 2541, 2543, 2550

## VOCATIONAL EDUCATION

Trade schools, governor authorized to close—

HB 669, pp. 873, 1717, 1793, 1796, 2129, 2145

Vocational school for girls, appropriation—

HB 118, p. 83

## VOTERS

See also: BOARD OF REGISTRARS; ELECTIONS; PRIMARY ELECTIONS; REGISTRATION OF VOTERS; VOTING—

Absentee ballots, time for receiving, counting, and returning—

HB 722, pp. 938, 1448, 1795, 1804

Absentee voting limited to certain servicemen and their wives—

HB 178, p. 98

Absentee voting limited to servicemen, their wives, and veterans confined in certain hospitals—

SB 53, pp. 1021, 1104, 2332, 2373, 2379

HB 56, p. 57

Assistance for, at elections where voting machines are used—

SB 123, pp. 847, 1104, 2332, 2378

Butler County, reidentification of—

HB 25, pp. 9, 47, 109, 227, 272, 288

Cherokee County, reidentification of—

HB 939, pp. 1461, 1499, 1871

Choctaw County, reidentification of—

HB 642, pp. 783, 882, 978, 1805, 1840, 1926

Coffee County, reidentification of—

HB 698, pp. 920, 1033, 1185, 1490, 1497, 1563

Costs of publishing notice of electors proposed to be stricken from registration lists—

HB 951, p. 1472

Covington County, reidentification of—

HB 968, pp. 1502, 1632, 1873, 2400, 2438, 2547

Crenshaw County, reidentification of—

HB 904, pp. 1314, 1451, 1538, 2365, 2386, 2546

Elector's vote, penalty for buying or corruptly influencing—

SB 46, p. 166

## VOTERS—Continued

Elector's vote, removing penalty for selling—  
SB 48, p. 166

Lee County, reidentification of—  
HB 600, pp. 730, 886, 998, 1234, 1253, 1276

Lists of registered voters, compensation of assistants to judge of  
probate in making up—  
HB 358, p. 266

Person disqualified from voting on conviction of crime, reporting of  
name of—  
SB 49, pp. 167, 1280, 2474, 2519

Poll tax of another, penalty for paying—  
SB 52, p. 176

Qualifications for voting—  
HB 448, p. 426  
HB 730, pp. 939, 1448, 1793, 1800, 2291, 2296

Randolph County, reidentification of—  
HB 499, pp. 515, 601, 687, 839, 891, 1017

Registration, reapplication of applicants refused—  
HB 553, p. 1163

Reidentification of, periodic—  
HB 54, pp. 57, 647  
HB 251, p. 132

Residence requirements for voting—  
HB 266, p. 136  
HB 528, p. 656

State board of examiners for voter registration, created—  
HB 447, p. 425

St. Clair County, reidentification of—  
HB 558, pp. 677, 697, 974, 1232, 1251, 1275

## VOTING

Absentee, limited to certain servicemen and their wives—  
HB 178, p. 98

Absentee, limited to servicemen, their wives, and veterans con-  
fined in certain hospitals—  
SB 53, pp. 1021, 1104, 2332, 2373, 2379  
HB 56, p. 57

Barbour County, purchase, installation and use of voting machines—  
SB 43, pp. 233, 247, 257, 316, 379

Costs of publishing notice of electors proposed to be stricken from  
registration lists—  
HB 951, p. 1472

## VOTING—Continued

Election officials, compensation of—  
HB 561, p. 681

Elector's vote, penalty for buying or corruptly influencing—  
SB 46, p. 166

Elector's vote, removing penalty for selling—  
SB 48, p. 166

Marion County, voting machines required—  
HB 1015, pp. 1642, 1721, 1906

Person disqualified from voting on conviction of crime, reporting of  
name of—  
SB 49, pp. 167, 1280, 2474, 2519

President of United States, nomination of—  
HB 733, pp. 940, 1448, 2024, 2509, 2534, 2549

Qualifications for—  
HB 448, p. 426  
HB 730, pp. 939, 1448, 1793, 1800, 2291, 2296

Registration, reapplication of applicants refused—  
HB 853, p. 1163

Residence requirements for—  
HB 266, p. 136  
HB 528, p. 656

Split-ticket voting, eliminating provision for—  
HB 34, pp. 19, 393

Voters at elections where voting machines are used, assistance for—  
SB 123, pp. 847, 1104, 2332, 2378

“Write-in” votes, limiting provisions for—  
HB 364, pp. 269, 393, 1412

## VOTING MACHINES

Appropriation for purchase of—  
HB 191, pp. 101, 390

Barbour County, purchase, installation, and use of—  
SB 43, pp. 233, 247, 257, 316, 379

Bond issue for purchase of—  
HB 908, p. 1355

Election officials, compensation—  
HB 137, p. 89

Elector's vote, penalty for buying or corruptly influencing—  
SB 46, p. 166

## VOTING MACHINES—Continued

Elector's vote, removing penalty for selling—  
SB 48, p. 166

Grand jury in each county required to examine voting machines  
used at elections—  
HB 97, p. 75

Hale County, authorized—  
SB 298, pp. 844, 914, 1072, 1098

Indebtedness authorized for counties to acquire—  
HB 725, pp. 939, 1447, 1793, 1800, 2290, 2510, 2534, 2549

Local use without local election to authorize—  
HB 724, pp. 938, 1447, 1793, 1799, 2290, 2509, 2534, 2549

Marengo County, provided for—  
SB 348, pp. 1240, 1285, 1395, 1431

Marion County, provided for—  
HB 718, pp. 933, 1033, 1324, 1756  
HB 1015, pp. 1642, 1721, 1906

Split-ticket voting, eliminating provision for—  
HB 34, pp. 19, 393

Voters at elections where voting machines are used, assistance for—  
SB 123, pp. 847, 1104, 2332, 2378

"Write-in" votes, limiting provisions for—  
HB 364, pp. 269, 393, 1412

## WAGES

Garnishment, exemption from—  
HB 587, pp. 714, 879

Failure to pay claims when due an employee, penalty for—  
HB 829, pp. 1121, 1281

## WALKER COUNTY

Assistant courthouse custodian, librarian, and jailer, compensation—  
HB 412, pp. 305, 394, 434, 841, 892, 1017

Black powder in blasting in mines, regulating use of—  
HB 171, pp. 97, 119, 162, 623, 629, 635

Board of finance and control, duties relative to county funds—  
HB 856, pp. 1177, 1284, 1393, 1805, 1843, 1926

Board of finance and control, time for holding meetings of—  
HB 500, pp. 518, 601, 688

Cigarettes, tax levied on—  
HB 805, pp. 1053, 1106, 1212, 1806, 1932, 2086, 2252

## WALKER COUNTY—Continued

Comptroller, office of, abolished—

HB 856, pp. 1177, 1284, 1393, 1805, 1843, 1926

County court, stenographic secretary provided for judge—

HB 830, pp. 1121, 1144, 1325, 1805, 1841, 1926

County depository, established—

HB 856, pp. 1177, 1284, 1393, 1805, 1843, 1926

Dora, town of, boundaries altered—

HB 170, pp. 96, 119, 162, 408, 419, 462

Fourteenth judicial circuit, creating law enforcement fund—

HB 934, p. 1379

Hospital board, created—

HB 807, pp. 1057, 1106, 1214

Jasper, city of, boundaries altered—

HB 281, pp. 138, 179, 216, 408, 420, 462

Law library, public establishment of—

HB 169, pp. 94, 119, 161, 408, 419, 462

Peoples hospital, appropriation from county general fund for support of—

HB 806, pp. 1057, 1106, 1212, 1806, 1932, 2086, 2250

Solicitor of the county court, office created—

HB 643, pp. 786, 882, 979, 1227, 1257, 1276

Superintendent of education, expense allowance—

HB 411, pp. 304, 394, 434, 631, 634, 635

Voters, reidentification of—

HB 168, pp. 94, 119, 160, 408, 419, 462

## WALKER COUNTY JUNIOR COLLEGE

Appropriation—

HB 120, p. 84

## WALTON, JUDGE WILLIAM ORA

Joint resolution mourning death of—

SJR 29, pp. 1426, 2019

SJR 37, pp. 2019, 2314

## WAR BETWEEN THE STATES

Commission to plan commemoration of centennial of—

HB 635, p. 749

SB 202, pp. 847, 907, 1077, 1097

## WARRANTS

County tax anticipation, rate of interest and maturity of—

HB 775, pp. 1037, 1280, 1794, 1801, 2020, 2506, 2532, 2549

Facsimile signatures to be used on—

HB 591, pp. 723, 879, 1011, 1350, 1351, 1419

## WASHINGTON COUNTY

Board of education, compensation of members—  
HB 435, pp. 400, 421, 523, 853, 888, 1016

## WATER AND WATER COURSES

Water resources study commission, created—  
HB 181, pp. 99, 178, 373, 452, 455  
SB 127, pp. 248, 392, 452, 465, 495

## WATER AND WATER RIGHTS

Pollution or contamination of any public waters of the State, penalty  
for—  
HB 177, p. 98

## WATER IMPROVEMENT COMMISSION, STATE

Created—  
HB 820, p. 1118

## WATER RESOURCES STUDY COMMISSION

Appropriation—  
HB 774, pp. 1037, 1101, 1794, 1803, 2014

Created—  
HB 181, pp. 99, 178, 373, 452, 455  
SB 127, pp. 248, 392, 452, 465, 495

## WATERWAYS

Alabama port authority, created, constitutional amendment—  
HB 70, p. 65

Alabama river development authority, abolished—  
HB 300, pp. 182, 877, 1793, 1799

Bonds issued for acquisition, development, and maintenance of docks  
and harbors, rates of interest on—  
HB 341, pp. 258, 598

Pilots, bar compensation for detention on board ships—  
HB 77, pp. 66, 115, 168, 1804, 1840, 1926

Pilots, compensation of—  
HB 75, pp. 66, 115, 167, 1822, 1844, 1927

Pollution or contamination of, penalty for—  
HB 177, p. 98

Survey to promote connection of Mulberry Fork of Black Warrior  
river with Tennessee river—  
HB 893, pp. 1311, 1948, 2147, 2511, 2534, 2549

## WATERWORKS

Boards acquiring gas plants, permitted to issue bonds—  
HB 855, pp. 1176, 1283, 1700, 2284, 2317, 2361

Bonds issued by municipal corporation for financing, execution of—  
HB 287, pp. 141, 178, 369  
SB 153, pp. 247, 256, 369, 404

Water lines, compensation awards in condemnation of lands for  
rights of way for—  
HB 255, p. 133



## WEIGHTS AND MEASURES

Bread, establishing standard weights for loaves of—  
HB 470, p. 471

## WELFARE

see: PUBLIC WELFARE; PENSIONS AND SECURITY, STATE  
DEPARTMENT OF—

## WEST BLOCTON, TOWN OF

Boundaries altered—  
HB 441, pp. 422, 469, 525, 854, 888, 1016  
HB 938, pp. 1460, 1499, 1567, 2368, 2387, 2547

## WILLIAMS, JAMES K.

Invited to be guest of legislature to hear speech by doctor William  
C. Menninger—  
HJR 21, pp. 184, 191, 196, 198

## WILLS AND ADMINISTRATION

Appraisers appointed to appraise estate of decedent, compensation—  
HB 259, pp. 134, 253, 530

Wills, time limit for probate of—  
SB 86, pp. 141, 390, 2466, 2519

## WINSTON COUNTY

Ad valorem tax for public school purposes, authorized—  
SB 342, pp. 1025, 1144, 1328, 1352

Board of education, compensation of members—  
HB 964, pp. 1476, 1499, 1569, 2367, 2389, 2547

Board of revenue, created—  
HB 834, pp. 1125, 1144, 1327, 1807, 1842, 1926

Double Springs, city of, collection of sales and use taxes—  
HB 833, pp. 1123, 1144, 1326, 1807, 1842, 1926, 2012, 2376, 2382  
2546

Haleyville, city of, collection of sales and use taxes—  
HB 933, pp. 1376, 1452, 1543, 2366, 2387, 2547

Identity of jurors, act repealed—  
HB 832, pp. 1122, 1144, 1326, 1807, 1841, 1926

Law and equity court, established—  
HB 932, pp. 1371, 1452, 1542, 2366, 2386, 2547

Law and equity court, trial fees—  
HB 963, pp. 1475, 1499, 1565, 1568, 2367, 2388, 2547

## WITNESSES

Civil and criminal cases, fees of—  
HB 319, p. 208

Communications between ministers and certain persons, privileged—  
HB 39, pp. 19, 130, 198, 369, 451

## WITNESSES—Continued

Depositions of, upon oral examination, provided for—  
HB 862, pp. 1182, 1448, 1784, 1794, 1803

St. Clair County, payment of fees in criminal cases—  
HB 559, pp. 679, 697, 973, 1232, 1251, 1275, 1385

Uniform act to secure the attendance of, in criminal proceedings,  
adopted—  
HB 30, p. 16

## WORKMEN'S COMPENSATION

Compensation payable under, limitations on—  
HB 380, pp. 272, 879, 1088, 1090, 1097

Coverage under, election of exempted employments to come with-  
in—  
HB 795, p. 1046

Definitions under laws regulating—  
HB 794, pp. 1046, 1691

Medical, surgical, and hospital services under—  
HB 793, p. 1046

Docks department, state, hospital and medical liability insurance  
coverage of employees under—  
HB 342, pp. 258, 599, 1793, 1799, 2031, 2510, 2535, 2549

## WRECKER SERVICES

Motor vehicles involved in accidents, required to make certain re-  
ports concerning—  
HB 163, p. 93

## WRIGHT, CHESTER

Appropriation for relief of—  
HB 678, p. 875

## WRIT

Garnishment, subjection of compensation of public officials and  
employees to—  
HB 586, pp. 713, 879

## YORK, TOWN OF

Boundaries altered—  
SB 299, pp. 845, 914, 1073, 1098

## ZONING

Cities 300,000 or more population, appointment of zoning board of  
adjustment—  
HB 1097, pp. 1862, 1946, 2132, 2486, 2524, 2548

Municipal planning commissions, territorial jurisdiction of—  
HB 105, p. 77